

Providence Housing Court

Providence, R.I.

Susan E. McGuirl
Chief Justice

March 7, 1991

Ms. Rose M. Mendonca
City Clerk
City Hall
Providence, R.I.

Dear Ms. Mendonca:

I enclose herewith a copy of the 1990 Providence Housing Court Annual Report.

I would like to take this opportunity to personally thank you for the assistance and cooperation you have given to the Housing Court since its inception.

If you have any questions concerning the report, or if you would like to discuss it further, I would be happy to do so. Please feel free to contact me.

Sincerely,

Susan E. McGuirl

SEM/bl
Enclosure

IN CITY COUNCIL

MAR 21

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

CLERK

PROVIDENCE HOUSING COURT

**ANNUAL REPORT
1990**

**Chief Justice:
Susan E. McGuirl**

**Associate Justices:
Beverly E. Ledbetter
John E. Martinelli**

INTRODUCTION

It has been the Court's practice, at the end of each year, to review the past year to determine the effectiveness of the court and to identify areas where improvements can be made. This past year has seen significant changes in the City and for that reason, as well as the change in the administration and City Council, this report is intended to present not a statistical approach to the housing problems, but to establish certain needs and to suggest certain solutions.

HISTORY OF THE PROVIDENCE HOUSING COURT

Establishment

The Providence Housing Court was established in October of 1987 by the then Mayor, Joseph R. Paolino, Jr. and the members of the Providence City Council. Enabling legislation was passed by the R.I. General Assembly in 1987 and the Providence City Council passed certain ordinances establishing the Court.

Mayor Paolino and the City Council members indicated that they believed that the need for decent, safe housing in the City was critical. They believed that the State District Court could not, because of the many other urgent needs, devote sufficient time to the cases presented by the City of Providence. Prior to the establishment of the Housing Court, in most instances the City's cases, which approximated twenty per week, were heard on Thursday mornings. There were few hearings due to the congested

court calendar. The building code cases and zoning violation cases were heard in the Providence Municipal Court. The records showed that few hearings were heard on these cases.

It was the City officials' belief that more time was needed to be devoted to these critical issues and it was necessary to have a court that specialized in these types of cases, in order to ensure their priority and a measure of experience in dealing with properties and defendants.

The procedures and rules of the Court were adopted after meetings between the City Solicitor's Office, Code Enforcement and the designated Judges of the Court. The Boston Housing Court was used as a model in setting up the practices and procedures to be utilized by the Providence Court. The Providence Housing Court received the same legal and equitable authority of the State District Court Judges in dealing with housing and building matters. The Court, thereby, adopted the District Court Rules of Procedure. In addition, the Court adopted its own Rules of Practice, in order to clearly establish the integrity and independence of the court as a separate branch of the city government.

History

In 1987, 167 cases were filed (all housing code cases). The Court also began to review each of the over 2000 housing code cases that were transferred from the State District Court.

Since October, 1987, 2955 new cases have been filed. Building code cases began to be filed in 1988. In 1989, the jurisdiction of the Court was expanded to include zoning violations.

Initially, the Court's regularly scheduled hearing sessions consisted of approximately thirty cases. Sessions would be held by the Court on Tuesday and Thursday afternoons and on Wednesday evenings. There would also be a formal calendar on Tuesday mornings. The afternoon sessions were scheduled from 1:30 p.m. to 4:30 p.m. and the evening session was held between 6:00 p.m. and 9:00 p.m. However, despite the schedule, the afternoon sessions usually were completed after 5:00 p.m. and the evening sessions usually lasted about three to four hours, with some hearings concluding after midnight.

In light of the additional case load a third Judge was added to the Court in 1989. The Court then expanded its schedule by adding an additional hearing session. While this session was usually held on Thursday evenings, the timing of hearings for this session was left flexible, due to the schedule of the Court and counsel. The Court also added a Friday morning session for hearings on any emergency matter. Additional sessions were added on a case-by-case basis.

