

West's General Laws of Rhode Island Annotated [Currentness](#)

Title 45. Towns and Cities

→ [Chapter 24.3. Housing Maintenance and Occupancy Code](#)

→ **§ 45-24.3-1. Short title**

This chapter is known and may be cited as the “Rhode Island Housing Maintenance and Occupancy Code”.

### **§ 45-24.3-2. Legislative findings**

(a) It is found that there exists, and may in the future exist within the state of Rhode Island, premises, dwellings, dwelling units, rooming units, structures, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy, affect or are likely to adversely affect the public health, including the physical, mental, and social well-being of persons and families, safety, and general welfare. To correct and prevent the existence of these adverse conditions, and to achieve and maintain levels of residential environmental quality as will protect and promote health, safety, and general welfare, it is further found that the establishment of minimum housing standards for the state of Rhode Island is required.

(b) It is further found that conditions existing on blighted premises are dangerous to the public health, safety, morals, and general welfare of the people, and that conditions existing on blighted premises necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection, and other public services, and that the conditions existing on blighted premises cause a drain upon public revenue, impairing the efficient and economical exercise of governmental functions in these areas.

(c) It is further found that the elimination of blighted premises, and the prevention of the recurrence of blighted premises, is in the best interest of the public, and that the accomplishment of this end will be fostered and encouraged by the enactment of this chapter. The enactment and enforcement of this chapter is thereby declared to be essential to the public interest. It is intended that the provisions of this chapter be liberally construed to effectuate its previously stated purposes.

### **§ 45-24.3-3. Purpose**

The purpose of this chapter is to protect the public health, safety, and welfare by establishing minimum standards governing the condition and maintenance of all dwellings and dwelling premises or structures; 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 structures; fixing the conditions whereby certain dwellings or structures may be declared unfit for occupancy and condemned for human habit-

ation; and fixing penalties for violations of this chapter.

#### **§ 45-24.3-4. Applicability**

(a) Every portion of a building or its premises used or intended to be used for the purpose of dwelling, living, eating, sleeping, or cooking, or occupancy, comply with the provisions of this chapter and with the rules and regulations adopted pursuant to this chapter irrespective of when the building was constructed, altered, or repaired, and irrespective of any permits or licenses issued for the use or occupancy of the dwelling and dwelling premises or structure, for the construction or repair of the dwelling or structure, or for the installation or repair of dwelling equipment prior to January 1, 1971. This chapter establishes minimum standards for the initial and continued occupancy of all dwellings and structures, and does not replace or modify standards otherwise established by the state or a corporate unit for the construction, repair, or use of a building or the installation of building equipment except as they may be in conflict with the provisions of this chapter as provided by § 45-24.3-19.

(b) Matters governed by and conforming to the provisions of the State Building Code (§ 23-27.3-100.0 et seq.) shall prevail for all structures, dwellings, and dwelling units constructed, altered or repaired since July 1, 1977, providing the structure, dwelling or dwelling units conform in their entirety to the prevailing edition of the building codes in effect at the time of construction or occupancy, as evidenced by the date of issuance of a building permit issuance or date of issuance of a certificate of occupancy.

#### **§ 45-24.3-5. Definitions**

The following definitions apply in the interpretation and enforcement of this chapter:

- (1) “Accessory structure” means a detached structure which is not used or not intended to be used for living or sleeping by human occupants, and which is located on the same premises with a dwelling.
- (2) “Appropriate authority” means the official department, or agency, designated by a local community to administer and enforce these regulations pursuant to the provisions of this chapter.
- (3) “Approved” means approved by the local or state authority having administrative authority.
- (4) “Ashes” means the residue from the burning of combustible materials (and the noncombustible portion of refuse loaded into an incinerator).
- (5) “Basement” means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

(6) “Cellar” means the portion of the building partly underground, having half or more than half its clear height below the average grade of the adjoining ground.

(7) “Central heating system” means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

(8) “Corporate unit” means a city or town, as the case may be, delegated with the powers to provide for the enforcement of this chapter.

(9) “Dormitory” means a room or group of rooms in a dwelling used for living and sleeping purposes by four (4) or more persons.

(10) “Dwelling” means any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that “temporary housing”, as defined in this section, shall not be regarded as a dwelling.

(11) “Dwelling units” means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(12) “Enforcing officer” means the official charged with the administration and enforcement of this chapter, or the officer's authorized representative.

(13) “Extermination” means the control and elimination of insects, rodents, or other pests by eliminating their harborage; by removing, or making inaccessible, materials that may serve as their food; and by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

(14) “Family” means one adult person plus one or more persons who are legally related to the adult person and residing in the same dwelling unit with that person.

(15) “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

(16) “Guest” means any person who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

(17) “Habitable room” means a room or enclosed floor space used or intended to be used for living, sleeping,

cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet, foyers or communicating corridors, stairways, closets, storage spaces and workshops, and hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

(18) "Health officer" means the legally designated director of health of this state, or the director's authorized representative.

(19) "Heated water" means water heated to a temperature of not less than one hundred twenty degrees (120°) fahrenheit.

(20) "Household" means a family and/or one or more unrelated persons, including servants, and not more than two (2) boarders, who share the same dwelling and use some or all of its cooking and eating facilities.

(21) "Infestation" means the presence within or around a dwelling or other structure in large numbers of insects, rodents, or other pests.

(22) "Kitchen" means any room containing any or all of the following equipment, or area of a room within three feet (3') of that equipment: sink, and/or other device for dish washing, stove or other device for cooking, and refrigerator or other device for cool storage of food.

(23) "Lead hazard mitigation" shall mean, for dwellings constructed prior to 1978, compliance with the lead hazard mitigation standard in chapter 128.1 of title 42, the Lead Hazard Mitigation Act.

(24) "Lead-based substances" means any paint, plaster, or other building material which contains lead at levels in excess of acceptable environmental lead levels established by department of health regulations.

(25) "Meaning of certain words." Wherever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", and "structure" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine, and the feminine the masculine.

(26) "Multiple dwelling" means any dwelling containing four (4) or more dwelling units.

(27) "Occupant" means any person, over one year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit, and/or structure, except that in dwelling units a guest will not be considered an occupant.

(28) “Operator” means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

(29) “Owner” means any person who, alone or jointly or severally with others:

(i) Has legal title to any dwelling, dwelling unit, or structure with or without accompanying actual possession thereof; or

(ii) Has charge, care, or control of any dwelling, dwelling unit, or structure as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner is bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if that person were the owner.

(30) “Permissible occupancy” means the maximum number of persons permitted as a family or household to reside in a dwelling or rooming unit based on the square foot per person in habitable rooms.

(31) “Person” means and includes any individual, firm, corporation, association, or partnership.

(32) “Plumbing” means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, waste pipes, garbage disposal units, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, septic tank, or gas lines.

