

The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, April 14, 2022 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:30 p.m. by the Chair.

Present: Council Vice-President Robert J. Ferri
Councilwoman Lammis J. Vargas
Councilman Richard D. Campopiano
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair
Council President Christopher G. Paplauskas

Absent: Councilwoman Aniece Germain

Also Present: Councilwoman Jessica M. Marino
Councilman John P. Donegan
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Ferri, seconded by Council President Paplauskas, it was voted to dispense with the reading of the minutes last meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

10-21-03 Ordinance in amendment of Chapter 3.08 of the Code of the City of Cranston, 2005, entitled "Revenue and Finance – Contracts and Purchases". Sponsored by Councilwomen Vargas, Marino, Councilman Donegan and Council Vice-President Ferri. (Cont. from 11/9/2021, 12/9/2021, 2/17/2022 & Cont. as amended 3/17/2022).

On motion by Council President Paplauskas, seconded by Council Vice-President Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilwoman Vargas asked that this Ordinance be continued to the June meeting since there is a small piece that she is having conversations with Legal Counsel on.

Motion and second to recommend approval were withdrawn.

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to continue this Ordinance to the June meeting. Motion passed unanimously.

2-22-02 *Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction”. Sponsored by Councilman Donegan and Councilwoman Marino. Co-sponsored by Councilwomen Germain and Vargas. (Cont. 3/17/2022).*

On motion by Councilwoman Vargas, seconded by Council President Paplauskas, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Donegan gave some background on how this came about. He stated that he thinks that passing this Ordinance will help move us towards ensuring that everyone and tenants within our City will have a safe place to rest their head every night or work from or call a home. Statistically, the housing stock in our City is aging particularly on the Eastern side of Cranston and with aging housing comes potential hazards and unsafe conditions. While there might be protections on the books in law, does not suffice. It does not address the problem. He felt we had to come up with a better way to be more proactive in our inspections to help ensure that no one has to live in unsafe conditions and that is where this proposal came from. As of January 1, 2025, owners of rental units within the City have to apply for a Safe Occupancy Certificate. The owner of the unit would have to apply for the Certificate, have their unit inspected to ensure that the unit is up to State and local Codes, have any applicable lead-safe certification, which is already required by State Law and pay \$100 fee and that Certificate would be good for three years.

Councilman Campopiano stated that through an abundance of caution and full disclosure, he will recuse himself from this vote today because he has rental property in the City of Cranston.

II. PUBLIC HEARINGS* and/ or NEW MATTERS BEFORE THE COMMITTEE

A. PUBLIC HEARINGS

Marcia Fowler, 35 Milton Ave., appeared to speak and stated that she and her husband have been property owners and landlords for approximately twenty-one years. She thinks that we need to step back and take a closer look as to why some multi-family units are not up to current Code and address those issues prior to passing another Ordinance. She suggested a single-page checklist of the top items an Inspector will be looking for. She also suggested that those running for re-election and knock on doors, use that opportunity to pass out pamphlets about updated Ordinances and using yearly tax letter that comes from the Mayor as a time to send out information also about new and updated Ordinances. If this Ordinance passes, she suggests the Cranston Housing Authority use it as an opportunity to highlight the benefits of renting to people using a voucher.

Robert Murray, Esq., 21 Garden City Dr., appeared to speak and addressed some of the comments he offered in his letter dated April 12, 2022, which he believes the Clerk has shared with the Committee and at the appropriate time, he asked that his letter be accepted as part of the record of this hearing. He acknowledged an error in his letter, he questioned the establishment of the Housing Board of Review in the Ordinance. When he used the search tool on the City's website, it did not come up and it also did not appear on the website's list of Boards and Commissions and is now listed with the Secretary of State's Office under the public body list for Cranston. He also stated that Councilman Donegan last night pointed him to Section 15 of the Code, which he obviously did not do before writing his letter and he apologized. He stated that Councilman Donegan has done his best to promote this Ordinance as a Cranston Safe Occupancy Ordinance with some nice graphics on Facebook. It suggests that if you are not supporting this, you must be against safe occupancy for residents and tenants and he urged the City Council not to follow down that rabbit hole. He also stated that he represents a number of landlords who take seriously their responsibility to provide safe, lean, lawful housing in the City. Are there people who do not, absolutely. If you say no to this Ordinance, you are not saying no to safe housing. You would be saying yes to less intrusive government, yes to less administrative bureaucracy for residents and landlords and no to adding thousands of dollars in costs to the City and no on imposing increased duties on an overly taxed Department of Inspections who cannot undertake the substantial obligations they already have. The implementation of this Ordinance has a far-reaching impacts from requiring personal information from landlords that has no correlation to safe housing and puts in the public domain information that nobody should have to share. The whole requirement to provide the City a lead safety certificate is just the beginning. The cost of obtaining this certificate is not just \$100 to the City. It is paying an approved outside Inspector to come and view each unit and could mean spending hundreds of hundreds of dollars to bring a property up to the latest Code. The Building Inspector would have to conduct an inspection of each unit and determine that each one is not in violation of the Cranston City Code. Would there be any grandfathered? When you say Code, are we also talking about the plumbing, electrical and fire Code? He asked what is the City's legal exposure if they issue a safety certificate and later there is a problem with the structure or component part that they just signed off on as being legal compliance.