Each case appears on the calendar first on the City's Motion to Assign for hearing. The case then is scheduled for a proof of

violation hearing. Prior to an order being entered to abate certain violations, the Defendant is given notice of the date for hearing and is given an opportunity to present evidence in his/her defense. Even if the defendant does not appear for the proof of violation hearing, the City through their inspectors must prove to the Court that the violation exists and that the Defendant is the owner of the property and that the Defendant has received prior notice of the violations.

If the Defendant does not abate the violations within the time ordered, the Defendant is served with a petition to appear in court to show cause why he/she should not be held in contempt for failing to comply with the Court order. Again after a hearing with sworn testimony, the court, if it finds that the Defendant willfully violated the court order may find the Defendant in contempt and sanction the Defendant. The sanctions involve purgable fines, continuing fines or incarceration. If the Defendant does not appear for a contempt hearing, and the City shows proper service and testifies that the violations still exist, a body attachment is issued and a fine imposed. This fine will continue in effect, and usually increases after time, until the Defendant appears and the violations are abated. It is important to note that according to law, since the City brings all cases as civil complaints, the fines are meant to be remedial in nature. The purpose of the fine must be to encourage the Defendant to bring himself/herself in compliance with the court order. Since the City does not bring these cases as criminal

cases, the fines cannot be punitive. All fines and costs are due ten (10) days from the date of imposition unless by special order of the Court.

Most of the cases heard do not result in lengthy hearings. However, whenever there have been hearings on housing code cases and especially on zoning and building code cases, the hearings have been lengthy. The Court has had an excess of twenty hours of hearings on several cases including building and zoning code violations. The court now has approximately sixty (60) cases per calendar session.

Statistics from Calendar Year 1990

During 1990 we had a total of 4468 matters scheduled on our calendars. A total of 755 new cases were filed and 521 were dismissed during the course of the year. There are 712 active, pending cases in the Court as of March 1, 1991. Two hundred thirty-two new body attachments were issued and 121 were withdrawn. There are approximately 190 active body attachments as of March 1, 1991.

A majority of the cases scheduled, were brought before the Court more than once, after orders to abate were entered either for progress reports (Defendant is making satisfactory progress) or contempt orders (The Court is not satisfied with the efforts being made).

Any rehabilitative work on property, which has been ordered by the Court, has been carefully monitored. There is a maximum time of 45 days for long-term projects (from December through

March, additional time is given for extensive work that is dependent on certain weather conditions).

Twenty-three cases came before the Court on an emergency basis. \$11,713.00 were collected in fines and costs in the fiscal year 1989-1990. There are 236 pending, inactive cases as of March 1, 1991. This number represents cases where the work has been completed, but there are costs or fines owed.

Since 1987, two Defendants have appealed from the Housing Court's decisions and applied for a writ of certiorari to the Rhode Island Supreme Court. The Supreme Court has not accepted one case for review. Therefore, all orders of the Court have been final.

The Justices of the Court, in addition to the court sessions, are involved in other activities, including liason with the District Court; "Lawyers for Affordable Housing"; neighborhood conference meetings; participation in housing seminars and involvement in the Providence Neighborhood Housing Trust. The Providence Neighborhood Housing Trust is a group of individuals (from the public and private community sector), which was established by Mayor Paolino in 1989. The concept of a public/private community partnership was first recommended in the First Annual Report of the Providence Housing Court in October of 1988.

The reason for the Court's recommendation in 1988 is repeated here, as the same conditions exist now as did then.

The housing stock in Providence is old and in need of repair. There are many people,

especially among the City's elderly, that are not able to do the work necessary on their property. There are many property owners who are attempting to maintain and repair their property, but need assistance to do so. While efforts are being made to try to address these problems, they are not able to successfully address the concerns of rehabilitating the City's housing stock and at the same time maintaining its affordability. We need to assist those responsible tenants and individuals who want to buy property and manage it responsibly.

The Current Housing Situation

We believe the Court has made progress in its first three years to respond to the needs of additional, safe, decent and affordable housing. We must note, however, that the housing situation has changed dramatically in the last six months. The same problems exist, but they have been aggravated by the present economic conditions--thus making the need more critical. We believe that we must meet this crisis with alternative, creative solutions.