(33) “Potential hazardous material” means any toxic material, including building material containing heavy-metal compounds in concentrations dangerous to the public health as deemed by the department of health of this state.

(34) “Premises” means a platted lot or part of a platted lot or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or non dwelling structure, and includes any building, accessory structure, or other structure on that land.

(35) “Privacy” means the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

(36) “Refuse” means all putrescible and non- putrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

(37) “Rooming house” means any dwelling or that part of any dwelling containing three (3) or more rooming units in which space is occupied by three (3) or more persons who are not members of a single family.

(38) “Rooming unit” means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(39) “Rubbish” means non-putrescible solid wastes (excluding ashes) consisting of both:

(i) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; and

(ii) Noncombustible wastes such as tin cans, glass, and crockery.

(40) “Safety” means the condition of being free from danger and hazards which may cause accidents or disease.

(41) “Septic tank” means a receptacle, usually underground, to which sewage is drained and retained to effect disintegration of the organic matter by bacteria.

(42) “Space heater” means a self-contained, automatically controlled, fuel burning appliance of either the circulating type or the radiant type.

(43) “Structure” means all structures used or intended to be used for commercial, business, or industrial use or occupancy.

(44) “Supplied” means paid for, furnished, provided by, or under the control of the owner or operator.

(45) “Temporary housing” means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable, and is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

#### **§ 45-24.3-6. Responsibilities of owners and occupants**

(a) No owner or operator or other person shall occupy, or let to another person, any vacant dwelling, dwelling unit, or structure unless it and the premises are clean, sanitary, fit for human occupancy, and comply with this chapter and all applicable legal requirements of the state and the corporate unit.

(b) Every owner of a multiple dwelling is responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the dwelling and premises. Occupants of two (2) and three (3) family dwellings shall share the maintenance of clean and sanitary conditions within the shared or public areas of the dwelling and premises.

(c) Every occupant of a dwelling, dwelling unit, or structure shall maintain in a clean sanitary condition that part or those parts of the dwelling, dwelling unit, or structure and premises that the occupant occupies and controls.

(d) Every occupant of a dwelling, dwelling unit, or structure shall dispose of all his or her rubbish in a clean, sanitary, and safe manner.

(e) Every occupant of a dwelling, dwelling unit, or structure shall dispose of all his or her garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner, and if a container is used for storage pending collection it shall be rodent proof, insect proof, and watertight.

(f) Every owner or operator of a dwelling containing four (4) or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single, two (2) or three (3) family dwellings and structures it is the responsibility of the occupant to furnish those facilities or refuse containers.

(g) The owner of a dwelling, dwelling unit, or structure is responsible for providing and hanging all screens and double or storm doors and windows where used for ventilation whenever they are required under the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, except where there is a written agreement between the owner and occupant. In the absence of an agreement, maintenance or replacement of screens, and storm doors and windows, once installed in any one season, become the responsibility of the occupant.

(h) The owner of a dwelling or dwelling unit is responsible for the providing and hanging of shades or other devices on every window of every room used for sleeping and for every room equipped with a flush water closet or bathtub, affording privacy to persons within those rooms. Once installed in any one rental by the owner, replacements become the responsibility of the occupant.

(i) Every occupant of a dwelling containing a single dwelling unit and every occupant of a structure is responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Every occupant of a dwelling unit, in a dwelling containing more than one dwelling unit, is responsible for this extermination whenever his or her dwelling is the only one infected. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by a failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination is the responsibility of the owner. Whenever infestation

exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination is the responsibility of the owner.

(j) Every occupant of a dwelling unit or structure shall keep all supplied plumbing fixtures and facilities in a clean and sanitary condition, and is responsible for the exercise of reasonable care in their proper use and operation.

(k) No owner or occupant of a dwelling, dwelling unit, or structure shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in a manner that may provide a rodent harborage in or about any dwelling, dwelling unit, or structure. Stored materials shall be stacked neatly in piles elevated at least eighteen inches (18") above the ground or floor. The provisions of this subsection do not apply to firewood or kindling wood stored in or about any dwelling, dwelling unit, or structure by the owner or occupant of that property; provided, that the wood is stored for use within the dwelling, dwelling unit or structure, unless prohibited by town or city ordinance.

#### **§ 45-24.3-7. Minimum standards for basic equipment and facilities**

No person shall occupy as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit for the purposes of living, sleeping, cooking, or eating, which does not comply with the following requirements:

(1) Every dwelling unit must have a room or portion of a room in which food may be prepared and/or cooked, which has an adequate circulation area and is equipped with the following:

(i) A kitchen sink in good working condition and properly connected to a water supply system approved by the appropriate authority, and which provides, at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic tank approved by the appropriate authority.

(ii) Cabinets and/or shelves for the storage of eating and drinking and cooking equipment and utensils, and of food that does not, under ordinary maximum summer conditions, require refrigeration for safe keeping, and a counter or table for food preparation; the cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit and of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(iii) A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than fifty degrees (50°) fahrenheit, but more than thirty-two degrees (32°) fahrenheit, under ordinary maximum summer conditions, properly installed with all necessary connections for safe, sanitary, and efficient operation; provided, that the stove, refrigerator, and/or similar devices, need not

be installed when a dwelling unit is not occupied and when the occupant is expected to provide these on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of the stove, refrigerator, and/or similar devices is provided.

(2) Within every dwelling unit there must be a nonhabitable room which is equipped with a flush water closet and lavatory basin in good working condition. The flush water closet is equipped with easily cleanable surfaces, connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and is connected to a sewer system or septic tank approved by the appropriate authority, and the lavatory basin is equipped with easily cleanable surfaces and is in good working condition, and properly connected to an approved water supply system which provides adequate heated and unheated running water under pressure at all times, and connected to a sewer or septic system approved by the appropriate authority.

(3) Within every dwelling unit there must be a room, which affords privacy to a person within that room and is equipped with a bathtub or shower in good working condition. The bathtub or shower may be in the same room as the flush water closet or in another nonhabitable room, and is properly connected to a water supply system approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and is connected to a sewer system or septic tank approved by the appropriate authority.

(4) Every dwelling unit above the first floor must have approved dual means of egress, with minimum head room of six feet (6'), six inches (6"), leading to safe and open space at ground level. Every dwelling unit in a multiple dwelling has immediate access to two (2) or more approved means of egress, one of which has a minimum head room of six feet (6'), six inches (6"), leading to safe and open space at ground level, or as required by the laws of this state and the appropriate authority.

#### **§ 45-24.3-8. Minimum standards for light and ventilation**

(a) No person shall occupy as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section.

(b) Every habitable room must have at least one window or skylight facing directly outdoors (provided that if connected to a room or area used seasonally (e.g., porch) then adequate daylight must be possible through this interconnection). The minimum total window area, measured between stops, for every habitable room is not less than ten percent (10%) of the floor area of that room. Whenever walls, or other portions of structures, face a window of the room, and light obstructing structures are located less than three feet (3') from the window and extend to a level above that of the ceiling of the room, the window is not deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of the room, the total window area of the skylight shall equal at least ten percent (10%) of the total floor area of the room. Each window is not less than three (3)

square feet in area.

