

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration  
DIVISION OF CAPITAL PROJECTS AND PROPERTY MANAGEMENT  
BUILDING CODE STANDARDS COMMITTEE

One Capitol Hill  
Providence, RI 02908-5859  
(401)-222-1129 FAX 222-2599

Pursuant to the provisions of Chapter 23-27.3-109.1 of the General Laws of Rhode Island, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Building Code Standards Committee hereby gives notice of its intent to adopt RISBC-6 Rhode Island Property Maintenance Code.

The purpose of this adoption is to update the existing code to incorporate the publication of the International Code Council model regulation 2009.

The proposed regulation and concise summary of non-technical adoptions are available for public inspection in person at Building Code Commission, (Second Floor) One Capitol Hill, Providence, R.I. 02908, or requested by email [JEnos@gw.doa.state.ri.us](mailto:JEnos@gw.doa.state.ri.us) or by calling Jeanne M. Enos 401-222-1129.

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by the date of public hearing at the Rhode Island Building Code Standards Committee, One Capitol Hill Providence, Rhode Island 02908. A public hearing to consider the proposed adoption shall be held on Thursday, March 4, 2010 at 9:00 a.m. at One Capitol Hill, Conference Room A, Providence Rhode Island 02908 at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-222-1129.

**RHODE ISLAND  
STATE BUILDING CODE**

**SBC-6 STATE PROPERTY MAINTAINENCE CODE**



Effective July 1, 2010

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**Department of Administration  
BUILDING CODE STANDARDS COMMITTEE  
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Providence, Rhode Island 02908-5859  
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RI State Property Maintenance Code  
Regulation SBC-14  
July 1, 2008

The Building Code Standards Committee, in accordance with the rule making authority of Title 23, Chapter 23-27.3, Section 109.1, paragraphs a through c inclusive, has formally adopted and promulgated as the Rhode Island State Building Code, the provisions of the International Property Maintenance Code, 2009 edition, as published by the International Code Council, Inc. (I.C.C.), together with amendments thereto hereinafter set forth to the articles and sections of this code:

The provisions of Title 23, Chapter 27.3 of the General Laws of Rhode Island establishing administration and enforcement are hereby incorporated by reference. Regulatory Administration Chapter 1 immediately follows and is supplemental to the General Laws.

*Editorial Note: Code users please note:*

*When purchasing or using the IPMC 2009 code, please take note of the particular printing edition. Errata to that printing edition is available on-line directly at no charge at [www.iccsafe.org/cs/codes/errata.html](http://www.iccsafe.org/cs/codes/errata.html) or call the office of the State Building Code Commissioner at 401-222-3033 for further information.*

*Printed copies of the administrative and enforcement provisions of Title 23, Chapter 27.3 are available at the Office of the State Building Code Commission or on-line at [www.rilim.state.ri.us/statutes/title23/23\\_27.3/index.htm](http://www.rilim.state.ri.us/statutes/title23/23_27.3/index.htm).*

*The International Property Maintenance Code, 2009 Edition, is protected by the copyright that has been issued to the ICC. As a result, the State Building Code is not available in complete form to the public in an electronic format. The International Property Maintenance Code 2009 edition that is referred to within is contained in a printed volume and is also in an electronic format that have been published by the ICC under an exclusive license.*

*The Office of the State Building Code Commissioner has purchased volumes of these codes and they shall be distributed to Rhode Island cities and towns during the month of June 2010 so that local officials will have access to the code prior to the implementation of these rules on July 1, 2010.*

*In order to assure public access to this code the Office of the State Building Code Commissioner shall provide a copy of this code to the Rhode Island State Library, which is located on the second floor of the State House. In addition, all codes may be viewed during business hours at the Department of Administration's Library which is located on the fourth floor of the William E. Powers Building, One Capitol Hill, Providence.*

The Legislative Regulation Committee approved adoption of this code on **to be determined**.

By:

John P. Leyden  
Executive Secretary  
Rhode Island Building Code Standards Committee

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Robert M. Stillings  
Architect

**VICE CHAIRMAN**  
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Structural Engineer

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John P. Leyden, CBO  
**State Building Commissioner**  
**Executive Secretary**

Donald Gagnon  
Minimum Housing Inspector

Thomas Coffey  
Legal Counsel

**STATE BUILDING CODE REGULATIONS - 2010**

The following list includes all regulations promulgated by the State Building Code Standards Committee. All regulations are available for a fee at the State Building Commission.

