

**Town of Warren, Rhode Island**  
**Housing Court Rules of Practice and Procedure**

**Rule 1 - Scope, Authority and Purpose**

(a) These rules shall govern all proceedings before the Housing Court for the Town of Warren, Rhode Island and are enacted pursuant to R.I.G.L. § 45-2-47 and the Warren Code of Ordinances, Article III, Section 6.5-39. These Rules shall be construed and administered to secure the just, speedy, and inexpensive determination of every action and to carry out the purposes of this Court as set forth in the Warren Code of Ordinances, Article III, Section 6.5-34.

(b) These rules may be amended from time to time at the discretion of the Judge of the Housing Court. A copy of these rules shall be posted on the Town of Warren's web site. A hard copy or electronic copy of these rules shall be provided upon request to any litigant by the Housing Court Clerk, the Department of Building and Zoning, or the Town Solicitor's office.

(c) These rules shall take effect on February 1, 2019 and shall apply in all actions commenced in the Housing Court on or after February 1, 2019. These rules shall serve as a guide with respect to any actions commenced prior to February 1, 2019.

**Rule 2 - Commencement of Action and Service of Process**

(a) An action shall be commenced in the Housing Court by filing a Complaint with the Housing Court Clerk. The Complaint and Summons may consist of a single combined document so long as that document substantially complies with the requirements of Rules 4(b) and 8(a) of the Rhode Island Superior Court Rules of Civil Procedure.

(b) The Complaint and Summons, or the combined document described in subdivision (a) of this rule, shall be served on all defendants no later than sixty (60) days after the commencement of the action.

(c) Service shall be accomplished in substantial compliance with the requirements of Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. Officers of the Warren Police Department are authorized to serve process in cases pending before the Housing Court. Proof that service has been made as to each defendant shall be timely filed with the Housing Court Clerk.

(d) The Court may grant leave for alternative service by mail, tack-on, and/or publication upon motion and upon a showing that service in accordance with subdivision (c) of this Rule is impracticable.

**Rule 3 - Service and Filing of Pleadings and Other Papers**

Service of any pleadings or other papers subsequent to the complaint and summons may be made by regular mail or, upon request or by agreement of any party, by e-mail. Service will have been accomplished upon the mailing of traditional mail or upon the sending of an e-mail.

**Rule 4 - Computation and Extensions of Time**

(a) Rule 6 of the Rhode Island Superior Court Rules of Civil Procedure shall apply in the Housing Court with regard to computing any period of time prescribed by these Rules, by Order of this Court, or by any applicable statute.

(b) The time in which any action must be taken in accordance with these rules or any order of this Court may be extended by agreement of the parties. A written stipulation shall be entered into the Court docket for any extensions that enter by agreement. The time within which to take an appeal to Superior Court may not be extended.

(c) The time in which any action must be taken in accordance with these Rules or any order of this Court may be extended by a court order upon the filing of a motion requesting such relief or upon a motion made on the record in open court. A request for an extension should be made prior to the expiration of the original deadline.

**Rule 5 - Motions**

(a) An application to the Court for an order shall be by motion which, unless made on the record in open court, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. A non-emergency motion shall be served on all parties to the action at least ten days prior to any hearing on the motion. A separate written motion is not required if the relief sought is described in the complaint as set forth in Rule 2(a).

(b) The Court may hear and decide an emergency motion in the event of a circumstance or condition that presents an imminent danger to the health, safety, or welfare of the people of the Town of Warren or in order to prevent the imminent loss or destruction of property located in the Town of Warren. An emergency motion may be heard *ex parte* but any order entered on an *ex parte* basis shall not remain in effect for more than ten (10) days.

(c) Rhode Island Superior Court Rule of Civil Procedure 65 shall serve as a guide with respect to motions seeking the entry of temporary restraining orders and other injunctive relief and notice thereof.

(d) All motion hearings shall be scheduled by the Housing Court Clerk.

**Rule 6 - Judgments and Orders**

(a) A proposed written order shall be submitted by the moving party within seven (7) days of the hearing on any non-emergency motion. The Court, in its discretion, may enter the order as submitted, request changes to the proposed order, or enter its own order. If no order is submitted within seven (7) days then the Court shall enter its own order. A copy of the signed order shall be served on all parties by the Housing Court Clerk or by the plaintiff within seven (7) days of the entry of said order.

(b) Superior Court Rules of Civil Procedure 54 and 58 shall serve as a guide with respect to the entry of judgments.

(c) Rhode Island Superior Court Rule of Civil Procedure 60 shall serve as a guide in the event any party seeks relief from a judgment or order of the Housing Court.

**Rule 7 - Hearings and Evidence**

(a) Regular sessions of the Housing Court shall be held on the second Wednesday of every month and shall begin at 7:30 p.m. The Housing Court's regularly scheduled sessions will be posted on the Town of Warren's web site at the beginning of each calendar year.

(b) The Judge of the Housing Court shall be available as-needed to hear any emergency motions.

(c) A court calendar describing the matters to be heard at each regularly scheduled session of the Housing Court shall be posted on the Town's web site at least seven (7) days in advance.

(d) The Rhode Island Rules of Evidence and the Rhode Island Superior Court Rules of Civil Procedure shall serve as a guide during hearings in the Housing Court.

(e) All motion hearings shall be scheduled with the Housing Court Clerk.

**Rule 8 - Appeals**

Any party filing an appeal pursuant to R.I.G.L. § 45-2-47(b) and Warren Code of Ordinances, Article III, Section 6.5-41 shall immediately provide notice of the appeal to the Housing Court Clerk. The Housing Court Clerk will cause the record to be certified and submitted to the Superior Court in a timely manner.

**Rule 9 - Appearances by Counsel**

All attorneys, except for attorneys from the Town Solicitor's office, shall file a written entry of appearance that identifies the attorney's client and provides the attorney's name, address, law firm, telephone number, fax number, and email address.

**Rule 10 - Voluntary Dismissal**

The Town of Warren may voluntarily dismiss any action that was brought to enforce any provision of the zoning ordinances of the Town and/or the provisions of the laws set forth and described in the Warren Code of Ordinances, Article III, Section 6.5-35(b). A written voluntary dismissal must be filed with the Housing Court Clerk and simultaneously served on all parties. Any party may object to the voluntary dismissal by notifying the Housing Court Clerk within fifteen (15) days after service. If a timely objection is received the matter will be scheduled for a hearing.

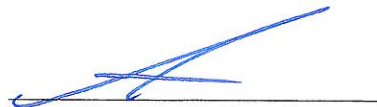
**Rule 11 - Non-Compliance With an Order of the Housing Court**

Upon motion the Housing Court may adjudge in contempt any party that has failed to comply with an order of the Court. The Court may punish such person by imposing a fine, not to exceed \$250 per day that the non-compliance persists. Upon motion, the Court may grant the Town of Warren leave to record a lien against the subject property to aid in the collection of any fine imposed by the Court.

**Rule 12 - Outside Vendors**

Upon motion the Court may grant leave for the Town of Warren to deploy the Department of Public Works or an outside vendor to perform any work necessary to remedy a violation of any ordinance or other law that falls within the Court's jurisdiction. The estimated cost of any such service must be approved by the Court. Upon motion, the court may grant the Town of Warren leave to record a lien against the subject property for the reasonable cost of any such services and the amount of any lien must be approved by the Court.

These rules are hereby enacted as an order of the Town of Warren Housing Court on the 3<sup>rd</sup> day of January, 2019.

  
\_\_\_\_\_  
Hon. Stephen J. Sypole

  
\_\_\_\_\_  
Maya Gamon, Clerk