(c) Every habitable room must have at least one window or skylight facing directly outdoors which can be easily opened, or other device to adequately ventilate the room; provided, that if connected to a room or area used seasonally, then adequate ventilation must be possible through this interconnection. The total of openable window area in every habitable room must be equal to at least fifty percent (50%) of the minimum window area size, or minimum skylight type window size, as required in this section, except where there is supplied some other device affording adequate ventilation and lighting approved by the appropriate authority.

(d) Every bathroom and water closet compartment and nonhabitable room used for food preparation must comply with the light and ventilation requirements for habitable rooms contained in this section, except that no window or skylight is required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system approved by appropriate authority.

(e) Where there is usable electric service available from power lines, not more than three hundred feet (300') away from a dwelling, every dwelling unit, and all public and common areas, must be supplied with electric service, outlets and fixtures which are properly installed, maintained in good and safe working condition, and connected to the source of electric power in a manner prescribed by the ordinances, rules, and regulations of the corporate unit. The minimum capacity of these services, and the minimum number of outlets and fixtures, are as follows:

(1) Every habitable room must have electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.

(2) Every habitable room and nonhabitable room used for food preparation must have at least one floor or wall type electric convenience outlet for each sixty (60) square feet, or fraction thereof, of floor area, and in no case less than two (2) outlets.

(3) Every water closet compartment, bathroom, and kitchen or kitchenette, laundry room, furnace room, and public hall must contain at least one supplied ceiling, or wall, electric light fixture.

(4) Convenient switches or equivalent devices for turning on one light in each room or passageway must be located so as to permit the area ahead to be lighted.

(5) Every public hall and stairway in every multiple dwelling must be adequately lighted by natural or electric light at all times to provide in all parts at least six (6) footcandles of light at the tread or floor level. Every public hall and stairway, in structures containing not more than three (3) dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.

### **§ 45-24.3-9. Minimum thermal standards for heating**

No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purposes of living, which does not comply with the following requirements:

(1) Every dwelling must have heating facilities properly installed and maintained in safe and working condition, and capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located at a distance of eighteen inches (18") above the floor level under average winter conditions to a temperature of at least sixty-eight degrees (68°) fahrenheit.

(2) Unvented flame space heaters are prohibited in any dwelling or dwelling unit except as provided in § 45-24.3-9.2. No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner, except those unvented portable space heaters which conform to the provisions of § 45-24.3-9.2. Portable electric heaters, approved under the appropriate local or state electrical and/or fire prevention code, are acceptable where they meet the above provisions of this section.

### **§ 45-24.3-9.1. Repealed**

### **§ 45-24.3-9.2. Unvented portable space heaters**

(a) "Unvented portable space heater", as used in this section, means a non-flue connected, self-contained, self supporting, oil-fueled heating appliance equipped with an integral reservoir designed to be carried from one room to another.

(b) "Oil", as used in this section, means any liquid fuel with a flash point of greater than one hundred degrees (100°) fahrenheit, including, but not limited to, kerosene.

(c) "Listed", as used in this section, means any unvented portable space heater evaluated with respect to reasonably foreseeable hazards to life and property by a nationally recognized testing or inspection agency, including, but not limited to, an organization such as underwriters laboratories, inc., and which has been listed as being reasonably safe for its specific purpose and shown in a list published by the agency and/or bears the mark, name, and/or symbol of the agency as indication that it has been so listed.

(d) Listed unvented portable space heaters which comply with the requirements established in subsection (e) of this section may be offered for sale, sold, and used in any dwelling or dwelling unit.

(e) Unvented portable space heaters must adhere to the following requirements:

- (1) Unvented portable space heaters must have labeling affixed to caution and inform concerning:
  - (i) Provision of an adequate source of ventilation when the heater is in operation;
  - (ii) Use of only suitable fuel for the heater;
  - (iii) Proper manner of refueling;
  - (iv) Proper placement and handling of the heater when in operation;
  - (v) Proper procedures for lighting, flame regulation, and extinguishing the heater; and
  - (vi) Prohibition on use of unvented portable space heaters in sleeping areas which particular label must be permanently affixed thereto;
- (2) Unvented portable space heaters must be packaged with instructions to inform consumers regarding proper maintenance and operation, including, as a minimum, information regarding the provisions stated in subsections (e)(1)(i) through (e)(1)(vi) of this section;
- (3) Unvented portable space heaters must be constructed with a low center of gravity and minimum tipping angle of thirty-three degrees (33°) from the vertical with an empty reservoir;
- (4) Unvented portable space heaters must have an automatic safety shut off device or inherent design feature which eliminates fire hazards in the event of tipover and otherwise conform with the standards established in national fire protection association (NFPA) No. 31;
- (5) Unvented portable space heaters must not produce carbon monoxide at rates which create a hazard when operated as intended and instructed; and
- (6) A notice containing the following must be delivered with each unit sold:
  - (i) Unvented portable space heaters that incorporate electric components shall be connected to grounded outlets;
  - (ii) A portable fire extinguisher shall be required in close proximity to unvented portable space heaters;

(iii) A smoke detector shall be required in the area where an unvented portable space heater is to be used.

**§ 45-24.3-10. General requirements relating to the safe and sanitary construction and maintenance of parts of dwellings and dwelling units**

No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, which does not comply with the following requirements:

(1) Every foundation, floor, roof, ceiling, and exterior and interior wall must be reasonably weathertight, watertight, and damp free, and shall be kept in sound condition and good repair. Floors, interior walls, and ceilings must [FN1] sound and in good repair. All exterior wood surfaces, other than decay resistant woods, must be protected from the elements and decay by paint or other protective covering or treatment. Potentially hazardous materials will not be used where readily accessible to children. Walls must be capable of affording privacy for the occupants. Every premise must be graded, drained, free of standing water, and maintained in a clean, sanitary, and safe condition.

(2) Potentially hazardous material on the interior surfaces of any dwelling unit, rooming house, rooming unit, or facility occupied by children is prohibited. The interior surfaces include, but are not limited to, window sills, window frames, doors, door frames, walls, ceilings, stair-rails and spindles, or other appurtenances.

(3) Lead-based substances are prohibited whenever circumstances present a clear and significant health risk to the occupants of the property, as defined by regulations of the department of health.

Where required because of the tenancy of an at-risk occupant, lead hazards must be mitigated as provided for in chapter 128.1 of title 42 or abated pursuant to chapter 24.6 of title 23.

(4) In each instance where there is reason to believe that lead-based substances are present, the enforcing officer shall either ascertain whether the lead hazard mitigation standard has been met, or confirm whether suspect substances are lead-based by arranging for a comprehensive environmental lead inspection which conforms to department of health regulations.

