

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 155

EFFECTIVE ~~XXXXXX~~ **Approved** March 27, 2005

WHEREAS, In order to protect the quality of life in the city's neighborhoods, the City of Providence has the need for policies or regulations that would incorporate the basic intent of proposed Senate Bill 2967, introduced in 2000, and House Bill 5327 introduced in 2005; and

WHEREAS, Renter-occupied units account for 65% of all housing units in the City of Providence, according to the 2000 Census; and

WHEREAS, Absentee landlords, especially those living out-of-state, are not always held accountable for disturbance and nuisance issues at their rental properties, making it difficult to enforce local ordinances and state laws; and

WHEREAS, The City of Providence, to properly address ongoing public safety concerns in residential neighborhoods, should have greater recourse against negligent property owners; and

WHEREAS, Appropriate legislation or regulations would enable the City of Providence to license rental property and rental property owners to help ensure owners are responsible and do not permit their tenants to engage in illegal and improper activity or create public nuisances on the licensed property; and

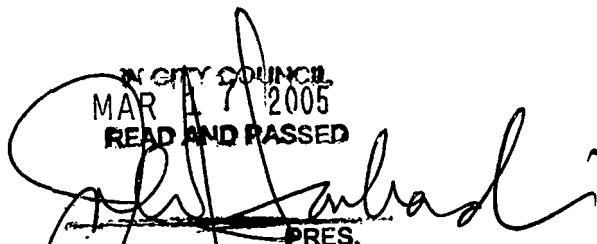
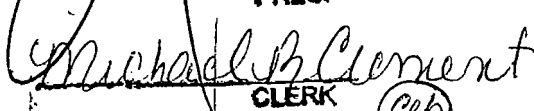
WHEREAS, Responsible property owners who wish to take action against tenants who do not comply with their rental agreement, including disturbing the peace and engaging in illegal activity, or for noncompliance of section 13-18-24 of the Rhode Island General Laws, should have greater ability to do so.

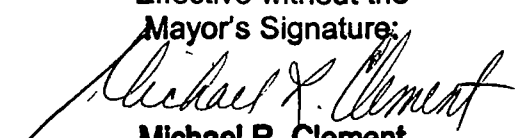
NOW, THEREFORE, BE IT RESOLVED, That the members of the Providence City Council do hereby request that the City Solicitor research similar legislation in other states and cities and draft an ordinance in accordance with all

Council President Donbadi

applicable city, state and federal laws, relating to the licensing of rental dwellings
or relating to eviction of tenants for noncompliance with rental agreement; and

BE IT FURTHER RESOLVED, That the City Clerk shall forward a copy of
the previously proposed Senate Bill 2967 and House Bill 5327 to the City Solicitor
for reference and review.

IN CITY COUNCIL
MAR 17 2005
READ AND PASSED

PRES.

CLERK (Ceb)

Effective without the
Mayor's Signature:

Michael R. Clement
City Clerk

2000 -- S 2967

LC03357

S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

A N A C T

RELATING TO LICENSING OF RENTAL DWELLINGS IN THE TOWN OF
NARRAGANSETT**Introduced By:** Senator McDonald**Date Introduced:** May 16, 2000**Referred To:** Committee on Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Notwithstanding the provisions of any other general or special act to the contrary, the Town Council for the Town of Narragansett shall have the authority to adopt an ordinance requiring that the owners of all residential real estate rented to tenants shall be required to obtain a license from the Town Council. For purposes of this section, all of the definitions contained in Rhode Island General Laws section 34-18-11 are incorporated herein by reference, and any landlord renting a dwelling unit to a tenant as those terms are defined in R.I.G.L. section 34-18-11 may be required to obtain the license provided for herein.

SECTION 2. Any such ordinance adopted by the Town Council may provide that all landlords shall designate a local agent within the Town of Narragansett for the purposes of servicing any notices upon and for the purposes of providing notice of any violations of the laws of the State of Rhode Island or ordinances of the Town of Narragansett. The registered agent for the landlord shall be required to provide a telephone number where the agent will be available twenty-four (24) hours per day. Any such ordinance may also provide that, as a condition of the license, the landlord shall be responsible to cause the tenants to not violate any of the laws of the

State of Rhode Island and ordinances of the Town of Narragansett. If any licensed person permits the occupants of the licensed real estate to become disorderly so as to annoy and disturb the persons inhabiting or residing in the neighborhood or permits any unlawful activities to be carried on in or at the licensed real estate, then the licensee may be summoned before the Town Council to show cause why the license should not be suspended, revoked, or other order entered.

SECTION 3. Any ordinance adopted by the Town of Narragansett pursuant to the authority granted to and under this section shall provide for the right to a hearing before the Town Council prior to the revocation or nonrenewal of any license issued under the authority of this chapter. Any such hearing shall be conducted by the Town Council after providing written notice to the landlord and/or the landlord's registered agent not less than seven (7) days prior to the date of the hearing. The Rhode Island Rules of Evidence shall not apply to any such hearing, except as to privilege, and the rules shall be considered only as a guide toward full and fair development of the facts.

SECTION 4. Any such ordinance adopted by the Town Council shall provide a penalty provision for violations of the ordinance. Any such penalty provision shall be subject to the limitations contained in R.I.G.L. section 45-6-2, all such violations shall be prosecutable in the Narragansett Municipal Court.

SECTION 5. This act shall take effect upon passage.

As always, your comments concerning this page are welcomed and appreciated.