Christina Brown, 217 Arlington St., appeared to speak via Zoom in favor of this Ordinance. She stated that she thinks this is a real common-sense piece of legislation that should be passed. She has sent in written testimony and wants to make sure that it is placed in the record.

Annette Bourne, 51 Community Dr., appeared via Zoom to speak in favor of this Ordinance. She stated that she recognizes that there are many caring and lawful landlords and she would hope that they might actually see this as a benefit to being able to rent their properties as well as creating more value for their property.

David Rodio, Director of Building Inspections, appeared to speak and stated that he agrees with Attorney Murray and his statements and what is going to happen with this. He would like to discuss how to implement the infrastructure that something like this would cause. He is not sure what the qualifications for the Inspectors have to be, what Code they are going to follow. We have a State-mandated Property Maintenance Code already so he is not sure when you say Code, what you are talking about. Basically, if we are talking about 20,000 rental properties in the City, that is a pretty big employee staff, which means more room in offices, software, vehicles, pays.

Director Moretti stated that he personally does own rental properties himself, but he does not think there is a conflict, but representing the Administration, the Administration feels that Councilman Donegan's initiative is aspirational, but perhaps not practical. The Administration feels that the Ordinance is more for the exceptions than the rule and most of the good landlords will have to go through a process that is another burden to them and to be administrative and making phone calls if there is follow-ups or if there are any issue. The Mayor is in favor of safe occupancy for our residents. This Ordinance, if passed, will be a barrier to attract investors into the City. Whether it be single-family renters or multi-family or larger developers. As Mr. Rodio indicated, this is going to unreasonably burden the resources given these requirements for Inspections and perhaps Fire. It would also be unreasonably financially costly to the City. The Mayor feels that current laws and regulations, federal and State and local, of many many facets are adequate in addressing the fundamentals of safety for our residents. A concern is that additional costs to the landlords will be passed down to the residents in an already stressed marketplace. Also, if this is being considered and voted on, because it appears there could be some financial implications on the City, should a fiscal note be accompanying this and he deferred to Legal regarding that. Solicitor stated that the comments made by Mr. Rodio and Mr. Moretti are a good segue to what he was going to bring up. He believes that when this was before the Committee last month, he indicated at that time that procedurally the Ordinance was not in proper form because of the absence of the fiscal note. The Charter clearly requires a fiscal note be attached to an Ordinance which is likely or reasonably foreseen to have a financial impact on the City's finances. Based on what he is reading and also what he has heard from both Directors and Attorney Murray's comments, it seems pretty obvious that if there are in fact thousands of rental units that translates into thousands of certificates and thousands of inspections which need to be conducted and with that is an increase in labor, hours, personnel, etc. and that translates into cost to the City. He thinks in this instance particularly with an Ordinance that is far reaching as this, he thinks it is pretty obvious that this would have a fairly significant impact on the City's finances.

Bruce Lane, 81 Sweetbriar Dr., appeared to speak via Zoom and stated that he has been a landlord in the City of Cranston since 1984. He prides himself at taking care of his properties. He has never had a Building Code violation. As a property manager and a realtor, he understands the component and what it is meant to do and he respects that. He just feels that himself and his wife who live on the rental income are being penalized for those who do not take care of their properties and there is already a component in place which is the Building Inspections Minimum Housing to take care of people who do not take care of their properties.

