

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1040

No. 374 AN ORDINANCE PROVIDING MINIMUM STANDARDS FOR HOUSING.

Approved July 9, 1956

Be it ordained by the City of Providence:

SECTION 1 : DEFINITIONS

In the interpretation and enforcement of this ordinance, all words other than the terms herein specifically defined shall have the meanings implied by their context in this ordinance or their ordinarily accepted meanings as generally used; words in the present tense shall include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural number includes the singular.

The following definitions shall apply in the interpretation and enforcement of this ordinance and of any rules and regulations adopted pursuant thereto.

- 1.1 Approved shall mean as defined and specified by the Director in rules and regulations adopted pursuant to the provisions of this ordinance.
- 1.2 Basement shall mean that story of a building or dwelling located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.
- 1.3 Board shall mean the Housing Board of Review.
- 1.4 Cellar shall mean a portion of a building or dwelling located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

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- 1.5 Director shall mean the Director of the Division of Minimum Housing Standards.
- 1.6 Dwelling shall mean any building or part thereof which is wholly or partly used or intended to be used for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.
- 1.7 Dwelling Premises shall mean the land and auxiliary buildings thereon used or intended to be used in connection with the dwelling.
- 1.8 Dwelling Unit shall mean any room or group of rooms within a dwelling and forming a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, regular cooking and eating.
- 1.9 Floor Space shall mean the horizontally projected floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room exclusive of that portion of the habitable room which does not have a ceiling height of at least four feet.
- 1.10 Garbage shall mean all combustible refuse.
- 1.11 Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, and excluding bathrooms, toilet rooms or compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.
- 1.12 Infestation shall mean the presence, within or around a dwelling, or dwelling premises, of rodents, vermin or other pests.
- 1.13 Multiple Dwelling shall mean any dwelling containing more than three (3) dwelling units.
- 1.14 Occupant shall mean any person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

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- 1.15 Operator shall mean any person who has charge, care or control of a multiple dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.
- 1.16 Owner shall mean any person who, alone, jointly, severally or jointly and severally with others:
- (a) shall have legal or record title to any dwelling or dwelling premises; or
 - (b) shall have charge, care or control of any dwelling or dwelling premises as agent of the owner, executor, administrator, trustee or guardian of the estate of the owner.
- 1.17 Person shall mean and include any individual, group of individuals, firm, corporation, association or partnership.
- 1.18 Plumbing shall mean and include all of the following supplied facilities, equipment, and devices: gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage disposal units, installed clothes-washing machines, catch basins, wash basins, bathtubs, shower-baths, waste and sewer pipes, cesspools, septic tanks, drains, vents, traps and any other gas-burning or water-using fixtures and appliances together with all connections to water, waste and sewer, or gas pipes.
- 1.19 Proper or Properly shall mean as defined and specified herein or in rules and regulations adopted pursuant hereto; or when not so defined or specified, in accordance with the applicable ordinances of the City of Providence.
- 1.20 Rooming House shall mean any dwelling, or part thereof, which contains one or more rooming units, and in which space is occupied or intended to be occupied by five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- 1.21 Rubbish shall mean all non-combustible refuse.

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- 1.22 Supplied or Supply shall mean paid for, furnished by, or provided by the owner or operator.
- 1.23 Type A Rooming Unit shall mean a single and separate habitable unit consisting of not more than two (2) rooms within a rooming house, with facilities which are used or intended to be used for living, sleeping, cooking and eating, but which does not have a private toilet and either a private bathtub or shower bath.
- 1.24 Type B Rooming Unit shall mean any room or group of rooms which form a single and separate habitable unit which is used or intended to be used for living and sleeping, but not for cooking, within a rooming house which contains a community kitchen or kitchens in which meals may be prepared by the occupants.
- 1.25 Type C Rooming Unit shall mean any room or group of rooms which form a single and separate habitable unit within a rooming house and used or intended to be used for living and sleeping, but not for cooking.

SECTION 2 : ADMINISTRATION

2.1 Title of Ordinance

This ordinance shall be known as the Minimum-Standards Housing Ordinance.

2.2 Statement of Policy

It is hereby declared that there exist in the City numerous dwellings which are substandard in one or more important features of structural safety, sanitary facilities and maintenance, and healthful occupancy; and that these conditions together with the inadequate provision for light and air, insufficient protection against fire, insanitary conditions, lack of proper heating, overcrowding of dwellings, deterioration and disrepair of dwellings and dwelling premises, and the occupancy of unfit dwellings, endanger the health, safety, morals, and general welfare of the community, and give impetus to the continuation, extension and aggravation of urban blight and decay. It is further declared that the establishment and enforcement of mini-

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imum housing standards, and the rehabilitation of housing are essential to the public health, safety, and general welfare.

2.3 Purpose of Ordinance

The purpose of this ordinance shall be to protect the public health, safety and welfare by establishing minimum standards governing the condition and maintenance of all dwellings and dwelling premises; establishing minimum standards governing utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, and occupants of dwellings and dwelling premises; and fixing the conditions whereby certain dwellings may be declared unfit for occupancy and condemned for human habitation; and fixing penalties for violations of the provisions of this ordinance.

2.4 Applicability to All Dwellings

Every portion of a building or its premises used or intended to be used for any dwelling purpose shall comply with the provisions of this ordinance and with the rules and regulations adopted pursuant thereto, irrespective of when such building shall have been constructed, altered or repaired; and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the dwelling and dwelling premises, for the construction or repair of the dwelling, or for the installation or repair of dwelling equipment prior to the effective date of this ordinance. This ordinance establishes minimum standards for the initial and continued occupancy of all dwellings and does not replace or modify standards otherwise established for the construction, repair, or use of buildings or the installation of building equipment except as they may be in conflict with the provisions of this ordinance as provided by subsection 13.4 of this ordinance.

2.5 Appointment of Housing Coordinator

The Mayor shall appoint a Housing Coordinator to serve at his pleasure as his assistant for all housing matters. In the administration of this ordinance, the Housing Coordinator is authorized to secure such cooperation and assistance from other

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municipal departments, commissions, and agencies as may be required as follows: first, to implement the statement of policy set forth in Subsection 2.2 of this ordinance; second, to provide for the enforcement of this ordinance as an effective part of the city's urban housing improvement and urban renewal program; third, to support the enforcement of this ordinance through the development of a workable program to deal with the problems of urban blight and slums; fourth, to establish and preserve sound and stable residential neighborhoods of decent, safe, and sanitary homes, and suitable living environment for adequate family life by encouraging the rehabilitation of substandard houses, by effecting the conservation and improvement of basically sound neighborhoods, and the redevelopment of blighted and substandard areas; and fifth, to utilize federal housing aids and financial assistance for housing improvement and urban renewal.

2.6 Technical Steering Committee

The Mayor shall appoint a Technical Steering Committee to assist the Housing Coordinator in carrying out his duties. The Committee shall consist of the City Solicitor, the Finance Director, the Director of Public Works, the Chief of the Fire Department, the Director of the Department of Building Inspection, the Superintendent of Health, the Director of the City Plan Commission, the Executive Director of the Providence Redevelopment Agency, the Executive Director of the Providence Housing Authority, a member of the City Council, and such other officials as the Mayor may appoint, who may be charged from time to time with any aspects of urban renewal and the regulation or improvement of housing conditions. The Housing Coordinator shall represent the Mayor as chairman of the Technical Steering Committee.

2.7 Establishment of Minimum Housing Standards Division

There is hereby created within the Executive Department a Division of Minimum Housing Standards for the purposes of enforcing the provisions of this ordinance and such other

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matters as may be appropriately assigned to it.