We believe that there is a critical shortage of decent, safe and affordable housing for the people of the City of Providence. Several studies have been done in the last few years concerning the housing situation, including those done by Brown University in 1989, the Providence Housing Authority in 1988 and the City of Providence in 1990.

From the study done by Brown University, we learned that the median income went up 92% between 1980-1986. During this same time, rents rose 182%. Approximately 63% of the people that live in the City of Providence rent their homes. The study done by the Housing Authority indicated that a two bedroom apartment with

utilities costs approximately \$600.00. According to standard banking calculations, you should have an income of approximately \$25,000 to be able to support such housing costs. While the median family income is \$37,500, the median income for those that rent homes in the City of Providence is less than \$14,000.00.

The same study from the Housing Authority indicated that one-third of the people they spoke with are paying more than half of their income every month on rent. At the time of the Study, eight hundred families in the City of Providence are on a list for public housing--1,100 on a list waiting for Section 8 subsidies for rent.

In addition to the pressing economic needs of our citizens, there is also a problem with the condition of many of our residential units. The City's housing is old. Much of it was built before World War II. The cost of maintaining a house is high--higher than many people's ability to pay for it.

According to the SABRE Report (the tax assessment report), at least 25% of the multi-family housing in the city is listed in poor or fair condition.

The SABRE information identified 5,336 structures out of a citywide total of 30,053 as being in below average condition. Over 50% of all below average condition structures are located in the neighborhoods of West End, Elmwood, Washington Park and Lower South Providence. Citywide, over 17% of the residential structures were reported to be in below average condition. Eight of the city's 25 neighborhoods have 25% or more of their

residential building stock in below average condition.

A summary of the Final Report of the Housing Study conducted by the City of Providence in July, 1990, reveals alarming conclusions. Some of those recommendations are repeated in this report, since it is necessary to understand the need while attempting to reach solutions.

1) Local and statewide real estate markets underwent a major change in 1985 and 1986, as evidenced by the percentage increase in the median selling price of homes. While the median price of a single family home had been steadily rising for the previous two years (1983 to 1985), a statewide increase of 31% from 1985 to 1986 was the largest increase in many years.

2) This task documents a widening affordability gap in the City of Providence. There has been a dramatic increase in the asking price for rents. In all neighborhoods but one (Manton), rents more than doubled during the 1980's.

3) The citywide average annual expenditure on rents (excluding utilities) has risen from 14.6% of income to between 21.5% of income (Winsor Associates projection) and 26.5% of income (CACI projection).

4) It is calculated that between January 1980 and June 1989 the housing stock in Providence increased by 1,504 units to a current total of 69,017 housing units. This is the first increase in nearly forty years.

5) Whatever label is ultimately attached to a given group ("frail elderly", "handicapped", etc.), the issue of affordability has emerged in the last five years as the principal concern of agencies established to assist special needs populations. This central factor of affordability, in both the rental and owner-occupied markets, underlies the problems associated with all varieties of special needs population.

6) The extent of the "housing crisis" in Providence is hinted at by the dramatic increase in the volume of calls to city hotlines during the period when housing costs were rising most rapidly: 1985 through 1986. Approximately half of all Rhode Island calls for shelter assistance through the United Way Helpline originated in Providence. Between 1985 and 1986, there was a 168% increase in calls for shelter care in the city.

7) The issue of affordability applies to all special needs populations. Affordability impacts not only those who are

homeless and seeking housing, but also those who currently own or rent a house and are likely to be displaced for economic reasons. The economic factors--the widening gap between low incomes and high housing costs--are compounded by social problems (inter-generational poverty, weak family structure, low levels of educational attainment) health problems (long-term illness, alcohol and substance abuse, degenerative diseases associated with the frail elderly) and contraction in federal revenue sharing during the 1980s in the areas of low-income housing, human services and job training. Providence may have suffered more than many other cities similar because of the volatility of its housing market during the mid and late-1980s.

8) Between January 1980 and June of 1989 it has been calculated that the city experienced a net increase of 1,504 housing units. During this same period, the CACI demographic forecasts estimated that there has been an increase of over 8,000 households. Assuming the accuracy of the CACI forecasts, it would appear that the consumption of all forms of housing has increased to levels approaching the capacity of the city's housing supply.

