

Date Posted: April 13, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

April 17, 2012

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

7:30 P.M. Open Session

I. CALL TO ORDER

II. SALUTE TO THE FLAG

III. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

1.Resolution from the Cumberland School Committee in support of a June 1 layoff notice date as provided in H7272.

2.Resolution from the Cumberland School Committee in opposition

to binding arbitration H7617 and H7620.

3.Resolution from the Cumberland School Committee in opposition to contract continuation H7250 and S2532.

4.State Planning Council notice of public hearings “Rhode Island water 2030” State Guide Plan Element 721.

5.Resolution from the Town of Glocester in opposition to H7617 regarding binding arbitration.

6.Coastal Resources Management Council public notice for consideration of application of Richard and Doreen Ku, 13 White Avenue (02915).

7.Coastal Resources Management Council April 2012 Calendar.

8.Letter to East Providence City Council from Mr. and Mrs. DeCrecenzo, Jr. regarding tax exemption support for the Rhode Island Philharmonic Music School.

9. Letter to East Providence City Council from Lesya Kreshchuk regarding tax exemption support for the Rhode Island Philharmonic Music School.

10.Resolution from the Town of Narragansett regarding opposition to firefighter and police arbitration H7618 and H7619.

11. Resolution from the Town of Narragansett regarding opposition to municipal employee arbitration H7620.

12. Resolution from the Town of Narragansett regarding opposition to school employee arbitration H7617.

13. Resolution from the Town of Narragansett regarding opposition to continuation of teacher contracts H7250.

14.Coastal Resources Management Council Semi Monthly Meeting Notice, April 10, 2012 6PM, Corliss Auditorium, URI.

15.Resolution from the East Greenwich School Committee in support of a June 1 layoff notice date as provided in H7272.

16.Letter regarding a report of vote from the Burrillville Town Council regarding support for H7581 Public Utilities and Carriers – Public Transit Investment, RIPTA Funding.

17.Resolution from the Town of Exeter in support of a referendum relating to Code of Ethics as presented in the State Legislative Joint Resolutions S2369 and H7603.

18.Letter regarding a report of a vote from the Burrillville Town Council regarding support for S2673 and H7561 use of post office boxes for voter registration where voter does not receive home mail delivery.

19.Resolution from the Exeter Town Council in support of various pieces of legislation to help municipalities resolve their financial problems, H8006 and S2826, H8011 and S2828, H8010 and S2824, H8009 and S2825, H8008 and S 2823, H8012 and S2829 and H8007 and S2827.

B. Cancellation/Abatements

Year	Amount
2011	\$2,891.59
2010	\$877.03
2004	\$25.97
2002	\$11.13

Total \$3,805.72

C. Council Journals

1. April 3, 2012 Regular Council Meeting

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IV. PUBLIC COMMENT

V. LICENSES NOT REQUIRING PUBLIC HEARING

A. Peddler/Hot Dogs Etc.

**Francisco Garcia DBA Mac Dogs, 21 Evergreen Drive, Apartment 76,
East Providence (02914)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B. Hawker

Steven Yuppa DBA S & S Novelty, 52 Burgess Avenue (02914)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VI. PUBLIC HEARING – ORDINANCES FINAL PASSAGE

A. An ordinance regarding business registrations.

AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”

SECTION I. Article I entitled “In General” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended to read as follows:

Sec. 8-12. Business registration required. Each business, including, but not limited to, wholesale, retail, commercial, professional service or manufacturing, whether by sole proprietorships, partnerships, corporations or any business entity, shall register its business, company, trade or office situated in the City of East Providence with the City Clerk. Each registration shall contain the name of the firm or business, the name of the owner or operator of the firm or business, the type of business to be conducted and other basic information.

Sec. 8-13. Fees. There shall be a fee for each registration. The registration fee shall be \$25.00.

Sec. 8-13. Procedure; exemptions.

A. Upon registration of a business, a registration certificate shall be issued to the registrant. No other business of the same trade name shall be allowed to register once a certificate of registration has been issued without the approval of the prior registrant in writing. Every registration certificate shall expire the 30th day in November and shall be renewed annually. upon payment of the required fee. In the

first year, the fee will be collected by April 1 and then by December 1 of each subsequent year. No certificate shall be renewed if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date. Every certificate of registration shall be placed in a conspicuous location in each business establishment.