2.8 Administration of Divisions and Delegation of Powers

The Division of Minimum Housing Standards shall be operated under the general direction of the Housing Coordinator, and under the immediate supervision and control of a Director appointed by the Mayor, subject to the approval of the City Council, and to serve at the pleasure of the Mayor. The Director may delegate any of his powers or duties under the provisions of this ordinance to any properly qualified employee of the Division.

2.9 Preliminary Housing Surveys

The Director is authorized to make housing surveys in any area of the City to determine the general conditions of the dwellings in that area, the extent of deterioration, and the lack of facilities and maintenance, the unsafe and insanitary conditions, the overcrowding which may exist, and other matters included within the provisions of this ordinance.

2.10 Report of the Director

The Director shall annually submit a written report to the Mayor, the Housing Coordinator and to the City Council regarding the activities of the Division of Minimum Housing Standards, and the procedures used in the administration and enforcement of this code, which will indicate the progress and problems experienced in improving the sanitation, safety, and rehabilitation of existing dwellings and dwelling premises.

2.11 Personnel of the Division

The personnel of the Division of Minimum Housing Standards shall consist of a Director, a Chief Inspector and such other inspectors, clerks, and other personnel as may be necessary for the proper organization of the Division and for the proper enforcement of this ordinance.

2.12 Appointment and Duties of the Chief Inspector and Other Personnel

The Chief Inspector of the Division shall be appointed by the Director subject to the approval of the Mayor. The Chief Inspector shall be the responsible head of the inspection staff

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and shall exercise such authority as shall be delegated to him by the Director. All other personnel of the Division shall be appointed by the Director, subject to the prior approval of the Personnel Director.

2.13 Appointment and Duties of the Hearing Officer

The Director shall serve as the Hearing Officer of the Division and as such shall be responsible for the scheduling, conduct, and recording of hearings as provided for in Section 3 of this ordinance; except that the Director may delegate these duties to the Chief Inspector or any other qualified employee of the Division.

2.14 Identification of Inspectors

Inspectors of the Division of Minimum Housing Standards shall wear such badges or insignia as may be prescribed by the Ordinances of the City of Providence and shall, upon request, exhibit clear identification whenever it shall be their duty to visit private residences, buildings or premises for the purpose of making any survey, examination, or inspection; and may, at the direction of the Director, be uniformed when on duty for the purpose of identification.

2.15 Referral of Housing Violations Not Covered By This Ordinance or Covered by Higher Standards of Other Codes

Whenever the Director determines that the condition of a dwelling or dwelling premises or any part thereof is in violation of any zoning, building, fire, or health ordinance or regulation adopted pursuant thereto, or any other ordinance, or code, or regulation of the City of Providence governing the condition and improvement of housing, which is not provided for by this ordinance, or which is provided for by a higher standard of such other ordinance, code or regulation, according to Subsection 13.4 of this ordinance, he shall refer such violations to the appropriate authority.

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2.16 Rules and Regulations

The Director is hereby empowered to make, and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this ordinance, to interpret and to secure the intent thereof, but no such rules and regulations shall be in conflict with the provisions of this ordinance or any other ordinance of the City or shall have the effect of waiving any provisions of this ordinance. Such rules and regulations shall have the same force and effect as the provisions of this ordinance, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this ordinance, as herein provided. Such rules and regulations shall be submitted to the City Council. Failure of the City Council to approve, reject or modify such rules and regulations within thirty (30) days from the date of submission shall be deemed to constitute approval thereof by the City Council. Said rules and regulations as approved by the City Council shall be published in a newspaper of general circulation in the city and shall be effective ten (10) days after said publication.

SECTION 3 : ENFORCEMENT

3.1 Inspection of Dwellings

The Director is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and dwelling premises in order that he may perform his duty of safeguarding the health, safety and welfare of the occupants of dwellings and of the general public. For the purpose of making such inspections the Director is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and dwelling premises.

3.2 Access to Dwellings

The owner, operator or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Director free access to such dwelling,

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dwelling unit or rooming unit and dwelling premises, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner or operator thereof, or any person designated by the owner or operator, access to any part of such dwelling, dwelling unit, or rooming unit or dwelling premises, at all reasonable times for the purpose of examination and for making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any rule or regulation adopted pursuant thereto or with any notice of violation or order issued pursuant to the provisions of this ordinance.

3.3

Notice of Violation

Whenever the Director determines that there are reasonable grounds to believe that there is a violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor, as hereinafter provided. Such notice shall be in writing, and shall specify the alleged violation and a reasonable time to correct it, and shall be served upon the owner, operator, or the occupant, as the case may require. Such notice of violation shall be deemed to be properly served upon such owner, operator or occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by registered or certified mail return receipt requested to the last known address of such person; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if the responsible person is served with such notice by any other method now or hereafter authorized under the laws of this State. The notice of violation shall inform the person to whom it is directed of his right to apply for a hearing before the Director, and the procedure by which application for such hearing can be made as provided in Subsection 3.7 of this ordinance. Written

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entry of appearance or presence at such hearing shall fulfill the requirements for service of the notice of violation.

3.4 Compliance Order

Any notice of violation as provided in Subsection 3.3 of this ordinance shall automatically become a compliance order if written request for a hearing is not filed in the office of the Director within ten (10) days after the service of the notice. A copy of the compliance order shall be served in the manner provided in Subsection 3.3 of this ordinance and shall inform the person to whom it is directed of his right of appeal to the Housing Board of Review, and the procedure by which application for such appeal can be made as provided in Section 5 of this ordinance. Written entry of appearance or presence at a hearing, in connection with a notice of violation shall not fulfill the requirements for service of a compliance order.

3.5 Immediate Compliance Order

Whenever the Director at any stage of any proceedings instituted under the provisions of this ordinance, finds that there exists a violation of this ordinance which in his opinion requires immediate action to abate a direct hazard, or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public, he may, without prior notice of violation or hearing, issue an immediate compliance order reciting the existence of such violation, and requiring that such action be taken as he deems necessary to alleviate the violation, which may include an order to vacate, as provided in Subsection 4.4 of this ordinance. Notwithstanding the other provisions of this ordinance, the immediate compliance order shall be effective immediately upon its service or in such time as the Director shall, under the circumstances, deem reasonable, necessary and proper, and any person upon whom an immediate compliance order is served shall comply therewith immediately or otherwise as such order may specify. Such person shall have the right to appeal to the Housing Board of Review as provided in Section 5 of this ordinance and such appeal shall be given priority and conducted as soon as possible and as provided for in Section 5.

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3.6 Director to Make Repairs and to Recover Expenses

Whenever any violation of this ordinance which in the opinion of the Director causes a direct hazard or immediate peril to the health, safety or welfare of the occupants of a dwelling or of the public has not been corrected in the time specified by the immediate compliance order, he may, subject to the provisions of Subsection 5.5 of this ordinance, take such direct action as is necessary to alleviate the violation causing the direct hazard or immediate peril. When certified by the Director, the costs incurred in the execution of the immediate compliance order shall be paid out of the City Treasury, from funds made available for such purposes to the Director. The owner, operator or occupant of the dwelling, dwelling unit, rooming unit or dwelling premises who is responsible for immediate compliance shall be served a notice stating the amount of the expenses incurred by the Director in executing the immediate compliance order. Such notice shall be served in the manner provided in Subsection 3.3 of this ordinance. These expenses shall be paid for by the responsible person on whom the notice is served and unless the expenses are paid within thirty (30) days after such notice is served, the Director shall certify the expenses to the City Solicitor who shall institute appropriate action against such person for the recovery of such expenses. In every case, certified expenses shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten (10) percent service charge in addition thereto.

