# STATE OF RHODE ISLAND PROVIDENCE, SC

OF HEALTH

#### **SUPERIOR COURT**

STATE OF RHODE ISLAND;

PETER F. NERONHA, in his

capacity as Attorney General of the

STATE OF RHODE ISLAND; and

DR. JAMES MCDONALD,

in his capacity as Interim Director,

RHODE ISLAND DEPARTMENT

:

Plaintiffs; :

:

v. : C.A. NO.: PC-2021-06846

:

REGENT PLACE, LLC and : ROBERT RICCARDI :

Defendants. :

## <u>Order</u>

This matter came on for hearing on the 11<sup>th</sup> day of February, 2022 before this Court, Justice Linda Rekas Sloan presiding, on Plaintiffs', Peter F. Neronha, in his capacity as Attorney General for the State of Rhode Island and Dr. James McDonald, in his capacity as Interim Director of the Rhode Island Department of Health ("RIDOH") (hereinafter collectively the "State"), motion for a preliminary injunction. After hearing thereon, it is hereby:

#### ORDERED, ADJUDGED and DECREED:

That the State's motion is granted. Specifically, it is ordered, adjudged and decreed that:

1. Defendants shall ensure that the licensed third-party individuals and/or companies retained by Defendants to conduct lead hazard remediation of the subject premises at 51 Wealth Avenue, Apartment 2, in Providence, Rhode Island, shall complete the required remediation within seven (7) days, in accordance with state and federal law.

- 2. RIDOH will expedite and/or grant any variance necessary to allow Defendants to begin the lead remediation work as soon as is practicable.
- 3. Defendants' tenants at the subject premises shall be relocated by the Defendants to a habitable, comparable unit, AirBnb, or hotel upon consultation with the affected tenants and the State.
- 4. To ensure that tenants are not significantly inconvenienced by their temporary relocation,

  Defendants shall coordinate with their tenants to identify a suitable time to conduct the lead remediation work. However, no such coordination will excuse the deadline contained in paragraph 1.
- 5. Any accommodation in which Defendants house their tenants must be free of lead hazards and code violations. Additionally, it should have, at minimum, a place to cook, including refrigerator and stove; sufficient individual beds for all tenants; and be sufficiently close in proximity to the tenants' current home so as not to interfere with childcare, work, or similar obligations.
- 6. Defendants shall not increase the rent of the affected tenants during their period of relocation, or otherwise if such an increase is prohibited by the tenant's lease or applicable law, or in the event that any such increase is made in retaliation for entry of this Order; and must allow the affected tenants to re-enter their home as soon as the lead remediation is completed.
  Defendants may not reduce the tenants' current tenancy as provided by lease or law in any manner.
- 7. Defendants will provide tenants for a meal stipend of \$50 per day for any time that tenants will be required to spend at least part of the day out of the subject premises due to the lead remediation work. For example, if tenants must leave the premises on Wednesday afternoon

to stay in a hotel and are able to re-enter the premises on the following Friday morning, the tenants will be provided a \$150 stipend.

8. In the event that Defendants fail to comply with any of the provisions in this Order, Defendants shall pay all of tenants' rent into an escrow account, which account shall not be released to Defendants until such time as the Court is presented with evidence that all obligations in this order have been met. Additionally, the State has reserved the right to file a motion with the Court to direct Defendants to show cause why Defendants should not be held in contempt and a receiver appointed as an additional remedy. See R.I. Gen. Laws § 23-24.6-23(d).

ENTER:

Allhof L Lorgo Deputy Clerce 2/11/2022 **PER ORDER**:

Rekas Sloan, J.

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Presented by:

Plaintiffs,

STATE OF RHODE ISLAND;
PETER F. NERONHA, in his
capacity as Attorney General of the
STATE OF RHODE ISLAND; and
DR. JAMES MCDONALD,
in his capacity as Interim Director, RHODE
ISLAND DEPARTMENT OF HEALTH

By:

/s/ Keith Hoffmann

Keith Hoffmann, Bar No. 9874 Special Assistant Attorney General 150 South Main Street Providence, Rhode Island 02903 Tel: (401) 274-4400 ext. 1882

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## **CERTIFICATION**

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I, the undersigned, do hereby certify that on this 11th day of February 2022, I electronically filed the within document through the electronic filing system. The document electronically filed is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

I further certify that a copy has been sent via email to:

Peter J. Poulos, Esq. P.O. Box 6175 Warwick, Rhode Island 02887 peterpoulos@cox.net

/s/ Keith Hoffmann