B. Any business required to obtain a liquor, victualling or any other license to operate under any other section of the General Laws shall be exempt from the requirement of this statute.

Sec. 8-14. Violations and penalties. Any person, whether as principal, agent, employee, or otherwise, who violates any of the provisions set forth herein, shall be fined not exceeding \$25.00 for each offense. The fines shall inure to the City, and each day that the violation continues shall be deemed to constitute a separate offense.

Sec. 8-16. Business Operating License--Applicability.

Every individual, partnership and/or corporation which has a premises within which is carried on an occupation or business for any purpose shall obtain a "license to operate" within the City of East Providence approved by the City Council and issued by the City Clerk. Every business license shall expire on the 31st day of May and shall be renewed annually upon approval and payment of all fees. No license shall be issued if the business fails to provide proof from the Tax Collector that all municipal taxes have been paid to date.

Sec. 8-17. Issuance of license; reasons for denial.

Licenses shall be issued provided that the named business does not adversely affect the health, welfare and safety of the citizens of said

City. If any business entity is not in full compliance of the laws and ordinances within the City of East Providence which govern said businesses, the City Council, after notice and an opportunity to be heard is issued to said business, shall have the authority to deny or revoke said operating license until said business is in full compliance. Said City Council must believe that their action is in the best interest of the citizens of the City of East Providence and must show "good cause" to deny or revoke said license.

Sec. 8-18. Fee.

Each individual, partnership and/or corporation or other entity required to become licensed under this section shall pay a fee of \$75.00 to the City of East Providence, said moneys to go to the general fund.

Sec. 8-19. Violations and penalties.

Anyone convicted of a violation of any of the provisions of this section shall be punishable as provided in Chapter 1, General Provisions, Section 1-16, of this Code.

Sec. 8-20. Payment of Taxes; Taxes to be paid prior to issuance or transfer of business license.

A. All licensed businesses in the City of East Providence requiring a business license to operate shall, at the time of the renewal or transfer of such license, show proof that all business-related taxes due to the City of East Providence have been paid before obtaining a business license.

B. These taxes shall include but not be limited to all tangible personal property taxes; all sewer service and assessments, and real

estate taxes, where applicable; and all other local taxes relating to that particular business.

Sec. 8-21. Violations and penalties.

Any person or business violating any of the provisions hereof shall be subject to a fine not exceeding \$100.00 for each offense and/or the immediate revocation of any existing business licenses and denial of any application for such business license.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B. An ordinance amending parking fines.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “VEHICLES AND TRAFFIC”

SECTION I. Section 18-11 entitled “Traffic fines” of Article I entitled “In General” of Chapter 18 entitled “Vehicles and Traffic” is amended to read as follows:

Sec. 18-11. Traffic fines.

Fines for violation of the motor vehicle regulations contained in this chapter are hereby fixed as follows:

(1) Defiance of corner law \$25.00 \$35.00

(2) Operating motor vehicle in violation of posted restricted

street.....25.00

a. First violation.....\$ 85.00

b. Second violation....\$110.00

c. Third violation.....\$150.00

(3) Parking at bus stop 25.00 35.00

(4) Parking at crosswalk 25.00 35.00

(5) Parking in front of driveway 25.00 35.00

(6) Parking in front of hydrant 25.00 45.00

(7) Parking in restricted area 25.00 35.00

(8) Parking too far from curb 25.00 35.00

(9) Parking with left wheel at curb 25.00 35.00

(10) Violating time regulation 25.00 35.00

(11) Parking in fire lane 50.00 65.00

(12) Parking on sidewalk 25.00 35.00

(13) For violation of snow emergency ordinance (plus towing and storage charges, if any) 50.00 60.00

(14) Parking by commercial vehicles in restricted areas 50.00 60.00

(15) Parking in disabled parking:

a. First violation 75.00 100.00

b. Second violation 150.00 175.00

c. Third violation 300.00 325.00

All of the above traffic fines are subject to a four-dollar increase upon issuance of a summons for such violations. A \$20.00 late fee will be applied to the above traffic fines if said fine is not paid within 10 days from the date noted as the date of the offense.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Chief of Police

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

C.An ordinance amendment regarding collection of taxes.

