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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 24-H 5693, RELATING TO TOWNS AND CITIES - ORDINANCES March 4, 2025

The ACLU of Rhode Island opposes this legislation, which would give cities and towns broad authority to recover fines that have been imposed for any ordinance violation by issuing a lien on the person's property. We find the grant of this power to municipalities troubling in numerous respects.

First, while we note that another part of the bill refers to adding costs "to the amount of taxes due on the real estate *where the violation was located*," the bill's grant of authority to impose liens is not circumscribed in any way by the type of ordinance violation for which a fine has not been paid. Thus, for example, a person who has failed to pay a fine after being found guilty of disorderly conduct or smoking in public could have their property subject to a lien and all the consequences that flow from that.

But even if the bill were narrowed to apply only to fines for violations that directly relate to a person's property, it would still be very troubling. It means a homeowner could end up losing their house because they failed to pay a minor fine for, say, violating the municipality's noise ordinance. Further, the legal interest on the lien, which could very quickly add up, begins only 90 days from the issuance of the fine, making the person's financial difficulties only more onerous.

In short, we believe the process and powers set out by this legislation are grossly unfair and run directly contrary to efforts in recent years, such as passage of the Madeleine Walker Act, to protect individuals from the unfair foreclosure of their homes for falling behind on bills both large and small.

It is our understanding from the hearing on this bill last year that the City's goal is to limit its reach to certain environmental-related property violations. We would not have any objection to the bill if it were amended to focus on a very specific list of property violations; applied to chronic scofflaws, not one-time violators; and ensured an appeal process beyond what was available at the time of the alleged violation. With those revisions, which we are happy to work on with the City, we believe the proposal would meet appropriate due process standards.

In the absence of those changes, however, we urge the committee's rejection of this legislation. Thank you for considering our views.