Thank you for stopping by!

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2005 -- H 5327

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LC01262
=====**STATE OF RHODE ISLAND****IN GENERAL ASSEMBLY****JANUARY SESSION, A.D. 2005**

A N A C T
RELATING TO RESIDENTIAL LANDLORD AND TENANT**Introduced By:** Representative Donald J. Lally**Date Introduced:** February 03, 2005**Referred To:** House Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Section 34-18-36 of the General Laws in Chapter 34-18 entitled
- 1-2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:
- 1-3 **34-18-36. Eviction for noncompliance with rental agreement.** -- (a) Except as
- 1-4 provided in this chapter, if there is a material noncompliance by the tenant with the rental
- 1-5 agreement or a noncompliance with section 34-18-24 materially affecting health and safety, the
- 1-6 landlord shall deliver a written demand notice to the tenant, in a form substantially similar to that
- 1-7 provided in section 34-18-56(b), specifying:
- 1-8 (1) The acts and/or omissions constituting the breach of the rental agreement or of
- 1-9 section 34-18-24;
- 1-10 (2) The acts, repairs, or payment of damages, which are necessary to remedy the breach;
- 1-11 and
- 1-12 (3) That unless the breach is remedied within twenty (20) days of mailing of the notice
- 1-13 the rental agreement shall terminate upon a specified date, which shall not be less than twenty-
- 1-14 one (21) days after the mailing of the notice.
- 1-15 (b) Unless it is a violation of section 34-18-24(8), (9), or (10), if the tenant adequately
- 1-16 remedies the breach before the date specified in the notice, the rental agreement shall not

1-17 terminate. If the breach is not remedied, the landlord may commence an eviction action, which
1-18 shall be filed no earlier than the first day following the termination date specified in the written
1-19 demand notice. The action shall be initiated by filing a "Complaint for Eviction for Reason Other
2-1 Than for Nonpayment of Rent" in the appropriate court according to the form in section 34-18-
2-2 56(e).

2-3 (c) The summons shall be in the form provided in section 34-18-56(h) and shall specify
2-4 that the tenant has twenty (20) days from the date of service in which to file his or her answer to
2-5 the complaint, and that if he or she fails to file his or her answer within that time, he or she will be
2-6 defaulted. The matter may be assigned for hearing in accordance with the rules of procedure of
2-7 the appropriate court.

2-8 (d) Except as provided in this chapter, the landlord may recover possession, actual
2-9 damages and obtain injunctive relief for noncompliance by the tenant with the rental agreement or
2-10 section 34-18-24. If the tenant's noncompliance is willful, the landlord may recover reasonable
2-11 attorney's fees.

2-12 (e) If substantially the same act or omission which constituted a prior noncompliance, of
2-13 which good faith notice was given, recurs within six (6) months, the landlord may terminate the
2-14 rental agreement upon at least twenty (20) days' written notice, specifying the breach and the date
2-15 of termination of the rental agreement. No allowance of time to remedy noncompliance shall be
2-16 required.

2-17 (f) If the tenant has violated section 34-18-24(8), (9), or (10), or if the tenant (i) is a
2-18 seasonal tenant occupying the premises pursuant to a written lease agreement which commences
2-19 no earlier than May 1st of the occupation year and expires no later than October 15th of the
2-20 occupation year, or commences no earlier than September 1st and expires no later than June 1st of
2-21 the next subsequent year, with no right of renewal or extension beyond the above dates; and (ii)
2-22 has been charged with violating a municipal ordinance pertaining to legal occupancy or excessive
2-23 noise or other disturbance of the peace, or has otherwise violated the terms of the rental
2-24 agreement, the landlord shall not be required to send a notice of noncompliance to the tenant and
2-25 may immediately file a complaint for eviction in a form substantially similar to that provided in
2-26 section 34-18-56(e) and seek the relief set forth in subsection (d).

2-27 SECTION 2. This act shall take effect upon passage.

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LC01262
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**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO RESIDENTIAL LANDLORD AND TENANT**

- 3-1 This act would eliminate the need to send a notice of noncompliance to those tenants
3-2 whose lease commences on or after September 1st and expires on or before June 1st of the
3-3 following year.
3-4 This act would take effect upon passage.

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LC01262
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Claire Bestwick

From: Yvonne Graf
Sent: Friday, March 11, 2005 4:48 PM
To: Claire Bestwick
Subject: one final change

One minor change...

Resolution for March 17, 2005 by Council President Lombardi

A Resolution Requesting that the General Assembly Enact Legislation Relating to Licensing of Rental Dwellings in the City of Providence

WHEREAS in order to protect the quality of life in the city's neighborhoods, the City of Providence has the need for policies or regulations that would incorporate the basic intent of proposed Senate Bill 2967, introduced in 2000, and House Bill 5327 introduced in 2005; and

WHEREAS renter-occupied units account for 65% of all housing units in the city of Providence, according to the 2000 Census; and

WHEREAS absentee landlords, especially those living out-of-state, are not always held accountable for disturbance and nuisance issues at their rental properties, making it difficult to enforce local ordinances and state laws; and

WHEREAS the City of Providence, to properly address ongoing public safety concerns in residential neighborhoods, should have greater recourse against negligent property owners; and

WHEREAS appropriate legislation or regulations would enable the City of Providence to license rental property and rental property owners to help ensure owners are responsible and do not permit their tenants to engage in illegal and improper activity or create public nuisances on the licensed property; and

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3/14/2005