(5) In all instances where either compliance with mitigation standards cannot be confirmed by the enforcement officer by review of certifications for the same or where substances are confirmed to be lead-based by an environmental lead inspection, and there exists a lead exposure hazard, the enforcing officer shall identify necessary lead hazard reductions that must be taken pursuant to department of health regulations.

(6) In all instances where lead-based substances are identified on a dwelling, a dwelling unit, or premises occupied by a child suffering from "lead poisoning", as defined in the Rhode Island Lead Poisoning Prevention

Act, §§ 23-24.6-1 through 23-24.6-26, the enforcing officer shall consider these instances under “emergencies”, pursuant to § 45-24.3-21.

(7) During the portion of the year when there is a need for protection against mosquitoes, flies, and other flying insects, every door, opening directly from a dwelling unit to outside space, must have supplied properly fitting screens having at least sixteen (16) mesh and a self closing device; and every window, door, or other device with openings to outdoor space, used or intended to be used for ventilation, must be supplied with screens.

(8) Every window located at or near ground level, used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, must be supplied with adequate screens or other devices that will effectively prevent their entrance.

(9) Every dwelling or accessory structure and the premises upon which they are located shall be rodent-proofed and maintained to prevent rodents' harborage.

(10) All openings in the exterior walls, foundations, basement, ground or first floors, and roofs which have a half-inch ( 1/2 ") diameter or more opening shall be rat-proofed in an approved manner if they are within forty-eight inches (48") of the existing exterior ground level immediately below those openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items as trees or vines or by burrowing.

(11) Skirting, lattice, or other non-rat-proofed enclosures displaying evidence of rat harborage under a porch or any portions of a building must be rat-proofed at all locations where evidence of burrowing or gnawing was found.

(12) In the event that occupancy usages would result in stacking or piling materials, the materials be arranged to prohibit the creation of a harborage area. This can be accomplished by orderly stacking and elevating so that there is a twelve inch (12") opening between the material and the ground level. No stacking or piling of material shall take place against the exterior walls of the structure.

(13) All doors, including swinging, sliding, and folding types, must be constructed so that the space between the lower edge of the door and the threshold does not exceed three-eighths inch ( 3/8 "); provided, further, that the space between sections of folding and sliding doors when closed does not exceed three-eighths inch ( 3/8 ").

(14) Basement floors and/or the floors and areas in contact with the soil, and located at a maximum depth of four feet (4') or less from the grade line, must be paved with concrete or other rat impervious material.

(15) Any materials used for rodent control must be acceptable to the appropriate authority.

(16) All fences provided by the owner or agent on the premises, and/or all fences erected or caused to be erected by an occupant, shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. These fences must be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences must conform to the appropriate statutes, ordinances, and regulations of this state, and the corporate unit. Wherever any egress from the dwelling opens into the fenced area, there must be a means of egress from the premises to any public way adjacent to it.

(17) Accessory structures present or provided by the owner, agency, or tenant occupant on the premises must be structurally sound, and maintained in good repair and free from insects and rodents, or the structure shall be removed from the premises. The exterior of the structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(18) Every plumbing fixture and all water and waste pipes must be properly installed and maintained in good working condition.

(19) No owner, operator, or occupant shall cause any service, facility, equipment, or utility, required under this chapter, to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him or her, except for a temporary interruption that may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(20) All construction and materials, ways and means of egress, and all installation and use of equipment must conform to applicable state and local laws dealing with fire protection.

[FN1] Probably missing the word “be”.

#### **§ 45-24.3-11. Minimum space, use, and location requirements**

No person shall occupy, or let to be occupied, a dwelling or dwelling unit, for the purpose of living, unless there is compliance with the requirements of this section.

(1) Every dwelling unit must contain at least one hundred fifty (150) square feet of floor space for the first occupant, and at least one hundred thirty (130) square feet of floor space for every additional occupant, the floor space to be calculated on the basis of total habitable room space.

(2)(i) In every dwelling unit for two (2) or more rooms, every room occupied for sleeping purposes must con-

tain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant. A bathroom or water closet compartment must not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of a dwelling unit.

(ii) At least seventy-five percent (75%) of the floor area of every habitable room must have a ceiling height of no less than seven feet (7') and the floor area of that part of any room, where the ceiling height is less than five feet (5'), must not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy. At least fifty percent (50%) of the floor area in attic rooms must have a ceiling height of seven feet (7').

(iii) No space, located totally or partially below grade, shall be used as a habitable room or dwelling unit unless:

(A) The floor, and those portions of the walls below grade, are of waterproof and damp proof construction;

(B) The minimum window area, required in § 45-24.3-8, is located entirely above grade of the ground adjoining the window area or, if windows are located wholly or partly below grade, there is constructed a properly drained window well whose ground open area is equal to, or greater than, the area of the window opening; the bottom of the window well is below the top of the impervious masonry construction under this window; and the minimum horizontal projections of the bottom of the window well is equal to, or greater than, the vertical dimensions (depth) of the window well as measured from the bottom of the masonry opening for the window, and no part of the window well opposite this window protrudes above the line projected at a forty-five degree (45°) angle from the bottom of the window opening at right angles to the outer wall;

(C) The total openable window area in each room is equal to at least the minimum, as required under this chapter, except where there is supplied some other device affording adequate ventilation and humidity control and approved by the appropriate authority; and

(D) There are no pipes, ducts, or other obstructions, less than six feet (6') above the floor level which interfere with the normal use of the room or area.

(3) Every dwelling unit must have at least four (4) square feet of floor to ceiling height closet space, for the personal effects of each permissible occupant. If it is lacking in whole or in part, an amount of space, equal in square footage to the deficiency, must be subtracted from the area of habitable room space used in determining permissible occupancy.

(4) A dwelling unit must not be occupied by more than one family plus two (2) occupants unrelated to the

family, except for guests or domestic employees or by not more than one household if the occupants are unrelated, unless a permit for a rooming house has been granted by the appropriate authority.

(5) Each dwelling must have a suitable facility for the safe storage of medicines, toxic materials, and household poisons, such as ammonia, paint, gasoline, etc., to ensure safety for children in the residential environment.

#### **§ 45-24.3-12. Rooming house**

(a) No person shall operate a rooming house, or occupy, or let to another for occupancy, any rooming house except in compliance with the provisions of §§ 45-24.3-6, 45-24.3-7, and 45-24.3-11. No owner or other person shall occupy, or let to another person, any vacant rooming unit unless it is clean, sanitary, and fit for human occupancy, and in compliance with all applicable requirements of this state and of the corporate unit.