9) Another demand indicator is the estimated change in the number of families. In 1980 the U.S. Census reported that there were 36,726 families in Providence. The CACI Demographic and Income Forecast Report estimates that this number has increased to a current level of 39,213 and is expected to increase further to 39,784 by 1994. The 1980 to 1989 estimated increase in the number of families (2,487) is 70% larger than the estimated increase in housing units for the same period.

10) Between 1980 and 1989 there were a total of 313 single family units produced citywide. During the same period, CACI reported that the number of families living in the city had increased by 2,478. Clearly, the system of production did not respond to the increase in families by constructing single family residences, indicating that the demand was met by other forms of housing.

11) Between 1989 and 1994 the total number of households is expected to increase of 3,528.00

12) The results of the analysis have quantified specific trends in the status of the residential building stock that can be used in assessing candidates for rehabilitation programs. Several neighborhoods have been identified as having significant rehabilitative needs relative to the city as a whole. The neighborhoods with greater than average rehabilitation needs are those with a rehabilitation index greater than one. For the most part, these neighborhoods are clustered in the city's south and west quadrants. Nine neighborhoods have the distinction of a greater than average need with four neighborhoods; West End,

Upper South Providence, Lower South Providence and Elmwood.

13) Clearly, there is a mismatch between what the housing market is able to provide and what tenants are able to pay. If the trends in rental housing loss, increases in rent and slowing increases in household income continue at a pace approximating the levels of the 1980s, and in the absence of more effective public and nonprofit sector housing initiatives, the housing crisis in Providence, particularly in the rental sector, will almost certainly deepen.

The shelters in the state are also showing a lack of affordable housing. A recent study done by the United Way of South Eastern New England reports:

The pressure on emergency shelters in Rhode Island last year appeared to be increasing because people were staying longer.

The study, for the year ended last June 30, compiled statistics from 29 shelter providers including the state--20 on-site shelters and 9 agencies that give vouchers for shelter elsewhere. It was the second phase of a survey that included the first six months of 1989.

In summary, the report stressed that "our data represents only a portion of the homeless population in Rhode Island No data were collected on those who were turned away from shelters for lack of space or other reasons. And we have no information on those homeless individuals who remained on the street or sought shelter with friends or family".

Some statistical highlights of the report include:

(a) Shelter clients are staying longer: an average of 24.7 nights during the first six months of 1990, compared with 15.5 nights in the same period the year before;

(b) Although just over half of all clients were male, 97% of all single-parent families seeking shelter were headed by women. Individual adults, on the other hand, were overwhelmingly male: 72.4%;

(c) Most come from Providence: 42.2%
of all shelter clients list the city as
their last residence.

The Economy's Effect on the Housing Court

Since June of 1990, when the last of these reports were completed, there have been significant changes in the region's economy. This, with other changes have had a drastic impact on the housing in the City and thus, on the Housing Court, in the last six months of 1990 and to this date.

The recession has caused all types of property owners to be experiencing problems in paying for rehabilitation. We have had to prepare a financial asset form to be completed by property owners who represent that they are unable to pay for rehabilitative repairs. The recession, combined with the real estate market, are leaving many property owners with property that they no longer can afford to own and maintain. In fact, the value of said property may be less than the mortgages held on these properties.

Consequently, the Court has had to make adjustments as a result of these conditions. In the last six months of 1990, we have seen a decline in the amount of fines and costs that we were able to collect; the time allowed for rehabilitation schedules has been extended and the number of body attachments issued for those who have failed to appear has increased. However, the most significant and perhaps most alarming trend is in the number of houses that were cited with housing violations by the city inspectors and that, subsequently, became vacant and boarded.

Thirteen percent (13%) of the cases in the Court are in that status at this time. These 91 cases are in addition to the approximately 400 houses that the city has already listed and categorized as "vacant properties".

There are a number of defendants that have gone into bankruptcy. The City Solicitor has petitioned the Federal Bankruptcy Court on one case to have the property released from the automatic stay under the Bankruptcy Rules, in order to have the necessary work performed on the properties. We have 53 cases where financial institutions have become involved in the Housing Court actions, because they have, in fact, become the owners of the property through foreclosure proceedings.