3.7 Request for Hearing

Any person affected by any notice of violation which has been issued in connection with the enforcement of any provision of this ordinance or any rule or regulation adopted pursuant thereto may request and shall be granted a hearing before the Director after such person shall file in the office of the Director a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his address upon whom any notices and orders may be served, and why such enforcement or compliance should not be

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effected. If this request is filed within ten (10) days after the service of the notice of violation, compliance with the notice shall not be required while the hearing is pending. On receipt of such request, the Director shall set a time and place for such hearing, and shall give the applicant at least five (5) days written notice thereof. At such hearing the applicant shall be given an opportunity to show cause why such notice of violation should be modified or withdrawn.

3.8 Finding of Hearing

After a hearing held in accordance with the provisions of Subsection 3.7 of this ordinance and on consideration of the evidence presented, the Director shall sustain, modify or withdraw the notice. If the Director by his decision, sustains or modifies the notice, such decision shall be deemed a compliance order. Compliance orders shall be served on the person whom the Director shall find to be responsible for the violation and in the manner provided by Subsection 3.4 of this ordinance.

3.9 Record of Hearing

The Director shall keep a record of the hearing which shall include a copy of the notice of violation, the request for hearing, entries of appearance, findings of fact, if any, the decision of the Director and a copy of any compliance order issued in connection therewith, and such record shall be maintained as a public record.

3.10 Re-inspection

At the end of the time period specified in the compliance order or any extension thereof, it shall be the duty of the Director to make a re-inspection of the dwelling, dwelling unit, rooming unit or dwelling premises and if the order has not been complied with, the Director shall institute proper legal action or make such further orders as the case may require.

3.11 Demolition as Compliance

Any owner of a building or dwelling receiving a notice of violation or a compliance order stating that such dwelling does not comply with the provisions of this ordinance or of

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the rules and regulations adopted pursuant thereto may demolish such building or dwelling, and such action shall be deemed compliance, except that any resulting cellar holes shall be filled to grade.

3.12 Transfer of Ownership

It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee prior to such transfer, lease or mortgage a true copy of any notice of violation or compliance order issued by the Director, and at the same time notify the Director in writing of the intent to transfer, lease or mortgage either by delivering said notice of intent to the Director and receiving a receipt therefor, or by registered or certified mail return receipt requested giving the name and address of the person to whom the transfer, lease or mortgage is proposed. A transferee, lessee or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice or order as of the date of such transfer, lease or mortgage without service of further notice upon him.

3.13 Recording of Notices and Orders

Whenever a notice of violation or a compliance order has been issued for a violation of this ordinance or any rule or regulation adopted pursuant thereto, the Director may file in the office of the Recorder of Deeds a copy of the notice or order. Such notice or order shall be recorded in the same manner as "lis pendens" notices, and such recording shall be constructive notice to any purchaser or encumbrancer of the real property affected thereby. Notwithstanding any other provisions of this ordinance, any person purchasing or otherwise acquiring any interest in any real property and having actual

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or constructive notice of any proceedings instituted under the provisions of this ordinance shall be immediately subject to and bound by any such proceedings and to any compliance order entered with respect to the real property.

SECTION 4 : DESIGNATION OF UNFIT DWELLINGS

4.1 Designation of Unfit Dwellings

Any dwelling or dwelling unit which shall be found by the Director to have any of the following defects shall be condemned as unfit for continued occupancy and human habitation and shall be so designated and placarded by the Director:

- 4.1a One which according to the provisions of Sections 6, 7 or 8 of this ordinance is so lacking in sanitation, heating, lighting or ventilation facilities that it creates a serious hazard to the health or safety of the occupants or of the public.
- 4.1b One which according to the provisions of Section 9 of this ordinance, and which because of its general condition, number of occupants, or location, is so insanitary, overcrowded, or otherwise dangerous or detrimental that it creates a serious hazard to the health or safety of the occupants or of the public.
- 4.1c One which according to the provisions of Section 10 of this ordinance is so decayed, damaged, dilapidated, insanitary, unsafe or infested that it creates a serious hazard to the health or safety of the occupants or of the public.

4.2 Designation of Unfit Rooming Houses or Rooming Units

Any rooming house or rooming unit which shall be found by the Director to be in violation of any provision of Section 12 which violation creates a serious hazard to the health or safety of the occupants or the public shall be condemned as unfit for continued occupancy and human habitation and shall be so designated and placarded by the Director in accordance with the provisions of Subsections 4.3 through 4.8 of this ordinance.

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4.3 Notice of Violation and Intent to Condemn

Whenever the Director determines that a dwelling or dwelling unit, rooming house or rooming unit is unfit for continued occupancy as provided herein, he shall include within the notice of violation provided for in Subsection 3.3 of this ordinance, a statement of his intent to condemn and placard the dwelling, dwelling unit, rooming house or rooming unit as unfit for continued occupancy and to require it to be vacated if the provisions of the notice of violation are not complied with. A copy of such notice of violation shall be served on the owner, operator, and the occupant in the manner provided in Subsection 3.3 of this ordinance.

4.4 Order to Vacate

Whenever a notice of violation as provided for in Subsection 4.3 of this ordinance has not been complied with, the Director may include within the compliance order, a finding to the effect that the dwelling, dwelling unit, rooming house or rooming unit is unfit for continued occupancy and such finding shall be an order to vacate. Such compliance order shall be served upon the owner, operator and the occupant in the manner provided for in Subsection 3.4 of this ordinance and service shall be made at least ten (10) days prior to the effective date of the order to vacate. An appeal from such compliance order may be taken to the Housing Board of Review in the manner provided for in Section 5 of this ordinance.

4.5 Vacation of Unfit Dwelling

Any dwelling, dwelling unit, rooming house or rooming unit condemned as unfit for continued occupancy shall be so designated and placarded and shall be vacated within such reasonable time as the Director may specify in the compliance order.

4.6 Condemnation of Dwelling Occupancy

No dwelling, dwelling unit, rooming house or rooming unit which has been condemned and placarded as unfit for continued occupancy shall again be used for habitation until written approval therefor and for removal of the placard is secured from the Director.

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4.7 Removal of Placard

No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house or rooming unit which has been condemned as unfit for continued occupancy and placarded as such, except as provided in Subsection 4.6 above.

4.8 Vacated Dwellings Made Secure

The owner of every dwelling, dwelling unit, rooming house or rooming unit which is condemned as unfit for continued occupancy and vacated shall make such dwelling, dwelling unit, rooming house or rooming unit safe and secure in whatever manner the Director may deem necessary so that the dwelling, dwelling unit, rooming house or rooming unit shall not be dangerous to human life, and shall not constitute either a fire hazard or a public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision.

4.9 Notice of Violation and Intent to Demolish

Whenever the Director determines that a dwelling or dwelling unit is unfit for human habitation and continued occupancy as provided herein, and that the cost necessary to alleviate the violation is not reasonably related to the value of the dwelling, he shall include within the notice of violation provided for in Subsection 3.3 of this ordinance, a statement of his intent to order the demolition of the dwelling; provided however that the owner at his discretion may repair, alter, or improve the dwelling in order to alleviate the violation regardless of whether or not the cost is reasonably related to the value, or may demolish the dwelling at his own expense pursuant to the provisions of Subsection 3.11 of this ordinance; and further provided that the owner alleviate the violation within the time specified in the notice of violation. A copy of such notice shall be served on the owner, occupant, lessee, mortgagee, and all other persons having any interest in said dwelling, as shown by the records of the Recorder of Deeds, in the manner provided for in Subsection 3.3 of this ordinance; provided, however, that in the event that any such

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person is not identified or located, service may be made upon him by publication in a newspaper of general circulation in the city once a week for two successive weeks. For purposes of this subsection, any repair, alteration, or improvement that is determined by the Director to cost more than 50% of the assessed valuation of the dwelling shall be deemed to be not reasonably related to the value of the dwelling.