<b>1.</b>	<b>Building Code</b>	<b>SBC-1-2010</b>
<b>2..</b>	<b>One and Two Family Dwelling Code</b>	<b>SBC-2-2010</b>
<b>3.</b>	<b>Plumbing Code</b>	<b>SBC-3-2010</b>
<b>4.</b>	<b>Mechanical Code</b>	<b>SBC-4-2010</b>
<b>5.</b>	<b>Electrical Code</b>	<b>SBC-5-2009</b>
<b>6.</b>	<b><u>Property Maintenance Code</u></b>	<b>SBC-6-2010</b>
<b>7.</b>	<b>Reserved</b>	
<b>8.</b>	<b>Energy Conservation Code</b>	<b>SBC-8-2010</b>
<b>9</b>	<b>Enforcement and Implementation Procedures for Projects Under the Jurisdiction of The State of Rhode Island</b>	<b>SBC-9</b>
<b>10.</b>	<b>Code Interpretations</b>	<b>SBC-10</b>
<b>11.</b>	<b>Certification of Building Officials, Building, Electrical, Plumbing and Mechanical Inspectors</b>	<b>SBC-11-2010</b>
<b>12.</b>	<b>New Materials and Methods of Construction</b>	<b>SBC-12</b>
<b>13.</b>	<b>State Building Code for Existing Schools</b>	<b>SBC-13</b>
<b>14.</b>	<b>Reserved</b>	
<b>15.</b>	<b>Reserved</b>	
<b>16.</b>	<b>Reserved</b>	
<b>17.</b>	<b>Public Buildings Accessibility Meeting Standards</b>	<b>SBC-17</b>
<b>18.</b>	<b>Native Lumber</b>	<b>SBC-18</b>
<b>19.</b>	<b>Fuel Gas Code</b>	<b>SBC-19-2010</b>

# Chapter 1

## Administration

### General Addition

#### Codes Reference Herein

##### ICC Electrical Code.

Delete all references and substitute RISBC-5 Rhode Island Electric Code

##### International Fire Code.

Delete all references and substitute Rhode Island Uniform Fire Code RIUFC

#### 101.1 Title.

Substitute [ State of Rhode Island ] for [Name of Jurisdiction]

#### 106.4 Add the following definitions after article 106.4

##### 106.4.1 Penalties – District court jurisdiction – Review by supreme court – Duties of prosecutor.

###### 106.4.1.1

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

###### 106.4.1.2

Criminal penalties; willful or reckless violations; false statements.

Any person who:

- 1) willfully or recklessly violates any provision of this chapter; or
- 2) willfully or recklessly violates, or fails to comply with, any requirement of an order of the enforcing officer; or
- 3) 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.

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.

### **106.4.1.3**

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

### **106.4.1.4**

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.

### **106.4.1.5**

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.

## **106.5.1 Add the following after article 106.5**

### **106.5.1 Repairs and other corrective action – Demolition – Revolving Fund**

106.5.1 Repairs and other corrective action

106.5.1.1 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 107.3, 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.

106.5.1.2 Notice of the intention to make repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to 107.3.

106.5.1.3 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.

106.5.1.4 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.

106.5.1.5 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.

106.5.2 Designation of unfit dwellings, dwelling units, rooming units, and structures.

106.5.2.1 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:

106.5.2.1.1 The structure is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested.

106.5.2.1.2 The structure lacks illumination, ventilation, or required thermal and sanitation facilities.

106.5.2.1.3 The general condition of location is unsanitary, unsafe, or unhealthful.

106.5.2.2 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.

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.

106.5.2.3 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.

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.

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 111.0.

- 106.5.2.4 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 (3/8") thick exterior plywood or one-half inch ( 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.
- 106.5.3 Demolition of dwellings, dwelling units, or rooming units designated as unfit for human habitation.
- 106.5.3.1 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.
- 106.5.3.2 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.
- 106.5.3.3 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 111.0.
- 106.5.3.4 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.
- 106.5.3.5 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.

- 106.5.3.6 All demolition shall be preceded by an inspection of the premises by the appropriate authority as provided for by the laws of this state.
- 106.5.4 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.
- 106.5.5 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
- 106.5.5.1 All civil penalties collected for violations of this chapter pursuant to 106.4
- 106.5.5.2 All license fees collected pursuant to this chapter.
- 106.5.5.3 All judgments collected in actions to recover the costs of repair and other corrective action and demolition, pursuant to this section.
- 106.5.5.4 Any other revenues that the corporate unit may from time to time authorize to be paid into this fund.
- 106.5.5.5 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.
- 106.5.6 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.

## **Add the following after article 107.3 Method of Service**

### **107.3.1**

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.

### **107.3.2**

At the end of the period of time allowed for the correction of any alleged violation, the enforcing officer shall re-inspect the dwelling, dwelling unit, rooming unit, or structure described in the notice.

### **107.3.3**

If upon re-inspection 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 re-inspection, if the person served with the notice does not petition for a hearing on the matter in the manner provided by this chapter.

### **107.3.4**

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.

### **107.3.5**

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.

### **107.3.6**

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 106.4, has been paid.