In addition to the growing financial problems, we have seen an increase in the number of special need defendants and an increase in the number of defendants where there is language difficulty. While the Court does not have the resources available to offer interpreters, we have been lucky in being able to utilize representatives from neighborhood groups, family members or employees of the police department, as interpreters for those in Court.

In addition to the special need defendant property owners, we have also had tenants with mental disabilities. As an example, the Court had one case which began in the last quarter of 1990, that involved three regular sessions of the Court and ten special sessions of the Court, before it was resolved. This particular case not only involved the utilization of the

resources of the City, but those of DHS, DMHRH and RIPACE. Julia Iacono, Director of Planning and Special Services for the PHA, in a report prepared for the PHA Fair Housing Conference stated that:

Despite its humane intention, the lack of a comprehensive federal housing policy to accompany this strategy of closing down the wards, resulted in the opposite effect. Policy makers had overlooked the then-current decreasing quantity and quality of housing stock in local communities. Thus, individuals with mental disabilities found themselves competing with the rest of the community for the same housing resources. In addition, they encountered discrimination in their search for housing. After becoming discouraged with the system, individuals with mental disabilities began to look toward the local community mental health centers to act as advocates in voicing fair housing concerns.

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In addition, we are concerned that the increased number of vacant buildings will lead to increased criminal activity at the sites and, of course, the possibility of vandalism/arson.

Many of the above-cited recent conditions are due to the current economic status of this region and will not improve without intervention, until the economy changes again. It should also be noted that the repeal of the residency requirement for city workers may well result in responsible, economically stable residents leaving the City, or at least, not moving into the City as new residents.

RECOMMENDATIONS

I. New Administrative Actions of the Housing Court.

The following are actions that the Providence Housing Court can and will take to expedite the cases before it:

1) The Department of Inspection and Standards notified the Court that in order to comply with the Mayor's Executive Order regarding overtime, it would no longer have inspectors available for the Court's night sessions. We believe that this seriously impairs the effectiveness of the Court. Our most productive sessions are night sessions. Some witnesses, neighbors and property owners are available only at night. We suggest strongly that this needs to be reviewed by the Mayor's office and by the City Council. The court will request, at a very minimum, that it be given permission, as needed, to have hearings in the evenings, so that neighbors will be able to attend and present testimony regarding conditions of a particular house or building. The Court, in the meantime, has adopted the following schedule for a total of 2 formal sessions, 3 regular sessions and one extra session a week plus two nightly sessions a month:

Tuesday:	1:00 p.m.	Formal Calendar
	1:30 p.m.	Regular calendar
Wednesday:	1:30 p.m.	Regular calendar
	6:00 p.m.	(twice a month) hearings on unsafe buildings, body attachments; payment of fines and costs.
Thursday:	1:30 p.m.	Regular calendar
Friday:	10:00 a.m.	Emergency calendar;
	1:30 p.m.	Hearing session

2) The Court has assessed a cost of \$100 for each body attachment issued.

3) The Court will meet quarterly, rather than once a year, with the city neighborhood groups to obtain input and suggestions.

4) The Providence Housing Court, the Providence Neighborhood Housing Trust, the Providence Anti-Arson Task Force and Citizens Bank will sponsor a conference in April, 1991 on Housing Strategies In 1991. Due to the increase in vacant properties and foreclosures, we will invite representatives of interested parties to meet to design a plan by which non-profit groups can acquire and rehabilitate properties that are currently vacant and boarded. The meeting will address issues such as the avenues of condemnation through the PRA and receivership under the Abandoned Property Statute. Invited to attend and participate would be representatives for non-profit and neighborhood groups, city officials, financial institutions and the Lawyers Alliance for Affordable Housing.

5) The Court will require that the City, in addition to the order entered on each case, file a judgment for the amount of interest and costs and file a lien against the property in each case.

6) The Court, in addition to issuing a body attachment, will impose fines on those properties where the Defendant does not appear for a contempt hearing and where the violation has not been abated.