4.10 Order to Demolish

Whenever a notice of violation as provided for in Subsection 4.9 of this ordinance has not been complied with, the Director may include within the compliance order, a finding to the effect that the dwelling is unfit for human habitation and continued occupancy and such finding shall be an order to demolish the dwelling. Such compliance order shall be served upon the owner, occupant, lessee, mortgagee, and all other persons having any interest in the dwelling, as shown by the records of the Recorder of Deeds, in the manner provided for in Subsection 3.4 of this ordinance; provided, however, that in the event that any such person is not identified or located, service may be made upon him by publication in a newspaper of general circulation in the city once a week for two successive weeks, and service shall be made at least three (3) months prior to the effective date of the demolition provisions of the order. An appeal from such compliance order may be taken to the Housing Board of Review in the manner provided for in Section 5 of this ordinance.

4.11 Director to Make Repairs

Whenever a compliance order to repair, alter or secure a dwelling found by the Director to be unfit for human habitation and continued occupancy has not been complied with, the Director may, at the expense of the person responsible for alleviating the violation, take such direct action as is necessary to alleviate the violation, if the cost of such action is reasonably related to the value of dwelling. For the purposes of this subsection any repair, alteration or securing that is determined by the Director to cost 50% or less of the assessed valuation of the

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dwelling shall be deemed to be reasonable. The power of the Director to repair or alter shall be limited to the alleviation of conditions which affect occupied dwellings or dwelling units.

4.12 Director to Demolish Dwelling at Owner's Expense

Whenever a compliance order issued pursuant to the provisions of subsection 4.10 of this ordinance and providing for the demolition of a dwelling has not been complied with, and the cost of repair has been determined by the Director to be more than 50% of the assessed valuation of the dwelling, the Director may demolish the dwelling at the expense of the owner.

4.13 Liens and Charges to Recover Expenses

Whenever the owner fails to comply with an order to repair, alter or improve, or to demolish a dwelling which has been determined to be unfit for human habitation and continued occupancy, and the Director has taken direct action pursuant to the provisions of Subsections 4.11 or 4.12, the costs incurred by him in such action shall be a lien against the real property and such lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such lien shall be recorded. If the dwelling is demolished by the Director, he may sell the materials of such dwelling and the net cost of the demolition shall be charged to the owner, and if any balance remains, it shall be held for the owner or any other parties entitled thereto; and in every case, the cost of direct action shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten percent (10%) service charge in addition thereto.

4.14 Relocation of Occupants

Notwithstanding the other provisions of this section, no dwelling shall be vacated or demolished by the Director, under the powers granted to him by the provisions of this ordinance, until persons occupying the dwelling at the time the compliance order is issued have been offered housing accommodations in a decent, safe and sanitary dwelling which meets the requirements of this ordinance.

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SECTION 5 : HOUSING BOARD OF REVIEW

5.1 Powers of Housing Board of Review

There shall be a Housing Board of Review which is authorized to hear and decide appeals from compliance orders. The Board shall have the power to reverse or affirm wholly or partly or to modify any order of the Director; and in specific cases to authorize such variance in the application of the terms of this ordinance, where owing to unusual conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

5.2 Conditions for Appeal

Any person upon whom a compliance order has been served may appeal from the compliance order to the Board.

5.3 Application for Appeal

Application for such an appeal may be made whenever it is alleged that the compliance order does not conform with the true intent of this ordinance or of the rules and regulations adopted pursuant thereto; that the compliance order is contrary to law; that the provisions of this ordinance do not fully apply; or that in unusual conditions unnecessary hardship will result from the literal enforcement of ordinance provisions. Any eligible person desiring to take an appeal shall file in the office of the Board, within ten (10) days after service of the compliance order, a written appeal including a brief statement of the reasons therefor, and a detailed statement of the facts supporting the appeal. A notice of the appeal shall be forwarded immediately to the Director by the Secretary of the Board.

5.4 Appeal Fee

An appeal fee, in accordance with the following schedule, shall be paid upon filing of any application for appeal before the Board: the appeal fee shall be five (\$5.00) dollars whenever an appeal is taken from a compliance order issued as a result of a hearing before the Director; and the appeal fee shall be ten (\$10.00) dollars whenever an appeal is taken from a compliance

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order issued after failure to request a hearing before the Director, or after failure to appear at such hearing. Upon receipt of the appeal fee by the Board, said fee shall be paid into the City Collector.

5.5 Effect of Appeal

An appeal to the Board shall stay all proceedings under the compliance order from which such appeal has been taken except that the Director may certify to the Board after receipt of the notice of the appeal, as provided in Subsection 5.3 of this ordinance, that by reason of the facts stated in the certificate, any stay of proceedings would in his opinion cause a direct hazard or immediate peril to the health or safety of the occupants of a dwelling or of the public, and in such event proceedings shall not be stayed except by restraining order granted by the Chairman or the Acting Chairman of the Board on application therefor by the appellant, upon notice to the Director, and on due cause shown, or by a court of competent jurisdiction. Whenever a restraining order has been issued, the appeal shall be given priority over all other matters before the Board, and shall be promptly heard and decided.

5.6 Appointment of Housing Board of Review

The Housing Board of Review shall consist of five (5) members appointed by the Mayor of the City of Providence, subject to the approval of the City Council.

5.7 Terms of Office

One member of the Board shall be appointed for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one to serve for one (1) year, each new member to serve for five (5) years and until his successor has been appointed and qualified. The Mayor with the approval of the Council shall appoint a member of the Board to fill any unexpired term if a vacancy occurs.

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5.8 Qualifications of Members

Each member of the Board shall be a resident of the City of Providence and one member shall be a qualified builder, or a licensed architect, or a licensed professional engineer; and another shall be a qualified doctor of medicine or of public health. No member of the Board shall serve on any other appointive board of the City provided however that the Chairman of the Housing Board of Review shall be a member of the Mayor's Housing Advisory Council whenever such council shall be appointed.

5.9 Officers of the Board

The Mayor shall select one of the Board members to serve as chairman, and the Board shall select one of its members to serve as vice-chairman; and the Mayor shall appoint subject to the approval of the City Council a Secretary of the Board who shall keep a detailed record of its business and proceedings.

5.10 Exemption of Board Members

No member of the Board shall pass on any matter in which he has a business or a personal interest.

5.11 Compensation of Board Members

The compensation of the chairman shall be sixty dollars (\$60.00) per meeting, but not to exceed twelve hundred dollars (\$1200.00) per year and the compensation for each of the other members shall be fifty dollars (\$50.00) per meeting, but not to exceed one thousand dollars (\$1000.00) per year. Compensation for any meeting shall be paid only for actual attendance.

5.12 Notice of Meeting

The Board shall meet at least once a month and at other times upon the call of the chairman. Notice of the meeting to hear an appeal shall be given the appellant, the Director, and the members of the board, at least ten (10) days before the holding of the meeting, except for a hearing on an appeal involving a restraining order, at which time notice need not exceed forty-eight (48) hours. Upon receipt of notice of an appeal the Director shall forward immediately to the Secretary of the Board all pertinent records.