AN ORDINANCE IN AMENDMENT OF CHAPTER 16 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "TAXATION"

SECTION I. Section 16-51 entitled "Collection" of Article IV entitled "Property Tax on Ratable Real Estate and Tangible Personal Property and Excise Tax on Registered Motor Vehicles and Trailers" of Chapter 16 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Taxation." is amended to read as follows:

Sec. 16-51. Collection.

The tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 201001 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 201112, a complete list of the names of the persons taxed and of the total value of all the real estate assessed

against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 201112 and the first day of July, 201112 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 201112, a discount of threethree two per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 201112 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 201112 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 201112, the second installment of 25 per centum on or before the first day of September, 201112, the third installment of 25 per centum on or before the first day of December, 201112 and the fourth installment of 25 per centum on or before the first day of March, 201223.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or

periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of 12 per centum, per annum.

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 201112, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2013, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2012 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 2013, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2013 and the first day of July,

2013 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 2013, a discount of one and one half per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 2013 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 2013 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 2013, the second installment of 25 per centum on or before the first day of September, 2013, the third installment of 25 per centum on or before the first day of December, 2013 and the fourth installment of 25 per centum on or before the first day of March, 2014.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of 12 per centum, per annum.

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 2013, both days inclusive; said city

treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2014, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2013 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the fifteenth day of June, 2014, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2014 and the first day of July, 2014 and provided further that if said tangible personal property, motor vehicle, and real estate taxes are paid in full on or before the first day of July, 2014, a discount of one per centum of the total taxes on said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the first day of July, 2014 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 2014 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per

centum on or before the first day of July, 2014, the second installment of 25 per centum on or before the first day of September, 2014, the third installment of 25 per centum on or before the first day of December, 2014 and the fourth installment of 25 per centum on or before the first day of March, 2015.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of 12 per centum, per annum.

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 2014, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

For FY2015, the tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the thirty-first day of December, 2014 at 12:00 Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the city treasurer of the city, who is charged with the duties for the collection of taxes, on or before the

fifteenth day of June, 2015, a complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the city treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the first day of June, 2015 and the first day of July, 2015, and all taxes remaining unpaid on the first day of July, 2015 shall carry until collected a penalty at the rate of 12 per centum per annum from the first day of June, 2015 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of 25 per centum on or before the first day of July, 2015, the second installment of 25 per centum on or before the first day of September, 2015, the third installment of 25 per centum on or before the first day of December, 2015 and the fourth installment of 25 per centum on or before the first day of March, 2016.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become

due and payable and carry until collected a penalty at the rate of 12 per centum, per annum.

The city treasurer shall, by advertisement in the public newspaper having circulation in the city, notify all persons assessed to pay their respective taxes at his office on and between the said first day of June, and the first day of July, 2015, both days inclusive; said city treasurer setting forth the hours during which his office shall remain open to receive said taxes.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII.NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

- 1.Tree City USA Announcement**
- 2.Ordinance Regarding Waste Water Rates**
- 3.East Providence Budget Commission Activity Update**

B.Reports of Other City Officials

- 1. School Committee Update (by Council Liaison School Committee Member Chrissy Rossi)**

C. Council Members

- 1. Bi-Weekly Update (by Mayor Rogers)**
- 2. Celebrate doing Business in East Providence (by Councilman Conley)**

D. Resolutions

- 1. A resolution regarding tax exempt status for the RI Philharmonic School.**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CITY OF EAST PROVIDENCE

WHEREAS, the City of East Providence is proud of the fact that the Rhode Island Philharmonic Orchestra & Music School is located within the City; and

WHEREAS, the Rhode Island Philharmonic Orchestra & Music School has been the leader in promoting the arts in Rhode Island and in fact throughout the United States; and

WHEREAS, the Rhode Island Philharmonic Orchestra & Music School is desirous of having its tax exempt status remain in effect as of December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the real and personal property of the Rhode Island Philharmonic Orchestra & Music School, a Rhode Island nonprofit corporation be designated tax exempt as of December 31, 2011 and thereafter.