7) The Court will adopt guidelines for minimal fines to be imposed for violations which have not been abated and where the

Defendant has not appeared to offer testimony. These guidelines will give the defendant an appreciation of the actions to be imposed and will make the fines more consistent.

8) The Court will begin a Landlord/Tenant Mediation Program which will be available for any tenant or landlord who wishes to try to resolve conflicts regarding housing matters. Both the Sixth Division District Court and the Housing Court could refer matters to the Mediation Program. The legal counsel for the Court will chair a group of three individuals who would hear complaints and attempt to reach a resolution under the supervision of a Housing Court Judge. Also sitting on the mediation panel would be representatives of neighborhood groups and property owners. The mediation panel would also refer each party to available resources for funding or for support sources, where needed. This program is the suggestion of the District Court Associate Judge Robert K. Pirraglia. He, with many other District Court Judges, under the direction of Chief Judge Albert DeRobbio, have encouraged the coordination of the efforts of the District Court and Housing Court.

9) The Court will also provide a diversionary arbitration program for single family owner occupied home owners. This arbitration will be administered by the Housing Court Administrator under the supervision of a Housing Court Judge.

10) Hereinafter, duplicate forms for each action in the court will be completed in Court at the time of the action. This will save clerical time, both in the clerk's office and in the

City Solicitor's office. The court has requested funding in each of its budget requests to pay for these forms. The City has, because of the budget crisis, declined to budget money for these forms. Based on the City's position and the conviction of the justices of the need for these forms, the Justices have decided to order them and to pay for such forms themselves.

11) The Court will request, as it does each year, to adopt a program which would allow the Court to computerize its records and link up with the records of the Recorder of Deeds and eventually, with Code Enforcement.

12) The Court will encourage the Providence Journal to publish within its weekly Providence Section, a list of property owners and the action taken on the cases.

13) The Court will work with the City's schools to prepare an education program so that school age children in the City have a better understanding of the housing requirements and tenant's obligations.

14) The Court will order that in any case where a fine is due and rent is being paid, that a motion for assignment of rent to the City be prepared and presented to the Court.

15) The Court will also order that the City notify the PHA Rental Subsidiary Program of notices of violations on particular property owners.

16) The Court will review and implement, where possible, the recommendations of the Committee which has studied the lead paint issue.

II. Legislative Recommendations

In addition to continuing our efforts in the area of financing, there are other steps that can be taken to address these new problems. Legislation can be presented and administrative changes adopted to better respond and meet the changing needs.

The following are suggestions for legislative changes that we believe can help combat certain problems in housing:

1) Expand the jurisdiction of the Providence Housing Court to include jurisdiction over vacant lots and their related problems (debris, junk cars, improper storage);

2) Require all out-of-state property owners (individuals, partnerships and corporations) who purchase property in Providence to name an in-state agent for service of process and to be responsible to the city officials for the property;

3) Require all property owners (individuals, partnerships and corporations) who purchase property in Providence to list their home address, telephone number and social security number with the Tax Assessor;

4) Require, when transferring property, that the owner or title attorney certify to the transferee of the property, the legal uses for which the property may be used;

5) Authorize the Providence Housing Court to issue inspection warrants whenever it has satisfactorily proven by way of affidavit to a Housing Court Judge that there may exist a condition on certain property that would endanger the health or

safety of people on or about the property;

6) Require defendants appearing before the Providence Housing Court to pay the cost of each inspection performed by the city officials after the case reaches the contempt stage in the court process;

7) Require residential property managers to register with the Rhode Island Builders Association or a like organization;

8) Allow the Building Inspector's Office, for a fee, to offer a pre-inspection certificate of approval to a property prior to the rental of a unit;

9) Grant authority to the City Building and Housing Inspectors to issue "environmental enforcement tickets" that would be prosecuted in the Housing Court;

10) Amend the Abandoned Property Statute to provide for a mechanism for the transfer of title to a receivership, so that the receiver is able to obtain financing, if necessary, and also clarify a process by which ownership can be resolved at the end of the work of the receiver;

11) Amend the Housing and Building Codes in order to include the "maintaining of a narcotic nuisance" as a code violation.