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5.13 Quorum for Hearing on Appeal

In order for the Board to hear an appeal a quorum of three (3) members of the Board must be present. When a quorum is not present, the hearing of the appeal shall be postponed until such time as a quorum is present. The Board shall provide for a new date for the hearing of the appeal in accordance with the provisions of Subsection 5.12 of this ordinance.

5.14 Proceedings of the Board

All hearings of the Housing Board of Review shall be "de novo". All hearings shall be public, and the appellant, his representative, the Director and any other person whose interests may be affected by the matter on appeal, and who files a written entry of appearance shall be given an opportunity to be heard. Written entry of appearance at such hearing shall fulfill the requirements for service of any notice or order by the Director. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Proceedings of the Board shall be conclusive with respect to questions of fact and may be reviewed only on questions of law by courts of competent jurisdiction as provided in Subsection 5.17 of this ordinance.

5.15 Vote of the Board

A concurring vote of a majority of the members of the Board present at the hearing shall be necessary to reverse or modify any order or decision of the Director, and to authorize a variance in the application of any of the provisions of this ordinance as provided in Subsection 5.1. In the event of a tie vote of the members of the Board present at the hearing, the order or decision of the Director shall be deemed to have been sustained.

5.16 Records of the Board

All decisions of the Board shall be in writing. The Board shall keep clear and detailed minutes of all its proceedings including its decisions and the reasons therefor and the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately

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following the Board's decision, shall be filed in the office of the Board and shall be a public record. Notice of the Board's decision shall be promptly furnished to the appellant, his representative, any person who has filed a written entry of appearance, and to the Director, and the Director shall take immediate action in accordance with the decision of the Board.

5.17 Court Review

Any person including the Director aggrieved by any decision of the Housing Board of Review may present to the Supreme Court a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Housing Board of Review to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made, which shall be not less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may on application, upon notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show grounds of the decision appealed from and shall be verified. If upon the hearing it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a master to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm wholly or partly or may modify the decision brought up for review.

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SECTION 6 : SANITARY FACILITIES AND PLUMBING AND DRAINAGE

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the following requirements:

6.1 Kitchen Sink

Every dwelling unit shall be supplied with a kitchen sink located in the kitchen or adjacent kitchen pantry and properly connected to an approved water supply and sewage system, all in good working condition.

6.2 Flush Toilet and Lavatory Basin

Every dwelling unit shall be supplied within such dwelling unit with a room or compartment which affords privacy to a person therein and which shall be equipped with an approved flush toilet and a lavatory basin properly connected to an approved water supply and sewage system all in good working condition.

6.3 Bathtub and Shower Bath

Within three (3) years following the effective date of this ordinance every dwelling unit shall have supplied within such dwelling unit a room or compartment which affords privacy to a person therein and which shall be equipped with a bathtub or shower bath properly connected to an approved water supply and sewage system all in good working condition.

6.4 Hot Water

Within three (3) years following the effective date of this ordinance every kitchen sink, lavatory basin, and bathtub or shower bath required under the provisions of Subsections 6.1, 6.2 and 6.3 of this section shall be properly connected to hot as well as cold water lines.

6.5 Impervious Flooring

The floor surface of every bathroom and toilet room or compartment shall be constructed of material impervious to water; or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the occupant.

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6.6 Grading and Drainage

The grading and draining of dwelling premises shall be such that no water shall be allowed to seep into any basement or cellar, or to accumulate, or become stagnant therein or on the premises; and no roof, surface, or sanitary drainage shall create a structural, safety, or health hazard by reason of construction, maintenance, or manner of discharge.

6.7 Rubbish Disposal Facilities

Every dwelling shall have adequate rubbish storage and disposal facilities or containers, approved as to type and location.

6.8 Garbage Disposal Facilities

Every dwelling shall have adequate garbage storage and disposal facilities or containers, approved as to type and location.

SECTION 7 : HEATING AND REFRIGERATION EQUIPMENT

No person shall occupy as owner-occupant or permit to be occupied by another any dwelling or dwelling unit which does not comply with the following requirements:

7.1 Heating Facilities

Within three (3) years following the effective date of this ordinance, every dwelling and dwelling unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the occupant. Heating equipment shall be capable of maintaining a minimum air temperature of at least sixty-seven (67) degrees Fahrenheit at three (3) feet above the floor level, in all habitable rooms, bathrooms and toilet rooms or compartments, during an outside air temperature of zero (0) degrees Fahrenheit. Doors, windows and other parts of the dwelling shall be constructed and maintained so as to prevent abnormal heat losses.

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7.2 Water-Heating Facilities

Within three (3) years following the effective date of this ordinance, every dwelling or dwelling unit shall be supplied with water heating facilities capable of heating water so as to permit water at a temperature of not less than one hundred and twenty (120) degrees Fahrenheit to be drawn at every kitchen sink, lavatory basin, bathtub or shower. Such water heating facilities shall be capable of meeting the requirements of this subsection whether or not the heating facilities required under the provisions of Subsection 7.1 above are in operation.

7.3 Heating Equipment

Within two (2) years following the effective date of this ordinance, heating equipment burning solid fuels shall be rigidly connected to a chimney or flue and heating equipment burning liquid or gaseous fuels shall be rigidly connected to a chimney or flue and a supply line.

7.4 Refrigerated Storage Space

In every dwelling unit where perishable foods are kept, refrigerated space for their storage shall be provided by the occupant if not supplied by the owner.

7.5 Cooking Equipment

Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be so maintained by the owner thereof. Cooking equipment burning solid fuel shall be rigidly connected to a chimney or flue and cooking equipment burning liquid or gaseous fuels shall be rigidly connected to a supply line. No cooking equipment using such fuels shall be operated in any room used primarily for sleeping purposes.

SECTION 8 : LIGHTING AND VENTILATION AND ELECTRICAL FACILITIES

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit that does not comply with the following requirements:

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8.1 Window Area

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate glass area available for unobstructed light for every habitable room shall be no less than ten (10) percent of the floor space of such room.

8.2 Daylight Obstruction

Whenever walls or other portions of structures face a window of a habitable room in any dwelling and such light-obstructing structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the minimum total window area as required in Subsection 8.1.

8.3 Openable Window Area

Every habitable room shall have at least one window or skylight which can easily be opened, or shall have such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least fifty (50) percent of the minimum aggregate glass area required in Subsection 8.1, except where there is supplied some other approved device affording adequate ventilation.

8.4 Bathroom Light and Ventilation

Every bathroom and toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections 8.1, 8.2 and 8.3 above, except that in no case shall the minimum glass area of such window or skylight be less than three (3) square feet: Provided that no window or skylight shall be required in any bathroom or toilet compartment equipped with an approved ventilation system.

8.5 Screening of Vents

From May 1 to October 1 every opening, except bulkheads, used for ingress or egress from a dwelling or dwelling unit directly

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to or from outdoor space shall be supplied with either a self-closing device or self-closing screen door; and every window of every habitable room, bathroom and toilet room or compartment, and every other window or opening from the dwelling or dwelling unit to outdoor space while in use for ventilation shall be equipped with approved screening which shall be provided by the occupant, when not supplied by the owner.

8.6 Basement Ventilation

Every cellar and basement shall have at least two vents or windows opening directly to the outside air sufficient to prevent mildew or structural deterioration, and properly equipped with approved screening.

8.7 Electrical Fixtures

Every habitable room shall be supplied with at least two separate electric convenience outlets, or one such convenience outlet and one separate electric light fixture; and every toilet room or compartment, bathroom, laundry room, furnace room, stairway and communicating corridor shall be supplied with at least one electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be properly connected to the source of electric power.