(b) No person shall operate a rooming house unless he or she holds a valid rooming house permit issued by the appropriate authority in the name of the operator and for the specific dwelling or dwelling unit specified therein. The operator shall apply to the appropriate authority for the permit, which shall be issued only after it has been determined that the rooming house is in compliance with the applicable provisions of this chapter and with any rules and regulations adopted pursuant to this chapter. This permit must be displayed in a conspicuous place within the rooming house at all times. No permit is transferable. Every person holding a permit shall give notice in writing to the appropriate authority within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. The notice shall include the name and address of the person succeeding to the ownership, or control, of the rooming house. Every rooming house permit expires at the end of the year of license following its date of issuance, unless sooner suspended or revoked as provided in this chapter.

(c) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system or septic tank, approved by the health officer and in good working condition, must be supplied for each six (6) persons, or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of these facilities, provided:

(1) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half ( 1/2 ) the required number of water closets;

(2) That all these facilities are so located within the dwelling to be reasonably accessible for a common hall or passageway to all persons sharing these facilities;

(3) That every lavatory basin and bathtub or shower is supplied with heated and unheated water under pressure at all times;

- (4) That no facilities are located in a basement, except by written approval of the appropriate authority;
  - (5) That cooking in a rooming unit is prohibited unless utilities are installed in accordance with applicable local and state law;
  - (6) That communal cooking and dining facilities in a rooming house prohibited, except as approved by the enforcing officer in writing; and
  - (7) That rooming unit doors have operating locks to insure privacy.
- (d) Every room occupied for sleeping purposes by one person contain at least eighty (80) square feet of floor space, and every room occupied for sleeping by more than one person contains at least sixty (60) square feet of floor space for each occupant, and every room must also contain at least four (4) square feet of closet space per occupant with at least an unobstructed height of five feet (5'). If the room is lacking, in whole or in part, an amount of space, equal in square footage to the deficiency, be subtracted from the area of habitable room space used in determining permissible occupancy.
- (e) Every rooming unit about the first floor must have immediate access to two (2) or more safe, unobstructed means of egress, appropriately marked, one of which will have a minimum head room of six feet (6') six inches (6"), leading to a safe and open space at ground level, as required by the appropriate statutes, ordinances, and regulations of this state and of the corporate unit.
- (f) Every provision of this chapter, which applies to rooming houses, also applies to hotels and motels, except to the extent that any provision may be found in conflict with the laws of this state or the corporate unit.
- (g) Structurally sound handrails must be provided on any steps containing five (5) risers or more. If steps are not enclosed, handrails and balusters spaced no more than six inches (6") apart must be provided. Porches and/or balconies located more than three feet (3') higher than the adjacent areas have structurally sound protective handrails thirty inches (30") to thirty-six inches (36") high, and, if unenclosed, balusters spaced no more than six inches (6") apart must also be provided. Alternate systems providing at least the same degree of safety, if approved by the appropriate authority, will be accepted.
- (h) Access to or egress from each rooming unit must be provided without passing through any other rooming unit, dwelling unit, or bathroom.

**§ 45-24.3-13. General requirements relating to the safe and sanitary maintenance of nonresidential structures and premises**

No person shall occupy as owner or occupant, or let to another for occupancy, any vacant dwelling or nonresidential structure, unless it and the premises are clean, sanitary, fit for human occupancy, and comply with §§ 45-24.3-6, 45-24.3-9, 45-24.3-10, and 45-24.3-14 - 45-24.3-22 and all applicable legal requirements of the state of Rhode Island and the corporate unit.

#### **§ 45-24.3-14. Adoption of plans of inspection**

(a) The enforcing officer is authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this chapter, including a plan for the systematic inspection of dwelling units contained in contiguous areas within the corporate unit as may from time to time be designated by the enforcing officer.

(b) Before making inspections within a contiguous area pursuant to a plan authorized in this section, the enforcing officer must advise the organization which represents the property owners and other residents of the contiguous area, if any organization exists.

#### **§ 45-24.3-15. Inspections--Powers and duties of the enforcing officer**

(a) The enforcing officer shall enforce the provisions of this chapter and is authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by § 45-24.3-14; or in response to a complaint that an alleged violation of this chapter or of applicable rules or regulations pursuant to this chapter may exist; or when the enforcing officer has valid reason to believe that a violation of this chapter or any rules and regulations pursuant to this chapter has been or is being committed.

(b) The enforcing officer is authorized to enter and inspect between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. all dwellings, dwelling units, rooming houses, rooming units, dormitory rooms, and structures subject to this chapter, for the purpose of determining whether there is compliance with its provisions.

(c) The enforcing officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitory rooms, and structures subject to this chapter, for the purpose of determining whether there is compliance with its provisions.

(d) The enforcing officer and the owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, dormitory room, or structure subject to this chapter, may agree to an inspection by appointment at a time other than the hours provided in this section.

(e) The owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house,

dormitory room, or structure upon presentation of proper identification by the enforcing officer, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, must give the enforcing officer entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room, or structure or to the premises surrounding any of these.

(f) The enforcing officer must keep confidential all evidence and information not related to the purposes of this chapter which he or she may discover or obtain in the course of an inspection made pursuant to this section, and that evidence shall be considered privileged. Evidence so obtained shall not be disclosed except as may be necessary in the judgment of the enforcing officer for the proper and effective administration and enforcement of the provisions of this chapter and rules and regulations issued pursuant to this chapter, and shall not otherwise be admissible in any judicial proceeding without the consent of the owner, occupant, or other person in charge of the dwelling unit or rooming unit, or structure, inspected.

(g) If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house or structure, fails or refuses to permit free access and entry to the structure or premises under his or her control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the enforcing officer may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to the dwelling, dwelling unit, rooming unit, multiple dwelling, or rooming house or structure, petition and obtain an order from a court of competent jurisdiction.

(h) Any person who refuses to comply with an order issued pursuant to this section is subject to penalties that may be authorized by law for violation of a court order.

(i) The enforcing officer has the right to prosecute for any violation of this chapter as provided by law, and is authorized to execute all warrants, with the exception of search warrants, for the violation of laws, rules, and regulations relating to this chapter and to serve subpoenas issued for the trial of all offenses against the laws, rules, and regulations relating to this chapter.

#### **§ 45-24.3-16. Rules and regulations--Enforcement agencies--Housing board of review**

(a) The local authority is authorized to make, adopt, revise, and amend rules and regulations that it deems necessary for the carrying out of the purposes of this chapter.

(b) Establishment of enforcement agencies. The local authority will further provide for the creation and establishment of divisions, offices, departments, bureaus, and agencies and their respective officers, deputies, and agencies that may be required to enforce and administer the powers and duties authorized by this chapter.

(c) Housing board of review. The local authority will provide for the selection and organization of a housing

board of review consisting of five (5) members. The local authority is authorized to designate the board of appeals as the housing board of review in the cities and towns where these boards of appeal now exist or may be authorized by law. The chairperson or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the board are open to the public. Any housing board of review established pursuant to this chapter shall be governed by the following procedure:

- (1) The board shall keep minutes of its proceedings, showing the vote upon each question, and keep records of its decisions and findings and the reasons therefor, and of its examinations and other official actions, all of which shall be filed immediately in the office of the board and be a public record.
- (2) The housing board of review is governed by [§ 45-24.3-21](#) pertaining to appeals.