### **107.3.7**

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.

### **107.3.8**

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.

### **Add the following after article 110.4 Method of Service**

#### **110.5 Demolition of dwellings,**

- dwelling units, or rooming units designated as unfit for human habitation.
- 110.5.1 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.
- 110.5.2 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.
- 110.5.3 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 111.0.
- 110.5.4 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.
- 101.5.5 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.

**Delete Section 111 and Replace with the following**

**Add the following article 111.0**

**111.0 Application for reconsideration – Conferences – Hearings – Emergencies – Obligations of owner – Court proceedings – Fees. –**

111.1 Application for reconsideration.

111.1.1 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 106.5, may apply to the enforcing officer for a reconsideration of the notice or order within ten (10) days after it has been issued.

111.1.2 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.

111.1.3 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.

111.1.4 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.

111.2 Hearings.

111.2.1 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.

111.2.2 The petition shall be filed within ten (10) days after the notice or order is served on the petitioner in the manner prescribed by 107.3.

111.2.3 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.

111.2.4 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 107.3. The notice shall be served within ten (10) days of the receipt of the petition.

111.2.5 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.

111.2.6 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.

111.3 Emergencies.

111.3.1 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.

111.3.2 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.

111.3.3 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.

111.3.4 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.

111.3.5 To expedite correction or abatement of emergency violations the following time intervals hold:

111.3.5.1 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.

111.3.5.2 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.

111.4 Court proceedings.

111.4.1 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:

111.4.1.1 To restrain, prevent, enjoin, abate, or correct a violation; or

111.4.1.2 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.

111.4.1.3 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.

111.4.2 The court shall extend priority to the scheduling of emergency cases.

111.5 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).

**Add the following after section 111.0**

**Section 112.0 Conflict of provisions – Severability. –**

**112.1**

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, 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.

## Chapter 2

### Definitions

#### Delete existing section 201.2 and substitute the following

##### 201.2 Interchangeability.

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.

#### Chapter 2 Definitions Section 202

##### Add the following definitions

###### § 45-24.3-5 Definitions.

[Effective July 1, 2010.] – The following definitions apply in the interpretation and enforcement of this chapter:

###### 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.

###### 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.

#### Delete existing definition and substitute “Approved”

###### Approved

Means approved by the local or state authority having administrative authority.

##### Add the following definitions

###### 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.

###### Board

Means the board established or designated as the housing board of review

###### 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.

###### Central heating system

means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit

**Corporate unit**

Means a city or town, as the case may be, delegated with the powers to provide for the enforcement of this chapter.

**Enforcing officer**

Means the official charged with the administration and enforcement of this chapter, or the officials authorized representative.

**Guest**

Means any person who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days. (OR TRANSIENT)

**Household.**

One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following

- (1) A family, which may also include servants and employees living with the family; or
- (2) A person or group of unrelated persons living together. The maximum number may be set by local zoning ordinance, but this maximum shall not be less than three (3).

**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.

**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.

**Noxious.**

Means harmful or injurious to health or physical well-being; noxious fumes.

**Nuisance**

Means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

**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

**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. reference and attach as appendix)

**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.

**Refuse**

Means all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

**Safety**

Means the condition of being free from danger and hazards which may cause accidents or disease.

**Structure**

That which is built or constructed or a portion thereof; and used; unused; or intended to be used for residential, commercial, business, or industrial use or occupancy.

**Supplied**

Means paid for, furnished, provided by, or under the control of the owner or operator.

**Un-vented portable space heater**

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.

**Oil**

Means any liquid fuel with a flash point of greater than one hundred degrees (100°) Fahrenheit, including, but not limited to, kerosene.

## **Chapter 3**

### **General Requirements**

#### **Add the following article after 302.5**

##### **302.5.1 Sanitary Rodent control Provisions**

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 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.
2. Every dwelling or accessory structure and the premises upon which they are located shall be rodent-proofed and maintained to prevent rodents' harborage.
3. 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.
4. 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.
5. 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.
6. 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").
7. 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.
8. Any materials used for rodent control must be acceptable to the appropriate authority.

#### **Add the following article**

##### **303.2.1 Enclosures Public Pools**

Enclosures at public pools licensed by the RI Department of Health definitions shall comply with barrier heights as prescribed by those regulations.

#### **Add the following articles after**

##### **305.3. Interior Surfaces**

### **305.3.1**

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.

### **305.3.2**

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.

### **305.3.3**

In each instance where there is reason to believe that lead-based substances are present, the enforcing officer shall confirm whether suspect substances are lead-based by arranging for a comprehensive environmental lead inspection which conforms to department of health regulations.

### **305.3.4**

In all instances 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.

### **305.3.5**

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.