Kim Latierre, 9 America St., appeared to speak and stated that she is a long-time resident of Cranston and she has run into really bad landlords and into some that just did not know what to do. she has been put into some really dangerous situations and she has gone to Code Enforcement and things never got done. She does feel for those landlords that are good landlords and they do not deserve this, but if everybody is kept on the honor system and this Ordinance does go through, then we do not need to worry about any good or bad landlords. As to the statements of costs involved, what is the cost of a child's life that has lead paint ingested? That is a pretty big cost to put on anybody.

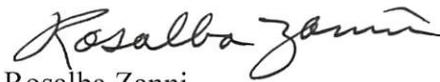
B. NEW MATTERS BEFORE THE COMMITTEE

None.

- **Adjournment**

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosalba Zanni".

Rosalba Zanni
Acting City Clerk

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Wednesday, April 13, 2022 9:11 AM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name for the Record: Graham Sutherland

Your Address for the Record: 188 Mapleton Street

Subject: Testimony: Safe Occupancy Ordinance

Message: Please pass this ordinance. It will help so many low and middle income tenants, as well as keep housing safe for everyone, especially our children, women, and elderly.

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Tuesday, April 12, 2022 12:17 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Kristina Brown

Your Address
for the Record: 217 Armington St

Subject: Support for Ordinance Amendment of Title 15 - Certificate of Safe Occupancy

Message:

Dear Chairman Reilly and members of the Cranston City Council Ordinance Committee, I am writing to urge you to support the ordinance amendment to title 15 creating a Certificate of Safe Occupancy. I want to thank the leadership from the councilors who have sponsored and cosponsored this bill, the majority of which represent our neighborhoods with the most renter households. The creation of a Certificate of Safe Occupancy will not only increase the safety of existing rental units, it outlines a clear process for new landlords entering our communities to understand the state regulations around Minimum Housing Standards and the requirement for Lead Safe Certificates (RI GL 45-24.3-6). This type of certification process is considered best practices in municipal governance across the country and many cities have enacted similar ordinances to take a proactive approach on maintaining their housing stock. The database created from compliance with a Certificate of Safe Occupancy, allows municipal leaders to better understand the private rental market in their jurisdiction and allows municipal planners to better assess the conditions of the housing stock. This tool is the foundation for meaningful planning for maintaining a safe, healthy housing market and ensuring residents of Cranston have suitable housing options at all income levels. On a personal note, I have seen signs of displacement in my neighborhood throughout the pandemic. I have seen my children's friends have to move unexpectedly because their landlord decided to sell the property they lived in, or a new landlord decided to come in and double the rent. The rents have risen over the pandemic and according to the RI Realtors association we've seen a 94% increase in multifamily sales at the same time we've seen 26% of all residential sales go to out-of-state buyers. I have also witnessed two apartment buildings in my neighborhood crumble at the height of the pandemic. Both buildings are located on the route that I walk my daughter to Rhodes Elementary School. When I looked into what had happened, I was shocked by the disrepair and non-compliance of the owners of the Broad Street property, where the balcony fell while seniors, children, and families were living there. Forty households were displaced at the height of a pandemic because of the lack of accountability and the lack of enforcement of Minimum Housing Standards in our city. I urge the members of the Ordinance Committee to act in support of this ordinance amendment. It is critical at this point in time that we codify our expectations for landlords to uphold safe housing in our city. By creating the Certificate of Safe Occupancy you are being proactive in protecting both the maintenance of our housing stock but also the health, safety, and wellbeing of the 33% of residents who live in rental properties. Thank you for your service to our city and thank you for your support in advancing healthy communities. Sincerely, Kristina Brown 217 Armington St

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Tuesday, April 12, 2022 11:45 AM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Karen Malcolm

Your Address
for the Record: 171 Grand Avenue, Cranston, RI 02905

Subject: Written Testimony in support of Councilman Donegan's safe occupancy ordinance

Message:

I am writing to support Councilman Donegan's safe occupancy ordinance that would create a rental registry, including lead safe certificate data. As a city resident, property owner, and landlord in my three-family owner-occupied home, I have striven to ensure the rental units in my home are safe. Over 20 years of ownership, we have made significant investments to ensure our home exceeds safety standards, including lead abatement, installation of quality hard-wired, battery back-up emergency stairway lighting, and fire and carbon monoxide detection throughout the building, among other measures. More than 30% of Cranston residents are renters. The city has a responsibility to these residents to ensure property owners/landlords are held accountable to ensuring a healthy home that meets basic safety standards. Please support this ordinance because it will improve the quality of life, the health, and the well-being of our city's residents. Thank you.