#### **§ 45-24.3-17. Notice of violation**

(a) Whenever the enforcing officer determines that any dwelling, dwelling unit, rooming unit, or structure, or the premises surrounding any of these, fails to meet the requirements established in this chapter or in applicable rules and regulations issued pursuant to this chapter, he or she shall issue a notice stating the alleged failures and advising the owner, occupant, operator, or agent that the failures must be corrected. This notice shall:

- (1) Be in writing;
- (2) State the alleged violations of the chapter or of applicable rules and regulations issued pursuant to it;
- (3) Describe the dwelling, dwelling unit, rooming unit, or structure where the violations are alleged to exist or to have been committed;
- (4) Provide a reasonable time, not to exceed thirty (30) days, for the correction of any alleged violation; and
- (5) Be served upon the owner, occupant, operator, or agent of the dwelling, dwelling unit, rooming unit, or structure personally, or by certified or registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent.

(b) The owner of any dwelling, dwelling unit, rooming unit or structure who is a nonresident of the state of Rhode Island shall have and continuously maintain with the city or town clerk where the property is located a registered agent, which agent may be either an individual who resides in this state or corporation authorized to do business in this state. The landlord's designation shall be in writing, shall include the name and address of the agent, and shall include the street address of each property designated to the agent. The agent so appointed shall be the agent of the owner upon whom any notice process or demand required or permitted by law to be

served may be served. Any person who fails to maintain a registered agent shall be subject to a fine of one hundred dollars (\$100).

(c) If one or more persons to whom the notice is addressed cannot be found after diligent effort to do so, service may be made upon the person or persons by posting a notice in or about the dwelling, dwelling unit, rooming unit, or structure described in the notice, or by causing the notice to be published in a newspaper of general circulation, for a period of three (3) consecutive days.

(d) At the end of the period of time allowed for the correction of any alleged violation, the enforcing officer shall reinspect the dwelling, dwelling unit, rooming unit, or structure described in the notice.

(e) If upon reinspection the alleged violations are determined by the enforcing officer not to have been corrected, he or she shall issue a second notice of violation on which constitutes an order requiring that the then existing failures to meet the requirements of this chapter, or of applicable existing rules or regulations issued pursuant to it, shall be corrected within a reasonable time allowed, but not to exceed thirty (30) days after the date of the reinspection, if the person served with the notice does not petition for a hearing on the matter in the manner provided by this chapter.

(f) The enforcing officer shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit, rooming unit, or structure where the violations are alleged to exist, and shall serve it in the manner provided in this section.

(g) The enforcing officer, after the expiration of time granted the person served with the second notice to seek a hearing in the manner provided by this chapter, or after final decision by the housing board of review or by a court of competent jurisdiction to which an appeal has been taken, shall cause the second notice to be recorded in the land registry of the corporate unit.

(h) The notice shall state that a cumulative civil penalty has been imposed. Except as otherwise provided in this section, no notice and lien recorded under this chapter shall be released until the violation has been abated and the penalty imposed, as provided for in [§ 45-24.3-18](#), has been paid.

(i) All subsequent transferees of the dwelling, dwelling unit, rooming unit, or structure in connection with which a second notice has been so recorded, are deemed to have notice of the continuing existence of the alleged violations, and are liable to all penalties and procedures provided by this chapter and by applicable rules and regulations issued pursuant to it to the same degree as was their transferor.

(j) It is unlawful for the owner of any residential or non-residential building upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease, or dispose of the building to another until the provisions of the notice or order have been complied with or until the owner first furnishes to the grantee, lessee, or

mortgagee prior to the transfer, lease, or mortgage, a true copy of any notice or order issued by the enforcing officer, and, at the same time, notify the enforcing officer, in writing, of the intent to transfer, lease, or mortgage either by delivering the notice of intent to the enforcing officer and receiving a receipt for the notice, 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 or order is bound by the notice or order as of the date of the transfer, mortgage, or lease without service of further notice upon him or her.

(k) The notice, once recorded in the land registry, is effective for a period of three (3) years from the date of recording, and, in the absence of an intervening renewal by the enforcing officer or by the enforcing officer for the corporate unit taking other action as provided by this chapter, shall cease to be a notice of violation at the expiration of the three-year term. Notices already of record as of June 18, 1985 will, in the absence of an intervening renewal by the enforcing officer or by other action taken by the enforcing officer for the corporate unit under this chapter, cease to be a notice of violation at the expiration of three (3) years.

#### **§ 45-24.3-18. Penalties--District court jurisdiction--Review by supreme court--Duties of prosecutor**

(a) Civil penalty. Any owner, occupant, operator, or agent, of a dwelling, dwelling unit, rooming unit, or structure who has received the second order or notice of a violation of this chapter is subject to a cumulative civil penalty of fifty dollars (\$50.00) per day for each day each violation continues after expiration of the specified reasonable consideration period; provided, that no penalty is applicable while a reconsideration, hearing, or appeal to a court of competent jurisdiction is pending in the matter. In those instances where emergencies exist pursuant to § 45-24.3-21, any owner, operator, occupant, or agent of a dwelling, dwelling unit, rooming unit, or structure is subject to a cumulative civil penalty of one hundred dollars (\$100) per day for each day an emergency violation continues.

(b) Criminal penalties; willful or reckless violations; false statements. (1) Any person who: (i) willfully or recklessly violates any provision of this chapter; or (ii) willfully or recklessly violates, or fails to comply with, any requirement of an order of the enforcing officer; or (iii) makes, or causes any other to make, any false or misleading statement on any registration statement, notice, or other document required to be filed pursuant to this chapter; or on any application, or any accompanying document, for the granting of any permit or any other action by the appropriate authority pursuant to this chapter, is guilty of a "violation", as defined in § 11-1-2, punishable by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500) for each violation, and each day's failure to comply with any provision constitutes a separate violation.

(2) A person commits a willful violation when that person intentionally acts or intentionally fails to act, to cause a condition that violates this chapter. A person commits a reckless violation when that person acts, or fails to act, with a conscious disregard of a substantial risk that the act or failure to act will result in a condition, constituting a violation of this chapter, which will endanger the life, health, or safety of another person. The district court has exclusive original jurisdiction of all these violations as provided in § 12-3-1. A party ag-

grieved by any judgment of the district court imposing a fine may seek review by the supreme court in accordance with § 12-22-1.1.

(c) The solicitor for a city or town shall immediately seek civil and criminal penalties, as defined in subsections (a) and (b) of this section, against an owner of premises subject to this chapter who fails to comply with a second notice of violation of this chapter and who willfully or recklessly violates this chapter.