Requested By: Councilman DiGioia, Councilman Conley and Councilwoman Kleyla

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Introduction of Ordinances

1.An ordinance related to foreclosures.

AN ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “BUILDINGS AND BUILDING REGULATIONS.”

SECTION I. Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations.” is hereby amended to add the following:

Article IV. Foreclosure Requirements

Sec. 4-431. Foreclosure Requirements for Owner Occupied Residential Properties.

(A) Definitions

- 1. The City shall mean the City of East Providence.**
- 2. Residential premises/property shall mean real property that is owner-occupied as an owner's principal resident, located within the City of East Providence, that is either a single-family or a structure containing not more than four residential units, and shall also include a residential condominium unit or a residential co-op unit occupied by an owner as an owner's principal resident.**

3. Loan/mortgage conciliation conference coordinator shall mean an individual employed by a HUD-approved independent counseling agency to facilitate the discussion between the homeowner/mortgagor and the lender/mortgagee.

4. Loan/mortgage conciliation conference shall mean the formal discussion and negotiation taking place at the call of the loan/mortgage conciliation conference coordinator between the homeowner/mortgagor and the lender/mortgagee.

5. Homeowner shall mean an individual who owns and resides in residential real property located in the City of East Providence, and for whom such residential real property is a principal resident.

6. Lender shall mean an entity which has advanced funds secured by a mortgage on residential premises, and recorded in the Land Evidence Records of the City.

7. The Parties shall mean the homeowner/mortgagor and the lender/mortgagee

8. Rules and regulations shall mean any rules adopted by the City necessary for the proper enforcement of this Ordinance to interpret and secure its intent.

(B) Statement of Policy. It is hereby declared that residential mortgage foreclosure actions, caused in part by so-called sub-prime mortgage lending and predatory lending practices as well as unemployment and underemployment, have negatively impacted a substantial number of homeowners in the City. Increasing numbers of foreclosures leads to increases in unoccupied and unattended buildings in the City and cause the unnecessary and unwanted

displacement of homeowners and tenants who desire to live in the City of East Providence.

(C) Purpose. The purpose of this ordinance is to protect the public by providing early, HUD-approved independent counseling agency supervised intervention in residential owner-occupied mortgage foreclosure cases which will assure timely determination of eligibility under various federal, state and local programs established to facilitate loan work-out and other solutions to permit residential homeowners, where possible, to retain their properties and permit lenders to move forward to auction/sale of the properties and recordation of a foreclosure deed upon conclusion of the process.

(D) Filing/Recording of Foreclosure Deed. From and after the effective date of this Ordinance, no deed offered by a lender/mortgagee to be filed with the City Clerk as a result of a mortgage foreclosure action shall be accepted and/or recorded in the Land Evidence Records of the City until and unless the following events have occurred:

a. The lender/mortgagee shall provide written notice to the City of its intent to foreclose on the subject residential property at the same time it issues notice to the homeowner/mortgagor of the foreclosure action. Such notice must include plat and lot information.

b. Said notice shall be filed by the lender/mortgagee with the City Clerk.

c. Following the filing of such notice, the Parties shall participate in a mandatory loan/mortgage conciliation conference at a location mutually convenient to the parties. Telephone participation by the

lender/mortgagee is acceptable.

d. Said conciliation conference shall be scheduled at a time and place to be determined by the conciliation conference coordinator, but not later than twenty-one (21) days following the mailing of the notice of intent to foreclose. The Parties will be noticed by certified and first class mail.

e. Prior to the scheduled conciliation conference, the homeowner/mortgagor will be assigned a loan counselor to be provided by a HUD-approved independent counseling agency.

f. The homeowner/mortgagor shall cooperate in all respects with the housing counseling agency, providing all necessary financial and employment information. The homeowner/mortgagor shall complete any and all loan resolution proposals and applications as appropriate.

g. The conciliation conference will require the exchange of information provided as required by subsection (f) to the representative of the lender/mortgagee.