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Tuesday, April 12, 2022 12:55 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Roberta Hazen Aaronson

Your Address
for the Record: 14 Hudson Place, Cranston 02905

Subject: Certificate of Safe Occupancy: Proposed amendment of Title 15, Ch. 12

Message: As a Cranston resident and the former (founding) Executive Director of the Childhood Lead Action Project, I'm very pleased to see such an innovative proposal before the Ordinance Committee of the City Council, promoting safe and healthy housing for Cranston's residents. It is likely the most innovative policy proposal of any community in RI! It is both proactive and preventive in its approach. I urge you to vote YES in favor of this critical initiative. Once it's passed, implementation must become a priority. Resources will need to be available so that the ordinance doesn't gather dust which is sometimes the fate of important policy. Thank you for your efforts in promoting and hopefully securing passage of this game changing amendment! Roberta Hazen Aaronson, 497-8286; April 12, 2022

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Tuesday, April 12, 2022 3:15 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Kyle Bennett

Your Address
for the Record: 391 Northup Street

Subject: Strong Support for the Safe Occupancy Ordinance

Message:

Dear Councilwoman Vargas, My name is Kyle Bennett and I live at 391 Northup Street. I am writing to ask you to support the passage of the Safe Occupancy Ordinance this Thursday at the Ordinance Committee hearing. While I have not rented an apartment in Cranston, I have rented in nearby cities and know the challenges in finding suitable safe, affordable and healthy housing. The Safe Occupancy Ordinance creates accountability in our neighborhoods that enhances the safety and wellbeing of many families across the city by insuring that landlords doing business in Cranston are following existing laws to maintain safe housing. Over the pandemic we have seen many landlords sell their properties and rents rise without any assurances that rental units are being maintained to existing standards. Creating a Safe Occupancy Certificate would create a clear process for existing landlords and new landlords coming into the community to understand the existing state laws for housing standards and lead safety. I ask that you please support this Ordinance, and want to thank you for your service to our community.
Sincerely, Kyle Bennett

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Tuesday, April 12, 2022 4:27 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Rabbi Jeff Goldwasser

Your Address
for the Record: 30 Hagen Ave, Cranston RI

Subject: Testimony Certificate of Safe Occupancy

Message:

Dear Chairman Reilly and members of the Cranston City Council Ordinance Committee, We are writing to urge you to support the ordinance amendment to title 15 creating a Certificate of Safe Occupancy. We are coalition of faith leaders, advocates and community residents that are united in the belief that we must address poverty and inequality. We believe that housing is a human right not a privilege and that everyone deserves the right to safe and affordable housing. The creation of a Certificate of Safe Occupancy will provide tenants with this basic need and keep families safe by requiring landlords to meet some already existing safety requirements such as safe lead poisoning standards. Lead poisoning continues to be one of the biggest environmental hazards faced by children and families in Rhode Island. According to housing advocates hundreds of children are impacted by lead poisoning every year which could lead to developmental problems that have long life impacts. A high percentage of these cases happen in poor and working-class communities that do not have the landlord accountability that this ordinance would create. We believe this to be an issue that impacts all of us and an issue about justice and protecting families. Health hazards that negatively impact the quality of life of residents help to perpetuate inequality and can have educational and economic burdens on families and on city resources. Our hope is that we learned from the pandemic that we should be a more loving and supporting community that takes care of those in need and protects vulnerable communities from harm. Our collective faiths speak about the importance of "home" and "safe dwellings" and see family and home as the foundation of a good existence. We must protect our homes and our residents from avoidable harm and pass this resolution. This is an opportunity for Cranston to lead on this issue, so we urge the members of the Ordinance Committee to act in support of this ordinance amendment. Thank you for your time and for keeping residents in Cranston safe. Sincerely, Rabbi Jeffrey Goldwasser Temple Sinai Cranston David Veliz Director RI Interfaith Coalition to Reduce Poverty

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Thursday, April 14, 2022 4:31 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name
for the Record: Kimberly Lettieri

Your Address
for the Record: 9 America St

Subject: Safe housing

Message:

As a longtime renter in Cranston on both the East and West side, I have encountered some terrible landlords that refuse to make necessary repairs, for the safety of those who rent. I've seen underhanded ways of landlords getting rid of tenants for asserting their rights, which although illegal, get away with it. Sadly no one enforces the rules regarding landlord responsibility to keep units in maintained and proper working/living conditions. With rents rising it's increasingly difficult for renters to afford attorneys to fight for them to begin a court proceeding, so landlords get away with anything they do. The city housing inspectors sadly don't work with tenants to get landlords to follow rules, in most cases they will side with the landlords who are doing wrong. The city codes are outdated compared to the state. Codes need to be updated and enforced. I think that having rental units inspected on a regular basis keeps everyone honest which will result in safe housing for all.

