

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1987- 3

No. 126 **AN ORDINANCE** RE-ESTABLISHING THE ESCROW ACCOUNT WITHIN THE DIVISION OF MINIMUM HOUSING TO ALLOW THE DIRECTOR TO ACCEPT RENTAL PAYMENTS TO DEFRAY THE COSTS OF MAKING REPAIRS WHERE SERIOUS HAZARDS ARE FOUND IN VIOLATION OF THE MINIMUM STANDARDS HOUSING ORDINANCE, AS AMENDED.

Approved February 23, 1987

Be it ordained by the City of Providence:

SECTION 1. Section 40 of Chapter 13 of the Ordinance of the City of Providence is hereby amended to read as follows:

Section 13-40. Authority of director to make repairs and recover expenses.

Whenever any violation of this chapter 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 structure or of the public has not been corrected in the time specified by the immediate compliance order, he may, subject to the provisions of section 13-70 of this chapter, take such direct action as it is necessary to alleviate the violation causing the direct hazard or immediate peril; if the cost of such action is reasonably related to the value of the dwelling or structure. For the purpose of this section any repair, alteration or securing that is determined by the director to cost fifty per cent (%50) or less of the assessed valuation of the dwelling or structure shall be deemed to be reasonable. When certified by the director, the costs incurred in the execution of the immediate compliance order shall be paid out of the city treasury, or from other funds made available for such purposes to the director. The owner, operator or occupant of the dwelling, dwelling unit, structure, 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 section 13-37 of this chapter. These expenses shall be paid for by the responsible person or whom the notice is served and unless the expenses are paid within thirty (30) days after such notice is served, or unless repaid under section 13-48 of this chapter. In every case, certified expenses shall be the costs necessary to perform the required work as expeditiously as possible, together with a ten per cent (%10) service charge in addition thereto. The expenses incurred by

the director shall constitute a lien against the real property and such liens shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. Such liens shall be recorded and shall incur legal interest from the date of recording.

SECTION 2. Section 102 of Chapter 13 of the Code of Ordinances of the City of Providence is hereby repealed.

SECTION 3. Section 48 is added to Chapter 13 of the Code of Ordinances of the City of Providence to read as follows:

(a) Notwithstanding any lease or other agreement between owner and occupant, if the director shall have ordered the repair, alteration or improvement of a dwelling under the provisions of section 13-39 in that he has given notice that the same constitute a direct or serious hazard or immediate peril to the health, safety or welfare of the occupants, then the obligations of paying the rent therefor to the owner may, in the discretion of the director, be suspended and the occupant be required to pay the rent into an escrow account established and operated by the City of Providence. Rent monies paid into the escrow account may be used by the director to defray the cost of correcting the conditions constituting a direct and serious hazard or immediate peril to the occupants including but not limited to loss of necessary utilities, loss of heat between October 1 and May 1, gas leaks, serious plumbing or sanitation defects, serious infestation of rodents, or any condition creating a fire hazard or imminent danger to the health, safety or welfare of the occupants. When the director has taken direct action under the authority of section 13-40, and the obligations of paying rent to the owner has suspended, the occupant shall pay rent into said escrow account until the cost necessary to perform the required work is repaid.

(b) No action shall be maintained by the owner against the occupant for such rent which is paid into the above created escrow account, nor shall any action be maintained by the owner for possession of said premises if the occupant follows the provisions of this action.

(c) Rental payments paid into said escrow account in excess of those necessary to make repairs shall be paid to the owner on completion of the repairs as determined by the director. As each rental period is completed the occupant shall pay into said escrow account the amount of the rent then due and if the occupant fails to make payment in accordance with the rental period of the director, then the owner may maintain an action for rent or possession subject to such defenses as the occupant may have under the lease or agreement for rental of the premises and subject to other provisions of law.

SECTION 4. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
EB 5 1987
FIRST READING
READ AND PASSED

Rose M. Mendouca CLERK

IN CITY COUNCIL
EB 19 1987
FINAL READING
READ AND PASSED

Richard W. E. ... PRESIDENT
Rose M. Mendouca CLERK

APPROVED
FEB 23

IN CITY COUNCIL

June 5, 1986

FIRST READING
REFERRED TO COMMITTEE ON

ORDINANCES

Robert Menlove CLERK

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, as amended

Robert Menlove
Clerk Chairman

January 14, 1987

Councilman Blair, Councilman Dillon
Councilwoman Fagnoli (By Request)