h. If after two attempts by the conciliation conference coordinator to contact the homeowner/mortgagor, the homeowner/mortgagor fails to respond to the conference coordinator's request to appear for the conciliation conference, or the homeowners/mortgagor fails to cooperate in any respect with the requirements outlined in this Ordinance, the requirements of the Ordinance will be deemed to be satisfied upon verification by the HUD- approved independent counseling agency that the required notice was sent; and if so, a certificate will be issued immediately by the HUD-approved independent counseling agency authorizing the lender/mortgagee to

proceed with the foreclosure action including recording the foreclosure deed.

i. If, it is determined after a good faith effort made by the lender/mortgagee at the conciliation conference with the homeowner/mortgagor, that the Parties, cannot come to an agreement to re-negotiate the terms of the loan in an effort to avoid foreclosure, such good faith effort on behalf of the lender/mortgagee shall be deemed to satisfy the requirements of this Ordinance. A certificate certifying such good faith effort will be issued immediately by the HUD- approved independent counseling agency authorizing the lender/mortgagee to proceed with the foreclosure action to include recording the deed. Such a certification will be in the form of a document to be filed along with all other relevant documents with the City Clerk.

j. Upon the demand of the lender/mortgagee at any time following completion of the conciliation conference, if the lender/mortgagee is not invoking subsection (h), the HUD- approved independent counseling agency will immediately certify that the provisions of this Ordinance have been met.

k. The Parties shall complete the process required by this Ordinance within a period of forty- five (45) days from the initial notice provided in (a).

1. Cases involving premises which are not owner-occupied or which are not residential are not subject to the mandatory loan/mortgagee conciliation conference and may proceed directly to foreclosure and recordation of the deed concerning such property, presuming

compliance with section 4-432.

m. Notwithstanding the foregoing, any lender/mortgagee which is headquartered within the State of Rhode Island and which services its own mortgages shall be deemed in compliance with the requirements of this section of:

(1) The lender/mortgagee provides homeowners forbearance relief requirements applicable to FHA-Insured Mortgages, as set forth in Chapter 8 of the HUD Handbook 4.330.1 Rev. 5, Administration of Insured Home Mortgages, as the same may be amended from time to time; and

(2) The deed offered by a lender/mortgagee to be filed with the City Clerk as a result of a mortgage foreclosure action contains a certification that the provisions of this sub-section have been satisfied.

n. The events set forth in paragraphs a through m shall not be required in the event that the aforementioned events are preempted by State law.

(E) Penalties. No deed offered by a lender/mortgagor to be filed with the City Clerk shall be accepted and/or recorded in the Land Evidence Records of the City if it is determined that the lender/mortgagor has failed in any respect with the requirements and provisions of this ordinance.

Sec. 4-432. Foreclosure Requirements for Rental Properties.

(A) Definitions

1. Bona Fide Tenant shall mean a person who has entered into a written or oral rental agreement with a homeowner or landlord (mortgage) with respect to a dwelling unit of a mortgaged residential premises no less than thirty (30) days prior to the foreclosure of the mortgagor's interest. Neither the mortgagor nor any member of his or her immediate family is a "bona fide tenant." The protections afforded a bona fide tenant exist regardless of whether the residential premises is or is not owner-occupied.

2. The City shall mean the City of East Providence

3. Rules and Regulations shall mean any rules adopted by the City necessary for the proper enforcement of this Ordinance to interpret and secure its intent.

(B) Notice to Bona Fide Tenants. Effective upon passage of this Ordinance, no bona fide tenant legally occupying a rental residential property within the City shall be forced to vacate that property in the event of a mortgage foreclosure action upon that property unless and until the following series of actions are taken:

a. Where any dwelling unit of a foreclosed mortgaged estate is occupied by a bona fide tenant, and where the foreclosed mortgagor had provided essential services including, without limitation, heat, running water, hot water, electric, sewer or gas to such tenant, any successor in interest to be foreclosed mortgagor shall continue to provide the same essential services under the same terms and conditions to the tenant.

b. A successor in interest to a mortgagor shall provide notice to each bona fide tenant, as defined in Section (A) by mailing an envelope

addressed to "Resident of Property Previously Subject to Foreclosure Sale" and by posting, in the same manner required for posting the notice of sale on the property to be sold, a written notice in English, Spanish and Portuguese stating the name and address of the successor in interest, and/or managing agent so that the tenant may know to whom the ongoing rental payments should be made.