### **305.3.5.1 (Attached Appendix A for Reference)**

**Chapter 4**  
**Light Ventilation and Occupancy limitations**

**Delete section 404.4.1 and substitute the following**

**404.4.1 Room area.**

Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>)

Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

**Delete section 404.5 and substitute the following**

**404.5 Overcrowding.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

<b><u>Table 404.5</u></b>			
<b><u>MINIMUM AREA REQUIREMENTS</u></b>			
<b><u>SPACE</u></b>	<b><u>MINIMUM AREA IN SQUARE FEET</u></b>		
	<b><u>1-2 Occupants</u></b>	<b><u>3-5 Occupants</u></b>	<b><u>6 or more occupants</u></b>
<b><u>Living Room</u></b> <sup>a,b</sup>	<b><u>No requirements</u></b>	<b><u>120</u></b>	<b><u>150</u></b>
<b><u>Dining Room</u></b> <sup>a,b</sup>	<b><u>No requirements</u></b>	<b><u>80</u></b>	<b><u>100</u></b>
<b><u>Bedrooms</u></b>	<b><u>Shall comply with Section 404.4</u></b>		
<u>For SI: 1 square foot = 0.093 m<sup>2</sup>.</u>			
<u>a. See Section 404.5.2 for combined living room/dining room spaces.</u>			
<u>b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.</u>			

**404.5.1 Sleeping area.**

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

**Chapter 5**  
**Plumbing Facilities and Fixture Requirements**

No Proposed amendments

## Chapter 6

### Mechanical and Electrical Requirements

#### Delete Article 603.2 and Substitute the following

##### 603.2 Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

##### 603.2.1 Un-vented portable space heater

Un-vented flame space heaters are prohibited in any dwelling or dwelling unit.

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.

##### Exception:

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.

#### Add the following article

##### 605.4 Switches

1. Every habitable room and non-habitable 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.
2. 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.
3. 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.

#### Delete Section 606

Fire Protection Systems in its entirety (606.1 and 606.2) and substitute the following

##### 606.1 Elevators, Escalators, and Dumbwaiters

Elevators, Escalators, and Dumbwaiters shall be installed, operated and maintained in conformance to the Rhode Island Elevator Code.

## **Chapter 7**

### **Fire Safety Requirements**

#### **Delete Section 704**

Fire Protection Systems in its entirety (704.1 through 704.4) and substitute the following

#### **704 Fire Protection Systems**

##### **704.1. General**

All Fire Detection and Alarm Systems shall conform to the requirements of the State of Rhode Island Fire Code.

##### **704.2 Carbon Monoxide Detection**

All Carbon Monoxide Detection and Alarm Systems shall conform to the requirements of the State of Rhode Island Fire Code.

## Chapter 8 Referenced Standards

Delete ICC Referenced Standards in chapter 8 and substitute the following

<u>ICC</u>	<u>International Code Council</u> <u>5203 Leesburg Pike, Suite 600</u> <u>Falls Church, VA 22041</u>	<b><u>VERIFY ALL</u></b> <b><u>CROSS</u></b> <b><u>REFERENCE</u></b> <b><u>ITEMS IN TABLE</u></b> <b><u>BELOW</u></b>
<u>Standard</u> <u>reference</u> <u>number</u>	<u>Title</u>	<u>Referenced</u> <u>in code</u> <u>section number</u>
<u>ICC EC—09</u>	<u>ICC Electrical Code™ — Administrative</u> <u>Provisions =</u> <u>RI Electrical Code RISBC-5-2008</u>	<u>201.3, 604.2</u>
<u>IBC—09</u>	<u>International Building Code®. =</u> <u>RI. Building Code RI SBC-1-2010</u>	<u>201.3, 302.7.1, 401.3,</u> <u>702.3, 702.4</u>
<u>IEBC—09</u>	<u>International Existing Building Code™ =</u> <u>Rhode Island State Rehabilitation Building</u> <u>and Fire Code For Existing Buildings and</u> <u>Structures. SRC-1 2010</u>	<u>101.3, 102.3, 201.3</u>
<u>IFC—09</u>	<u>International Fire Code®=</u> <u>RI State Fire Safety Code.</u>	<u>201.3, 702.1, 702.2,</u> <u>704.1, 704.2</u>
<u>IMC—09</u>	<u>International Mechanical Code®. =</u> <u>RI. Mechanical Code RISBC-4-2010</u>	<u>201.3</u>
<u>IPC—09</u>	<u>International Plumbing Code® =</u> <u>RI Plumbing Code RISBC-3-2010</u>	<u>201.3, 505.1, 602.2,</u> <u>602.3</u>
<u>IZC—09</u>	<u>International Zoning Code® =</u> <u>RIGL 45-24-27 ~ 45-24-72 "Rhode Island</u> <u>Zoning Enabling Act of 1991". And Local</u> <u>Municipal Adoption</u>	<u>102.3, 201.3</u>