Zanni, Rosalba

From: info@cranstonri.gov
Sent: Thursday, April 14, 2022 1:08 PM
To: rzanni@cranstonri.gov
Subject: City Council

Your Name

for the Sarah Lee

Record:

Your Address

for the 1330 Narragansett Blvd

Record:

Subject: Certificate of Safe Occupancy

Message: I am worried that this will be too expensive for some multi family home owners and a huge burden on the city to inspect all the units every three years. Could an inspection for lead be included in the inspection for the Certificate of Safe Occupancy? I think it might be difficult to get both from some of the homeowners. Maybe there could be some sort of revolving funds available to help homeowners make the improvements in order to get this Certificate of Safe Occupancy.

JOHN V. McGREEN *
ROBERT D. MURRAY
DAVID H. FERRARA *

*also admitted in Massachusetts

TAFT & McSALLY LLP
ATTORNEYS AT LAW

21 GARDEN CITY DRIVE
CRANSTON, RI 02920-5703

Tel. No. (401) 946-3800
Fax No. (401) 943-8859
www.taftmcsally.com

April 12, 2022

The Honorable Matthew R. Reilly, Chairman
Ordinance Committee
869 Park Avenue
Cranston, RI 02910

Re: Ordinance No. 2-22-02
Certificate of Safe Occupancy

Dear Chairman Reilly:

I am writing to express concerns about Ordinance No. 2-22-2 as drafted and would ask that this letter be part of the record to be supplemented by testimony I intend to give on April 14, 2022.

However well intended, the Ordinance creates a substantial administrative bureaucracy for landlords and property owners in Cranston as well as the City Building Department. State law already imposes a lead safety requirement on property owners, so I must question why this ordinance is needed.

I attach a copy of information I received from Tax Assessor Mark Capuano with a breakdown of housing units by land use in the city. A review of that information shows the number of potential units that could be impacted by this ordinance. I certainly acknowledge that not all dwellings would come under this ordinance as they are solely owner occupied. Nonetheless, the pool of properties affected is substantial.

The concept that the Building Department has the ability to inspect all applications for certificates is not realistic. To then require follow up on properties that do not meet the City Code only compounds the issue.

This ordinance also impacts with the already challenging home purchase or sale process by requiring new owners to update certificate information.

The burden placed on the Department of Inspections at renewal times ignores their other important duties.

Under the enforcement section, it seems to require all new construction (regardless of building type) to obtain a Certificate of Safe Occupancy. There also seems to be a process established with a "Housing Board of Review" that I cannot seem to find in our city code.

Finally, there does not appear to be any appellate process provided for in the Ordinance for property owners or landlords.

The Honorable Matthew R. Reilly, Chairman
April 12, 2022
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For all these reasons, and such other testimony I desire to offer, I urge that Ordinance No. 2-22-02 not be approved.

Thank you in advance for your time and consideration.

Very truly yours,

TAFT & McSALLY LLP



Robert D. Murray

RDM/mk
Enclosure

3/3/2022
 State Code 01,02,03

State_Code	State_Code_Description	Land_Use_Code	Land_Use Code_Description	Total_Count
01	One Family Residence	1010	SINGLE FAM MDL01	20,257

State_Code	State_Code_Description	Land_Use_Code	Land_Use Code_Description	Total_Count
02	Two to Five Family Residence	1040	TWO FAMILY	2,527
02	Two to Five Family Residence	1050	THREE FAM MDL01	594
02	Two to Five Family Residence	1114	4 FAMILY MDL01	104
02	Two to Five Family Residence	1115	5 FAMILY MDL01	23

State_Code	State_Code_Description	Land_Use_Code	Land_Use Code_Description	Total_Count
03	Apartments containing six or more dwelling units	1126	APT 6+ MDL01	32
03	Apartments containing six or more dwelling units	112C	APT 6+ MDL94	73