8.8 Lighting of Public Spaces

Every public hall and common stairway used primarily for egress or ingress in connection with two or more dwelling units shall be supplied with a proper amount of natural or electric light at all times; provided that such public halls and common stairways in structures containing not more than three dwelling units shall be deemed to have fulfilled such requirement if they are properly supplied with conveniently located switches, controlling an adequate electric lighting system which may be turned on when needed; and provided that all common stairways not used primarily for egress or ingress in all dwellings shall be properly supplied with such switches.

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SECTION 9 : DWELLING SPACE AND USE AND ACCESS

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit which does not comply with the following requirements:

9.1 Floor Space Per Person

Every dwelling unit shall contain at least one hundred sixty (160) square feet of floor space for the first occupant, at least one hundred (100) square feet of additional floor space for each of the next two occupants, at least seventy-five (75) square feet of additional floor space for each of the next three occupants, and at least fifty (50) square feet of additional floor space for each occupant thereafter; except that any dwelling unit which is occupied by two or more occupants and which contains a room not intended to be used primarily for cooking or sleeping but which is properly designed and equipped or especially furnished with either an efficiency closet or wall-type kitchen unit or kitchenette, or bed furniture properly designed for daytime storage or other daytime uses so as to be usable for a combination of regular living and efficiency cooking or regular living and efficiency sleeping space may contain one hundred (100) square feet less floor space than would otherwise be required. In every case the floor space shall be calculated on the basis of total habitable room area.

9.2 Sleeping Space Per Person

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof.

9.3 Ceiling Height

At least one-half of the minimum required floor space of every habitable room shall have a ceiling height of at least seven (7) feet.

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9.4 Cellar and Basement Occupancy

No cellar or basement shall be occupied as a habitable room or dwelling unit, except as a workshop or recreation room, unless it shall comply with the applicable provisions of the Providence Building Code as to exits; and unless the floors and walls are impervious to any leakage of underground and surface run-off-water and are properly protected against dampness; and the minimum window area in each habitable room therein is located above the finished grade of the adjoining ground of the window wall and unless it shall comply with the provisions of Subsections 8.1, 8.2 and 8.3, except that the provisions of Subsection 8.3 shall not be required if an approved ventilation system is supplied. In no case, however, shall cellar space be used for sleeping purposes.

9.5 Means of Egress

Every dwelling unit shall be provided with approved, safe and unobstructed means of egress, and shall comply with the applicable provisions of the Providence Building Code and the Fire Prevention Ordinance and the rules and regulations adopted pursuant thereto.

SECTION 10 : SAFE AND SANITARY MAINTENANCE

No person shall occupy as owner-occupant or permit to be occupied by another, any dwelling or dwelling unit which does not comply with the following requirements:

10.1 Structural Elements

Every foundation shall adequately support the dwelling structure at all points, shall be free of holes, wide cracks, and buckling. Every floor, exterior wall and roof shall be free of holes, wide cracks, and loose, warped, protruding or rotting boards or any other condition which might admit moisture, or rodents, or which might constitute a hazard to health or safety. All exposed surfaces which have been adversely affected by exposure or other

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cause shall be repaired, and coated, treated or sealed so as to protect them from serious deterioration. Every interior wall and ceiling shall be free of holes and large cracks, loose plaster, defective materials, or serious damage. Interior walls and all protective materials thereon shall be properly maintained and easily cleanable.

10.2 Windows and Doors

Every window, exterior door, and bulkhead shall be reasonably weather-tight, water tight and rodent-proof; and shall be kept in sound working condition and good repair.

10.3 Stairways and Porches

Every inside and outside stairway, every porch, and every appurtenance thereto, shall be constructed and maintained in safe condition and good repair.

10.4 Supplied Facilities

Every supplied facility, piece of equipment, or utility, which is required under the provisions of this ordinance, shall be so designed, constructed, and installed according to law that it will function safely and effectively, and shall be maintained in safe and sanitary working condition.

10.5 Plumbing Facilities

Every plumbing fixture, and water supply and sewer line shall be properly installed according to law and maintained in safe and sanitary working condition, free from defects, leaks, and obstructions.

10.6 Infestation

Every dwelling, dwelling unit, and all dwelling premises shall be free of infestation, and comply with the applicable requirements of the Providence Rat Control Ordinance.

10.7 Dwelling Premises and Accessory Structures

All dwelling premises and accessory structures shall be maintained in good repair and sanitary condition.

SECTION 11 : RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS

The following provisions shall pertain to the responsibilities of owners, operators and occupants of dwellings and their premises.

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11.1 Maintenance of Private Spaces

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and dwelling premises thereof which he occupies and controls.

11.2 Maintenance of Public Spaces

Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwelling and the premises thereof. Occupants of two- and three-family dwellings shall share the responsibility for maintaining in a clean and sanitary condition the common areas of the dwelling and the dwelling premises thereof.

11.3 Provision of Disposal Facilities

Every owner of a multiple dwelling shall supply on the premises such rubbish and garbage disposal facilities and storage containers for each dwelling thereon as are required by Subsections 6.7 and 6.8 of this ordinance, and shall maintain such facilities in good repair and sanitary condition, and shall provide for the proper collection and removal of their contents. Occupants of one-, two-, and three family dwellings shall provide for such facilities, containers, maintenance, collection and removal for their own dwelling units.

11.4 Manner of Waste Disposal

Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the facilities provided as required by Subsections 6.7, 6.8, and 11.3 of this ordinance.

11.5 Use of Screens

Every occupant of a dwelling or dwelling unit shall be responsible for the use of all screens whenever the same are required under the provisions of Subsection 8.5 of this ordinance.

11.6 Extermination

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any rodents, vermin, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever

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his dwelling unit is the only one infested; except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this ordinance, extermination shall be the responsibility of the owner.

11.7 Maintenance of Plumbing and Equipment

Every occupant of a dwelling unit shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances, and equipment therein.

11.8 Discontinuance of Utilities

No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required to be supplied by the provisions of this ordinance to be removed from or shut off from or discontinued for any occupied dwelling, or dwelling unit, except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made, or during other temporary emergencies when discontinuance of service is approved by the Director.

11.9 Occupancy of Vacant Units

No person shall occupy as owner-occupant or permit to be occupied by another, any vacant dwelling or dwelling unit unless or until it is in good repair, clean, sanitary, in habitable condition and in full compliance with all provisions of this ordinance and the rules and regulations adopted pursuant thereto.

11.10 Supplied Heat

Every owner or operator of a dwelling who permits to be occupied any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall maintain therein from October 1 to May 1, a minimum air temperature level of not less than sixty-seven (67) degrees Fahrenheit at three (3) feet above floor level during an outside air temperature of zero (0) degrees Fahrenheit or above between the hours of 6:30 A.M. and 11:00 P.M. and not less than sixty (60) degrees Fahrenheit between the hours of 11:00 P.M. and 6:30 A.M. in all habitable rooms, bathrooms, toilet rooms and compartments and communicating corridors; provided that when the outside air temperature drops

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below zero (0) degrees Fahrenheit, heating facilities shall be operated so as to furnish at least the minimum requirements hereof. Whenever heating facilities are incapable of furnishing the minimum requirements hereof at an outside air temperature of below zero (0) degrees Fahrenheit, they shall be operated to full capacity. Whenever a dwelling is heated by means of a central heating facility, or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bound himself to furnish heat in accordance with the provisions of this subsection. The provisions of this subsection shall not apply where the failure to maintain such an air temperature level is approved by the Director because of a general shortage of fuel, or any negligent or malicious act of the occupant, or while repairs are being expeditiously made to the heating equipment, or any cause beyond the control of the owner or operator.

