

2017 -- S 0657 SUBSTITUTE A

LC002258/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- WARREN MUNICIPAL HOUSING COURT

Introduced By: Senator Walter S. Felag

Date Introduced: March 29, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-47 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 ~~45-2-47. Town of Warren -- Municipal court.~~ Town of Warren -- Municipal court --
4 Municipal housing court.

5 (a) The town council of the town of Warren may establish a municipal court and confer
6 upon that court original jurisdiction, notwithstanding any other provisions of the general laws, to
7 hear and determine causes involving the violation of any ordinance, ~~including minimum housing~~
8 ~~ordinances of the town and any violation of the provisions of chapter 24.3 of this title, entitled the~~
9 ~~Rhode Island Housing Maintenance and Occupancy Code~~; provided, however, that any defendant
10 found guilty of any offense, excluding violations ~~of the minimum housing ordinances or chapter~~
11 ~~24.3 of this title may,~~ outlined in subsection (b), of this section, may within seven (7) days of
12 conviction, file an appeal from the conviction to the superior court and be entitled in the latter
13 court to a trial de novo; ~~and provided further, however, that any defendant found guilty of any~~
14 ~~violation of a minimum housing ordinance or of chapter 24.3 of this title, may within seven (7)~~
15 ~~days of conviction, file an appeal from the conviction to the sixth division of the district court and~~
16 ~~be entitled to a trial de novo in accordance with §§ 8-8-3(a)(4) and 8-8-3.2.~~

17 (b) The town council of the town of Warren may establish a municipal housing court and
18 confer upon the court original jurisdiction, notwithstanding any other provisions of the general

1 laws, to hear and determine causes involving the violation of the zoning ordinances of the town
2 and any violation of the provisions of chapter 24 of this title, (the Rhode Island zoning enabling
3 act of 1991), any violation of chapter 24.1 of this title (the Historical Zoning Act), any violation
4 of chapter 24.2 of this title (Minimum Housing Standards Act), any violation of chapter 24.3 of
5 this title (Housing Maintenance and Occupancy Code), any violation of chapter 23 of this title
6 (Subdivision and Land Development Act), any violation of any local Warren ordinance or
7 regulation enacted pursuant to these chapters, and any violation of the provisions of chapter 27.3
8 of title 23 (the Rhode Island state building code), and any violation of the provisions of those
9 regulations promulgated by the state building code commission entitled SBC- I Rhode Island
10 state building code, SBC-2 Rhode Island state one and two (2) family dwelling code, SBC-3
11 Rhode Island state plumbing code, SBC-4 Rhode Island state mechanical code, SBC-5 Rhode
12 Island state electrical code, SBC-6 state property maintenance code, SBC-8 Rhode Island state
13 energy conservation code, and SBC-20 Rhode Island state fuel and gas code; and provided,
14 further, that any party aggrieved by a final judgment, decree or order of the Warren housing court
15 may, within twenty (20) days after entry of this judgment, decree or order, file an appeal to the
16 superior court and be entitled in the latter court to a trial de novo.

17 ~~(b)~~ (c) With respect to violations ~~of either municipal ordinances dealing with minimum~~
18 ~~housing or chapter 24.3 et seq. of this title dealing with housing maintenance and occupancy,~~
19 falling under the jurisdiction of the Warren housing court, as outlined in subsection (b) of this
20 section, the town council may also confer upon the ~~municipal~~ housing court, in furtherance of the
21 court's jurisdiction, the power to proceed according to equity:

- 22 (1) To restrain, prevent, enjoin, abate, or correct a violation;
- 23 (2) To order the repair, vacation, or demolition of any dwelling, existing in violation; ~~or~~
- 24 (3) To otherwise compel compliance with all of the provisions of those ordinances,
25 regulations, and statutes: ;
- 26 (4) To order a dwelling into receivership and to order the removal of any cloud on the
27 title to the building or property which shall be binding upon all those claiming by, through, under,
28 or by virtue of any inferior liens or encumbrances pursuant to chapter 44 et seq., of title 34.

29 ~~(e)~~ (d) The town council of the town of Warren is authorized and empowered to appoint a
30 judge and clerk of the municipal court. The town council of the town of Warren is also authorized
31 to appoint a judge and clerk of the housing court, which may be, but is not required to be, the
32 same person(s) holding the judgeship over the municipal court. The town council ~~of the city~~ is
33 authorized and empowered to enact ordinances governing the personnel, operation, and procedure
34 to be followed in the court and to establish a schedule of fees and costs and to otherwise provide

1 for the operation and management of the court. The municipal court may impose a sentence not to
2 exceed thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500), or
3 both. The court is empowered to administer oaths, compel the attendance of witnesses, and
4 punish persons for contempt, and to execute search warrants to the extent the warrants could be
5 executed by a judge of the district court.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- WARREN MUNICIPAL
HOUSING COURT

- 1 This act would authorize the town council of the town of Warren to create a municipal
- 2 housing court and defines that court's jurisdiction.
- 3 This act would take effect upon passage.

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