12) Amend the Municipal Tax Lien Statute to include liens filed by the Housing Court on property, so that the City after following the statutory procedures, may obtain ownership interest in the property.

III. Recommendations to the City

1) It is crucial to the success of any efforts in the Housing Court that the City, its representatives and attorneys, prioritize the cases that it presents to the Court. The City prosecutors need a strategy that deals effectively with certain city neighborhoods. The Court, from its experience can identify certain neighborhoods as at risk (Lower Mt. Pleasant Valley,) troubled (West End, and Olneyville) and repeatedly deteriorating (South Providence) but the Court can only deal with the cases presented by the City. The City must also prioritize and spend its limited resources on repeated violators.

2) We have repeatedly heard complaints regarding telephone contact with the City's Code Enforcement Office and the City Solicitor. People with complaints and property owners are unable to get through to the appropriate people and there are no records made of the calls. We would suggest a designated telephone line or hot line be set up within the City so that these communication problems do not continue. People calling with a complaint should be assured that there is a record made and that an office is accountable for it and property owners calling to work out a problem should be able to speak with a city official to do so. There are many property owners in the City who are responsible and are willing to assure responsibility for their property but need directions from the City.

3) The Court suggests that the notice of violations be more specific as to the nature of the problem and that specific time periods be given for each violation rather than the immediate or

60 day period now given.

4) The Court continues to encourage the Code Enforcement Division of the Department of Inspection and Standards and the City Solicitor to present cases involving health and safety issues to the Court through Temporary Restraining Orders, rather than going through the present court process;

5) The Court encourages the departments to work with the Providence Police Department to follow-up on the warrants issued each week by the Court. The Court has found, where there has been a consolidated effort to contact the Defendants, many come willing before the Court.

6) It is suggested that the City require all property owners to comply with the Insurance Certificate Ordinance which requires all home owners to inform the City of the insurance carrier which carries a policy on the property. The Court would further suggest that copies of all violations be sent to the respective insurance carriers;

7) The Court suggests that the City send copies of all violation notices issued to the holders of the mortgages, so that they may review the notice to determine if the owner is complying with the "good repair" clause, which is standard in most commercial mortgages;

8) The court suggests that the City perform an annual citywide housing survey to assess building by building the condition, so that they can prioritize the areas and types of buildings they view;

9) The Court suggests that the City consider a block by block inspection in particularly troubled neighborhoods, in order to prioritize their case load and maximize their results;

10) It is suggested that the City should, on certain types of violations, determine whether the tenant should also be presented as a defendant before the Providence Housing Court;

11) The Court suggests a most effective use of the City's administrative hearing remedy. Again, since the City does not prioritize its cases, too frequently home owners with apparent and legitimate financial problems and minor code violations are brought before the court, when they could be as effectively dealt with administratively. This would enable the court to focus on the real problem cases;

12) It is suggested that the City must follow up on the buildings that become vacant and must take steps after 180 days by seeking an order for razing or rehabilitating the building. If the property owner fails to rehabilitate the building, then we suggest that the City should initiate receivership under the Abandoned Property Statute;

13) It is suggested that the Court work with the city to establish a "Tenant Education Program" to teach living skills to the tenants. This program would be modeled after the very successful program established by the Providence Housing Authority. The monies collected by the court could be used to pay for such a program, or if appropriate, the tenant could pay a fee. This educational program could be used by both the Housing

○ Court and the District Court as a resource whenever appropriate;

○ 14) The Court suggests that a brochure must be made
○ available, in at least three languages (English, Spanish and
○ Cambodian), which details what the City expects from tenants and
○ property owners. This brochure would also explain the function
○ of the Court and the actions that the Court can take. The
○ brochure should be short, simple and easy to read and understand,
○ with illustrations. This, again, is a repeated request of the
○ Court, which has been sacrificed due to budget constraints. If
○ the City is unable to pay for the printing, etc. of such a
○ brochure, the court would suggest application to private
○ companies for the printing expense.

○ 15) It is suggested that the City consider establishing a
○ housing unit in the Department of Planning and Development or
○ Department of Human Services in order to coordinate all housing
○ rehabilitation programs, the effects of the non-profit community
○ groups, the state and private efforts and the Housing Court.