SECTION 12 : ROOMING HOUSES

No person shall operate, or permit to be occupied, a rooming house which does not comply with the following requirements:

12.1 Applicability of Previous Subsections

- (a) The provisions of Subsections 7.3, 8.1, 8.2, 8.3, 9.4, 9.5, 10.6, 11.8, 11.9 and 11.10 of this Ordinance shall be applicable to each rooming house and rooming unit. For purposes of this Section, wherever in the above-enumerated Subsections, the term "dwelling" is used, it shall be construed to mean "rooming house"; and wherever the term "dwelling unit" is used, it shall be construed to mean "rooming unit".
- (b) The provisions of Subsections 6.6, 7.2, 8.4, 8.6, 8.7, 9.3, 10.1 through 10.5 and 10.7 of this Ordinance shall be applicable to each rooming house. For purposes of this Section, wherever in the above-enumerated Subsections, the term "dwelling" is used, it shall be construed to mean "rooming house".

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12.2 Occupancy Record Cards

When the Director determines that a rooming house and each rooming unit therein complies with all the pertinent requirements of this ordinance and all rules and regulations adopted pursuant thereto, he shall issue an occupancy record card which shall (a) designate the maximum number of persons who may occupy such rooming house and each rooming unit therein; (b) designate each rooming unit as a Type A, B or C rooming unit; and, (c) designate the room number assigned to that unit. The operator shall display the occupancy record card at all times in a conspicuous place near the main entrance of the rooming house except that in rooming houses having twenty (20) or more rooming units the occupancy record card may be posted at the registration desk. Altering, tampering or removing the occupancy record card from the rooming house is prohibited. The Director shall keep a duplicate of the occupancy record card in his files.

12.3 Numbering of Units

The number of each rooming unit as designated on the occupancy record card shall be placed on the outside of the main door to such unit in a plain and conspicuous manner. No two rooming units shall bear the same number. The number and type shall be posted in each such unit and shall not be changed without the written approval of the Director.

12.4 Flush Toilet and Lavatory Basin

Every rooming house shall be supplied with at least one (1) approved flush toilet and lavatory basin properly connected to an approved water supply and sewage system and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All such sanitary facilities shall be so located within the rooming house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained

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within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar. Sanitary facilities located in the basement may be included in the required number of said facilities whenever a majority of rooming units serviced by such facilities are located in the basement, but not otherwise.

12.5 Bathtub and Shower Bath

Within three (3) years following the effective date of this ordinance, every rooming house shall be supplied with at least one (1) bathtub or shower bath properly connected to an approved water supply and sewage system, and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units who are otherwise provided with an approved bathtub or shower bath shall be excluded. All such sanitary facilities shall be so located within the rooming house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar. Sanitary facilities located in the basement may be included in the required number of said facilities whenever a majority of rooming units serviced by such facilities are located in the basement, but not otherwise.

12.6 Hot Water

Within three (3) years following the effective date of this ordinance, every kitchen sink, lavatory basin and bathtub or shower bath shall be supplied with hot water at all times.

12.7 Impervious Flooring

The floor surface of every bathroom, toilet room or compartment and bathroom shall be constructed of material impervious to water; or if constructed of material not impervious to water, it shall be covered with fitted linoleum or painted or varnished so as to make the floor surface reasonably impervious to water. All such floors shall be kept in a dry, clean and sanitary condition by the operator.

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12.8 Rubbish and Garbage Storage and Disposal

The operator shall be responsible for the supply, maintenance and cleanliness of adequate and separate rubbish and garbage storage containers approved as to type and location. The occupant shall be responsible for the removal of all rubbish and garbage from the rooming unit and the storage of such waste in a clean and sanitary manner by placing it in the required containers.

12.9 Heating Facilities

Within three (3) years following the effective date of this ordinance, every rooming house and rooming unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the operator. Heating equipment shall be capable of maintaining a minimum air temperature of at least sixty-seven (67) degrees Fahrenheit at three (3) feet above the floor level, in all habitable rooms, bathrooms and toilet rooms or compartments, during an outside air temperature of zero (0) degrees Fahrenheit. Doors, windows and other parts of the rooming house shall be constructed and maintained by the owner so as to prevent abnormal heat losses.

12.10 Lighting of Public Spaces

Every public hall and common stairway used primarily for egress or ingress in every rooming house shall be supplied with a proper amount of natural or electric light at all times; all common stairways not used primarily for egress or ingress in all rooming houses shall be properly supplied with conveniently located switches controlling an adequate electric lighting system which may be turned on when needed.

12.11 Shades, etc.

The operator shall supply every window of every habitable room, bathroom and toilet room or compartment with shades or other devices or materials which will afford privacy to the occupant.

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12.12 Screening of Vents

From May 1 to October 1 every opening, except bulkheads, used for ingress or egress from a rooming house or rooming unit directly to or from outdoor space shall be supplied with either a self-closing device or self-closing screen door and every window of every habitable room, bathroom and toilet room or compartment and every other window or opening below the sixth floor of the rooming house or rooming unit to outdoor space while in use for ventilation shall be supplied with approved screening by the operator.

12.13 Bed Linens and Towels

The operator shall supply clean bed linens and towels at least once a week, and prior to the letting of any rooming unit unless the occupant supplies such bed linen and towels himself.

12.14 Clean and Sanitary Maintenance

The operator shall be responsible for the clean and sanitary maintenance of all walls, floors and ceilings in every rooming unit and other parts of the rooming house including the community kitchen or kitchens and the common areas of the rooming house.

12.15 Extermination

The operator shall be responsible for the extermination of rodents, vermin or other pests within every portion of the rooming house and any portion of the dwelling or structure that is leased or occupied by him; provided however that whenever infestation also occurs in any other portion of the dwelling or structure, or whenever infestation is caused by failure of the owner to carry out the provisions of this ordinance, extermination shall be the responsibility of the owner.

12.16 Maintenance of Plumbing and Equipment

The operator shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment. The owner of the above plumbing fixtures, sanitary facilities, appliances and equipment shall be responsible for the maintenance thereof.

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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12.17 Occupancy in Type A Units

Occupancy in Type A rooming units shall not exceed two (2) persons.

12.18 Sleeping Space Per Person

Every room in any rooming unit occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof; provided that in Type A rooming units consisting of only one (1) room, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof.

12.19 Kitchen in Type A Units

In Type A rooming units consisting of two (2) rooms, one (1) room containing a minimum of sixty (60) square feet of floor space shall be supplied with an adequate and approved cooking stove, kitchen sink and refrigerated storage space; provided that if sleeping is permitted in the kitchen, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof. Type A rooming units consisting of one (1) room shall contain an adequate and approved cooking stove, kitchen sink and refrigerated storage space. Cooking equipment burning solid fuel shall be rigidly connected to a chimney or flue and cooking equipment burning liquid or gaseous fuel shall be rigidly connected to a supply line. Cooking equipment of any type using such fuels shall not be permitted in any room used for sleeping purposes.

12.20 Communal Kitchen for Type B Rooming Units

Every communal kitchen servicing Type B rooming units shall have adequate and approved floor space, shall be accessible to each person entitled to the use thereof, without going outside of the rooming house and without entering another dwelling unit or rooming unit; and shall be supplied by the operator with the following adequate and approved facilities.