(d) Where the violations continue one year or more after notice of the violations, an additional civil penalty is imposed on the owner, occupant, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure. The additional civil penalty shall be a cumulative penalty of one hundred dollars (\$100) per day for each day each violation continues. This penalty constitutes a lien on the real estate until paid.

#### **§ 45-24.3-19. Repairs and other corrective action--Demolition--Revolving fund**

(a) Repairs and other corrective action. (1) Whenever an owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure fails, neglects, or refuses to make repairs or other corrective action called for by a second order or notice of violation issued pursuant to § 45-24.3-17, the enforcing officer may undertake the repairs or action, when in his or her judgment a failure to make them will endanger the public health, safety, or welfare, and the cost of the repairs and action will not exceed fifty percent (50%) of the fair market value of the structure to be repaired.

(2) Notice of the intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to § 45-24.3-17.

(3) Every owner, operator, or agent of a dwelling, dwelling unit, rooming unit, or structure, who receives notice of the intention of the enforcing officer to make repairs or take other corrective action, shall give entry and free access to the agent of the enforcing officer for the purpose of making repairs.

(4) Any owner, operator, agent, or occupant of a dwelling, dwelling unit, rooming unit, or structure, who refuses, impedes, interferes with, hinders, or obstructs entry by the agent pursuant to a notice of intention to make repairs or take other corrective action, is subject to a civil penalty of twenty-five dollars (\$25.00) for each failure to comply with this section.

(5) When repairs are made or other corrective action taken at the direction of the enforcing officer, cost of the repairs and corrective action constitutes a debt in favor of the corporate unit against the owner of the repaired structure. In the event the owner fails, neglects, or refuses to pay the corporate unit the amount of this debt, it is recoverable in a civil action against the owner or his or her successor, brought in a court of competent jurisdiction by the corporate unit which possesses all rights of a private creditor.

(b) Designation of unfit dwellings, dwelling units, rooming units, and structures. (1) Any dwelling, dwelling unit, rooming unit, or structure shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the opinion of the enforcing officer, these defects create a hazard to the health, safety, or welfare of the occupants or of the public:

(i) The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested.

(ii) The structure lacks illumination, ventilation, or required thermal and sanitation facilities.

(iii) The general condition of location is unsanitary, unsafe, or unhealthful.

(2) Whenever any dwelling, dwelling unit, rooming unit, or structure has been designated as unfit for human habitation, the enforcing officer shall placard the dwelling, dwelling unit, or rooming unit, or structure, indicating that it is unfit for human habitation, and, if occupied, shall order the dwelling, dwelling unit, rooming unit, or structure vacated within a reasonable time, that time to be not more than thirty (30) days.

(3) No dwelling, dwelling unit, rooming unit, or structure, designated as unfit for human habitation, and which has been placarded and vacated, shall be used again for human habitation until written approval is secured from the enforcing officer and the placard removed by the enforcing officer.

(4) The enforcing officer shall rescind the designation and remove the placard when the defect or condition upon which the designation and the placarding was based has been removed or eliminated as to cause the dwelling, dwelling unit, rooming unit, or structure to be deemed by the enforcing officer as a safe, sanitary, and fit place or unit for human habitation.

(5) No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, or structure which has been designated as unfit for human habitation and has been placarded, except as provided in this section.

(6) Any person affected by any decision of the enforcing officer or by any designation or placarding of a dwelling, dwelling unit, rooming unit, or structure as unfit for human habitation, shall be granted a hearing on the matter before the enforcing officer under the procedure established in [§ 45-24.3-21](#).

(7) The enforcing officer may order the owner of any building, which has been in the past and/or is vacant and open, to comply with the following specifications: all openings (including doors and windows) from cellar to second floor and all windows above the second floor leading to fire escapes, porches, or structural appurtenances, on all floors, must be covered from the exterior with three-eighths inch (  $\frac{3}{8}$  ") thick exterior plywood or one-half inch (  $\frac{1}{2}$  ") notched boards firmly secured and with protective coating. All other windows must

be so secured by either one-quarter inch ( 1/4 ") thick exterior plywood or one-half inch ( 1/2 ") notched boards.

(c) Demolition of dwellings, dwelling units, or rooming units designated as unfit for human habitation. (1) The enforcing officer shall order a dwelling, dwelling unit, or rooming unit to be demolished if it has been designated as unfit for human habitation, has been placarded, has been vacated, and has not been put into proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed, and is determined by the enforcing officer not to warrant repair under this section.

(2) The owner of any dwelling, dwelling unit, or rooming unit, ordered demolished, shall be given notice of this order in the manner provided for service of notice in § 45-24.3-17, and given a reasonable time, not to exceed ninety (90) days, to demolish the structure.

(3) Any owner aggrieved by the notice to demolish may, within ten (10) days, seek a reconsideration of the matter in the manner provided, and may seek a formal hearing in the manner provided in § 45-24.3-21.

(4) When the owner fails, neglects, or refuses to demolish an unfit, unsafe, or unsanitary dwelling, dwelling unit, or rooming unit within the requisite time, the enforcing officer may apply to a court of competent jurisdiction for a demolition order to undertake the demolition. The court may grant the order when no reconsideration or hearing on the matter is pending. The cost of the demolition shall create a debt in favor of this corporate unit against the owner, and is recoverable in a civil action brought by the corporate unit which possesses all the rights of a private creditor.

(5) Whenever a dwelling is demolished, whether carried out by the owner or by the enforcing officer, the demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located, in a manner that eliminates all potential danger to the public health, safety, or welfare arising from the excavation.

(6) All demolition shall be preceded by an inspection of the premises by the appropriate authority as provided for by the laws of this state.

(d) Relocation of occupants. Notwithstanding the other provisions of this section, no dwelling shall be vacated or demolished by the enforcing officer, under the powers granted to him or her by the provisions of this chapter, 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 chapter.

(e) Revolving fund. There is created a revolving fund for the purpose of supporting the cost of repairs and other corrective action or demolition made by the enforcing officer pursuant to this section. Into this fund shall be

paid:

- (1) All civil penalties collected for violations of this chapter pursuant to [§ 45-24.3-18](#).
- (2) All license fees collected pursuant to this chapter.
- (3) All judgments collected in actions to recover the costs of repair and other corrective action and demolition, pursuant to this section.
- (4) Any other revenues that the corporate unit may from time to time authorize to be paid into this fund.
- (5) All donations and grants designed to promote the purposes of this chapter from public or private sources. The enforcing officer is declared to be the authorized agency of the corporate unit to apply for and receive all grants, loans, and gifts of funds to promote the purposes of this chapter.
- (f) Rent payments. Notwithstanding any lease or other agreement, if the enforcing officer of any corporate unit has ordered the repair, alteration, or improvement of a dwelling in that the officer designates the dwelling to be an unfit dwelling, as provided for in this section, then the obligation of rent to the landlord is suspended and the rent paid into the revolving fund as established in subsection (e) by the enforcing officer, to be paid thereafter to the landlord or any other party authorized to make repairs (including the enforcing officer) to defray the cost of correcting the conditions, and no action shall be maintained by the landlord against the tenant for rent or for possession. Sums paid into the revolving fund in excess of those necessary to make repairs shall be paid to the landlord on completion. If the tenant fails to make payments to the enforcing officer then an action for rent or possession may be maintained, subject to defenses that the tenant may have under the lease or agreement.