c. Where a dwelling unit of a foreclosed mortgaged estate is occupied by a bona fide tenant of the foreclosed mortgagor, the bona fide tenant assumes a month to month periodic tenancy governed by the provisions of Chapter 18, Title 34 of the Rhode Island General Laws, except in those instances in which the bona fide tenant has entered into a written rental agreement with a homeowner or landlord (mortgagor) with respect to a dwelling unit of a mortgaged residential premises. In such instances tenancy is assumed for the duration specified in the written agreement.

d. The lender/mortgagee shall provide notice to each bona fide tenant, as defined in Section (A), by mailing an envelope addressed to "Resident of Property Subject to Foreclosure Sale" and by posting, in the same manner required for posting the notice of sale on the property to be sold, at the same time notice is provided to the mortgagor, a written notice in English, Spanish and Portuguese: (i) stating that the real estate is to be sold in foreclosure, which may affect the tenant's right to continue to live in the property; (ii) stating the date, time and place of sale; (iii) providing the address and telephone number of Rhode Island Legal Services, and (iv) provide the name, address and telephone number of HUD-approved

counseling agencies in Rhode Island. Failure of the lender/mortgagor to provide notice as provided herein shall not affect the validity of the foreclosure; however, no successor in interest to the mortgagor shall be permitted to initiate an action for possession of the premises against such bona fide tenant until notice as required herein, in addition to the notice required in subsection (d) is provided.

(C) Registration with the City Clerk. From and after the effective date of this Ordinance where any dwelling unit of a foreclosed mortgaged estate is occupied by a bona fide tenant, the successor in interest to be foreclosed mortgagor shall file with the City, through the City Clerk's Office a certificate of registration. Each Certificate of Registration shall state:

- a. Name, address and telephone number of the lender/mortgagee.**
- b. Such description of each multiple dwelling/tenanted dwelling, by street number or otherwise, as will enable the easy location of same.**
- c. The name, address and telephone number of the agent appointed by the lender/mortgagee for the purpose of receiving service of process and other orders or notices.**
- d. The number of dwelling units in the building.**
- e. The names of all tenants and an identification of the type of lease said tenant is operating under.**
- f. The name and address, including the dwelling unit, apartment or room number of any person employed by the lender/mortgagor to provide regular maintenance service.**
- g. The name, address and telephone number of an individual representative of the lender/mortgagor who may be contacted at any**

time and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

h. The name and address of the fuel supplier, if any, and the grade of fuel oil used.

(D) Penalties. Any failure of a lender/mortgagee or successor in interest to a mortgagor to comply with the terms of this Ordinance will be penalized by a fine of not less than \$1,000.00 per offense.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Assistant Mayor Rose

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2.An ordinance regarding water rates.

AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”

SECTION I. Subsections (b) and (c) of Sec. 17-183 entitled “Charges to be based upon water consumption; rate” of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Utilities” is amended to read as follows:

(b) The fixed meter charge portion of the sewer charge shall be determined as follows:

Such fee shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.

(c) Effective November 1, 2011, the water consumption portion of the sewer charge shall be at a rate of \$7.78 per 100 cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.

Effective November 1, 2012, the rate per 100 cubic feet of water will increase to \$8.64.

Effective November 1, 2013, the rate per 100 cubic feet of water will increase to \$9.63.

Effective November 1, 2014, the rate per 100 cubic feet of water will increase to \$10.74.

The fixed meter charge and water consumption rate portions of the sewer charge may be adjusted as early as November 1, 2013 pursuant to the findings of a new waste water rate study that the City will commission as expeditiously as possible, but no later than thirty (30) days after the passage of this ordinance; to analyze additional sewer charge distribution options, including but not limited to split sewer charge based on residential, commercial or industrial usage class. Such sewer charge adjustments shall only be made if the new sewer charge schedule retains coverage required by indentures.

SECTION II. This ordinance shall take effect upon its second passage

and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: City Manager

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Communications

- 1. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding the budget.**
- 2. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding the budget.**

VIII.ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

*** Any items listed on the Council Docket may be subject to a vote.**

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**