○ IV. Funding Recommendations

○ At the Housing Court, it is our belief that all who are in
○ the position of leadership, must recognize the substantial
○ changes that have resulted in the current needs and that we must
○ find answers to help those that are most vulnerable--those that
○ most need our help.

○ Certainly, housing is a social problem that can at least be
○ helped by the infusion of money. The City has been hurt by the
○ cut in revenue by the federal government in the 1980's. The

programs that make money available to property owners are not adequately financed and funds are exhausted shortly after the announcement of programs. Certainly, the City must adequately fund either existing or new programs that subsidize rehabilitation work on the housing stock in the City. The city will receive funding as a result of the passage of the Congressional Housing Bill. The rules and regulations under this bill relating to the distribution of the monies are being finalized. That money can and should have significant impact on the rehabilitative needs of our property owners. In addition, we must continue to look at alternative funding sources, such as the previously discussed Providence Neighborhood Housing Trust.

Providence Neighborhood Housing Trust

The Providence Neighborhood Trust was co-chaired by Chief Justice, Susan McGuirl and Herbert Cummings, President of the Citizens Bank. This Trust sponsored a housing summit in March of 1989 with over 200 participants. Raymond Flynn, Mayor of Boston, as a guest speaker, spoke of the success within the City of Boston with respect to the inclusion of those from the public/private sectors of the community. As a result of the summit, the Trust made four recommendations to the Mayor for future action. These recommendations included a "Housing Inventory Study" to be done by the City. This was completed in June of 1990. Another recommendation was for a fund to be set aside for emergency Housing Code Violations. That fund was sent up within the 1989-1990 budget. In addition, the summit also

resulted in three city sponsored neighborhood rehabilitative workshops conducted by the Gilbane Company. The City, together with Providence College, also sponsored spring and fall neighborhood clean-ups. These "clean-ups" consisted of college students who cleaned up the yard of elderly neighborhood residents.

Finally, and most importantly, the Trust became a permanent group, and efforts have been made this past year to make available to new local community groups, a significant amount of funds from the local banks and the City, in order to rehabilitate existing multi-family structures in the City's neighborhoods. That effort is now pending, due to the change in administration. It is hoped that the new administration will continue to work for a partnership between the government and the private and public community sector, in order to rehabilitate the City's housing.

The Trust could make funds available to non-profit groups for the rehabilitation of neighborhood housing. Rhode Island Housing has worked with the Trust, city officials and non-profit groups in order to secure long-term, affordable rates for housing initiatives.

We must look to other groups, such as the Rhode Island Drug Alliance, in order to obtain funding to deal effectively with and, perhaps, demolish the crack houses that are destroying our neighborhoods.

CONCLUSION

The need for decent, safe, affordable housing existed prior


to the establishment of the Providence Housing Court and, in fact, was the reason for its establishment. The Court, until this year, has made steady progress in addressing these needs and improving the housing situation. Due primarily to the economic recession and depressed real estate market, these needs have become critical. Creative solutions must be found to meet these needs. The suggestions and solutions in this report are not necessarily the complete answer, but they will, if enacted, go a long way to helping solve some of the problems.

The suggestions incorporated herein are not just from the Providence Housing Court, but have been elicited from other city officials and neighborhood groups with whom we have met and from members of the private sector who are interested and knowledgeable about these problems. All of these individuals know the importance of housing to the residents of Providence. They know that a house is more important in people's lives and has more of an impact than anything else. There is nothing else that compares to someone's home. A house is more than just a shelter, it is more than place one may be fed. It is a place where hopefully one is cared for; it is a place that offers a sense of security and a sense of privacy. It is the place where children are learning to care. It is a place where children are taught to live with other people. They are learning a sense of dignity and they are learning a sense of their self-worth. The value of that home has very little to do with its market price-- the value of that home has everything to do with the worth of

this City.

The City of Providence, through the establishment of the Providence Housing Court, have done more than any other city in the State of Rhode Island to address this housing crisis. Hopefully, we will continue to be a model, not only for this State, but for others elsewhere who are seeking answers.

Respectfully submitted,



Susan E. McGuirl
Chief Justice

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