The City of Providence

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- (a) one (1) kitchen stove for each eight (8) Type B rooming units, or fraction thereof;
- (b) one (1) kitchen sink for each eight (8) Type B rooming units, or fraction thereof;
- (c) refrigerated storage space for each Type B rooming unit. Where ice is used for the purpose of cooling, it shall be supplied by the operator and every icebox drain shall be properly connected to an approved sewer system;
- (d) one (1) kitchen table or other working surface for each kitchen stove;
- (e) one (1) insect and vermin proof cabinet suitable for storage of non-perishable food and eating and cooking utensils for each Type B rooming unit.

Within three (3) years following the effective date of this ordinance, every kitchen sink in a communal kitchen shall be supplied by the operator with hot water at all times and at a minimum temperature of one hundred and twenty (120) degrees Fahrenheit.

12.21 Cooking Prohibited in Type B and Type C Rooming Units

Cooking and cooking equipment is prohibited in every Type B and Type C rooming unit. The operator shall post notice of this provision in every such unit.

SECTION 13 : PENALTIES : CONFLICT : SEVERABILITY : EFFECTIVE DATE

13.1 Penalties

Any person who shall violate any provision of this ordinance, or any provision of any rule or regulation adopted pursuant to authority granted by this ordinance, shall upon conviction, be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than thirty (30) days or both, for each offense or violation, and each day's failure to comply with any such provision shall constitute a separate violation. The City Solicitor shall, upon complaint of the Director, institute injunction, abatement, or other appropriate actions or proceedings at law or in equity to restrain, prevent, enjoin, abate, correct, or remove such violation. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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13.2 Authority to Act on Nuisances

Nothing in this ordinance shall be deemed to abolish or impair any existing remedies of the City of Providence or its officers or agencies relating to the removal or abatement of nuisances, or to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or insanitary.

13.3 Applicability of Providence Building Code

Whenever the provisions of this ordinance require the construction, installation, alteration, or repair of a dwelling or of its facilities, utilities, or equipment, the required work shall be done in full compliance with the applicable provisions of the Providence Building Code, except as provided in Subsection 13.4 of this ordinance.

13.4 Conflict of Ordinances

In any case where a provision of this ordinance or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto, or any other ordinance, or code or regulation of the City of Providence the provision which established the higher standard for the promotion of the health and safety of the people shall prevail.

13.5 Conflict of Permits and Licenses

All departments, officials and employees of the City of Providence which have the duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of dwellings, dwelling premises or dwelling equipment or facilities shall conform to the provisions of this ordinance, and no permit or license for any construction, installation, repair, use or occupancy shall be issued if such would be in conflict with the provisions of this ordinance, except as provided in Subsection 13.4 of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance, except as provided in Subsection 13.4, shall be null and void.

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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13.6 Shift of Responsibilities Between Owner, Operator and Occupant
Nothing in this ordinance shall prevent an owner, operator or occupant from shifting the responsibility of the one to the other, provided that the primary and final responsibility in every case shall remain upon the person herein designated.

13.7 Prosecution of Existing Violations
This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Providence existing prior to the effective date of this ordinance, and such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

13.8 Severability
If any section, subsection, paragraph, or provision of this ordinance should be held invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end the provisions of this ordinance are declared to be severable.

13.9 Effective Date
This ordinance shall go into effect sixty (60) days after its passage.

IN CITY
COUNCIL
JUN 7 - 1956
FIRST READING
READ AND PASSED
Deverett Whelan
CLERK

IN CITY
COUNCIL
JUL 5 - 1956
FINAL READING
READ AND PASSED
Luigi G. Quillo
PRESIDENT
Deverett Whelan
CLERK

APPROVED

JUL 9 1956
Luigi G. Quillo
Acting MAYOR

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER ~~1010~~ 1041

No. 375 **AN ORDINANCE** AMENDING THE APPROPRIATION ORDINANCE

CHAPTER 987 BY APPROPRIATING THE SUM OF TWENTY-TWO THOUSAND (\$22,000) DOLLARS TO THE BOARD OF CANVASSERS, ITEMS 0 and 1.

Approved July 9, 1956

Be it ordained by the City of Providence:

SECTION 1: Chapter 987 of the Ordinances of the City of Providence as approved September 16, 1955, and entitled: "An Ordinance Making Appropriation of \$31,832,600.04 for the Support of the City Government for the Fiscal Year Ending September 30, 1956", as amended, is hereby further amended by appropriating the sum of Twenty-Two Thousand (\$22,000) Dollars to the BOARD OF CANVASSERS, ITEMS 0 and 1. Said sum of Twenty-Two Thousand (\$22,000) Dollars shall be apportioned as follows: ITEM 0-\$6,000; ITEM 1-\$16,000.

SECTION 2: The said sum of Twenty-Two Thousand (\$22,000) Dollars as thus added and appropriated shall be obtained by increasing the estimated receipts as follows:

RENTS and INTEREST - INTEREST on U.S. BILLS - \$22,000.

SECTION 3: This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

JUN 7 - 1956

First Reading Read and Passed

Referred to Committee on
FINANCE

Dorsett Whelan
Clerk

IN CITY
COUNCIL

JUL 5 - 1956

FINAL READING
READ AND PASSED

Joseph P. Fields
PRESIDENT
Dorsett Whelan
CLERK

APPROVED

JUL 9 1956

Joseph P. Fields
Acting MAYOR

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

~~1042~~

CHAPTER 1042

No. 376 AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE

CHAPTER 987 BY TRANSFERRING THE SUM OF THIRTY-THREE THOUSAND (\$33,000) DOLLARS TO THE APPROPRIATION CONTAINED THEREIN FOR GENERAL PUBLIC ASSISTANCE-UNALLOCATED, ITEM 1.

Approved July 9, 1956

Be it ordained by the City of Providence:

SECTION 1: Chapter 987 of the Ordinances of the City of Providence as approved September 16, 1955, and entitled: "An Ordinance Making Appropriation of \$31,832,600.04 for the Support of the City Government for the Fiscal Year Ending September 30, 1956", as amended, is hereby further amended by transferring the sum of Thirty-Three Thousand (\$33,000) Dollars to the appropriation contained therein for GENERAL PUBLIC ASSISTANCE-UNALLOCATED, ITEM 1.

SECTION 2: The said sum of Thirty-Three Thousand (\$33,000) Dollars shall be obtained by transferring a like amount from General Public Assistance-Administration, Item 0.

SECTION 3: This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
JUN 7 - 1956

First Reading Read and Passed
Referred to Committee on
FINANCE

W. Everett Whelan
Clerk

IN CITY
COUNCIL

JUL 5 - 1956
FISCAL BOARDING
READ AND PASSED

Angelo Diello
PRESIDENT
W. Everett Whelan
CLERK

APPROVED

JUL 9 1956

Angelo Diello
Acting MAYOR

The City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

~~CHAPTER~~
CHAPTER 1043

No. 377 AN ORDINANCE AMENDING SECTION 43 OF CHAPTER 975,
"ESTABLISHING CLASSES OF POSITIONS" FOR THE CITY OF PROVIDENCE
AS APPROVED SEPTEMBER 16, 1955.

Approved July 9, 1956

Be it ordained by the City of Providence:

SECTION 1: Chapter 975 of the Ordinances of the City of Providence as approved September 16, 1955 is hereby amended as follows:

SECTION 43: PUBLIC BUILDINGS SECTION

Add: 1 Clerk III

SECTION 2: This Ordinance shall become effective on passage.

IN CITY COUNCIL
JUN 7 - 1956
First Reading Read and Passed
Referred to Committee on
FINANCE
Everett Whelan
Clerk

IN CITY COUNCIL
JUL 5 - 1956
FINAL READING
READ AND PASSED
Angel Hill
PRESIDENT
Everett Whelan
CLERK

APPROVED
JUL 9 1956
Angel Hill
Acting MAYOR