#### **§ 45-24.3-19.1. Avoiding residential demolition through owner neglect**

A city or town may by ordinance empower city or town councils in consultation with the local building inspection or code enforcement office, to identify residential structures the physical condition of which have deteriorated so as to endanger the preservation of the structure or its appurtenances. Upon the petition to the local building inspection office or code enforcement office that a residential structure is so determined that its preservation is endangered, the town or city council may establish a reasonable time not less than thirty (30) days within which the owner(s) must begin repairs. If the owner(s) have not begun repairs within the time allowed, the council or a body it may designate may conduct a hearing at which the owner(s) may appear and state their reasons for not commencing repairs. If the owner(s) do not appear at the hearing or do not comply with the council's orders, the council may cause the required repairs to be made at the expense of the city or town, and cause a lien to be placed against the property for repayments.

**§ 45-24.3-20. Collection and dissemination of information**

The enforcing officer is authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanitation in housing, and concerning the requirements of this chapter and applicable rules and regulations issued pursuant to it.

**§ 45-24.3-21. Application for reconsideration--Conferences--Hearings--Emergencies--Obligations of owner--Court proceedings--Fees**

(a) Application for reconsideration. (1) Any person aggrieved by a notice of the enforcing officer issued in connection with any alleged violation of this chapter or of applicable rules and regulations issued pursuant to it, or by any order requiring repair or demolition pursuant to § 45-24.3-19, may apply to the enforcing officer for a reconsideration of the notice or order within ten (10) days after it has been issued.

(2) The enforcing officer shall set a time and place for an informal conference on the matter within ten (10) days of the receipt of the application, and advise the applicant of the time and place in writing.

(3) At the informal conference, the applicant is permitted to present his or her grounds for believing that the order should be revoked or modified to one or more representatives of the enforcing officer.

(4) Within ten (10) days following the close of the informal conference, the enforcing officer shall advise the applicant whether or not he or she will modify or set aside the notice or order issued by the enforcing officer.

(b) Hearings. (1) Any person aggrieved by a notice of the enforcing officer issued in connection with any alleged violation of the provisions of this chapter or of any applicable rules and regulations pursuant to it, or by any order requiring repair or demolition pursuant to § 45-24.3-19, may file with the housing board of review a petition stating that person's reasons for contesting the notice or order.

(2) The petition shall be filed within ten (10) days after the notice or order is served on the petitioner in the manner prescribed by § 45-24.3-17.

(3) Upon receipt of a valid petition, the housing board of review shall either grant or deny the hearing requested, and advise the petitioner of its decision, in writing, within ten (10) days of the day on which his or her petition was received.

(4) When the housing board of review determines to hold a hearing, it shall serve the petitioner with notice of its decision in the manner provided for service of notice in § 45-24.3-17. The notice shall be served within ten (10) days of the receipt of the petition.

(5) At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.

(6) The housing board of review has the power to affirm, modify, or revoke the notice or order, and may grant an extension of time, for the performance of any act required, of not more than three (3) additional months where the housing board of review finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter or by applicable rules and regulations issued pursuant to it; when the housing board of review finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this chapter and applicable rules and regulations pursuant to it; that strict adherence to these provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that a variance is in harmony with the general purpose of this chapter to secure the public health, safety, and welfare.

(c) Emergencies. (1) Whenever, in the judgment of the enforcing officer, an emergency exists which requires immediate action to protect the public health, safety, or welfare, notice of violation may be issued, directing the owner, occupant, operator, or agent to take action that is appropriate to correct or abate the emergency.

(2) The owner, occupant, operator, or agent may petition for a code enforcement hearing, but the hearing shall in no case stay the abatement of correction of the emergency.

(3) Every owner of a dwelling or multiple dwelling unit is responsible for maintaining all surfaces covered by lead-based substances in an appropriate manner as to insure no unsafe conditions exist as described in § [45-24.3-10](#).

(4) It is unlawful for any owner, operator, or agent to evict occupants from a dwelling or dwelling unit without just cause during conferences, hearings, appeals, or when served with a notice of violation.

(5) To expedite correction or abatement of emergency violations the following time intervals hold:

(i) A notice of violation provides a time period not to exceed ten (10) days for the correction of any violation. The person served with the notice of violation has a time period not to exceed five (5) days to petition for an informal hearing with the local code enforcement agency, which will be held within five (5) days.

(ii) Second notice of violation. A second notice of violation provides a time period not to exceed five (5) days for the correction of any violation.

(d) Court proceedings. (1) The district court, upon due proceedings instituted in the name of any of the several cities or towns, has power to proceed according to equity:

(i) To restrain, prevent, enjoin, abate, or correct a violation; or

(ii) To order the repair, vacation, or demolition of any dwelling existing in violation of the provisions of this chapter or to otherwise compel compliance with all of the provisions of this chapter or corporate unit ordinances adopted pursuant to the authority of this chapter.

When, under the provisions of this chapter or of any ordinance passed pursuant to the authority of this chapter, any work is done or material furnished by any enforcing officer or by his or her order at the expense of the owner or other persons interested, the value of the work and material may be recovered in an action brought against the owner or other interested person or persons, and if any work or materials been done or furnished at the cost of the corporate unit, the enforcing officer shall cause the action to be brought in the name of the corporate unit. Upon the entry of any case or proceeding brought under the provisions of this chapter, the court shall, at the request of either party, advance the case so that it may be heard and determined with as little delay as possible.

(2) The court shall extend priority to the scheduling of emergency cases.

(e) Filing fees; judicial review. All proceedings instituted in the names of the several cities and towns are exempt from the payment of the district court filing fees. Any person or persons jointly or severally aggrieved by the final judgment, decision, or order of the district court may seek review by the supreme court in accordance with § 8-8-3.2(b).

#### **§ 45-24.3-22. Conflict of provisions--Severability**

In any case where a provision of this chapter is found to be in conflict with provisions of any zoning, building, fire, safety, or health ordinance or code of the corporate unit and of this state on or after January 1, 1971, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people prevails, except those provisions established under the State Building Code effective July 1, 1977, as delineated in § 45-24.3-4, are to be the “higher standard”. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the corporate unit or of this state existing on January 1, 1971, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter are deemed to prevail, and any other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared invalid for any reason whatsoever, that decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

#### **§ 45-24.3-23. Repealed**

END OF DOCUMENT