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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

PART 7 – MUNICIPAL BUILDING, ZONING AND MINIMUM HOUSING RECORDS (LG7)

7.1 Purpose, Authority, Severability, and Destruction

7.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

7.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

7.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

7.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

LG7.1 Application, Permit, and Inspection

LG7.1.1 Permit Application Files

Master file of documentation relating to the construction, alteration, or addition to a structure. May include applications, permits, certificates such as zoning, compliance (e.g. soil erosion), and occupancy, inspection records, variances, notices and orders, determinations, approval reports, plot plans, materials specifications. (R.I. Gen. Laws § 23-27.3-108.1.7)

LG7.1.1A Official Copy or Copy of Record

Retention: Retain as long as building or structure remains in existence.

LG7.1.1B Duplicate Copies

Retention: Retain one (1) year.

LG7.1.2 Permits and Applications

Single applications, permits, and permit cards for building, electrical, mechanical, plumbing work, heating, moving, demolition, soil erosion and curb and sidewalk. (R.I. Gen. Laws § 23-27.3-108.1.7)

LG7.1.2A Official Copy or Copy of Record

Retention: Retain as long as building or structure remains in existence.

LG7.1.2B Duplicate Copies of Permits

Retention: Retain one (1) year.

LG7.1.2C Expired Permits

Retention: Retain two (2) years.

LG7.1.2D Temporary Permits - Not Related to Building or Construction

Retention: Retain until no longer of administrative value.

LG7.1.2E Demolition Permits

Retention: Retain three (3) years after demolition.

LG7.1.2F Permits Denied

Retention: Retain three (3) years after final decision.

LG7.1.3 Master Inspection Files

Files containing information relating to inspection activity. Inspections include, but are not limited to foundation, plumbing, mechanical, electrical, frame and masonry, lath/wallboard, violations, complaints, and structural and safety inspections. May include owner's name and address, plat and lot number, type of building, contractor's name, dates and types of permits, permit numbers, copies of permits issued, field inspection cards, date and number of certificate of occupancy, complaint, comments, determinations and/or deficiencies.

Retention: Retain as long as building or structure remains in existence.

LG7.1.4 Indexes [SUPERSEDED]

Indexes that aid access to records on file. May include name, address, plat and lot, permit numbers and dates.

See Also: Purge with related series title.

LG7.1.5 Permit Log

Log recording permits issued. May include for each entry: date, permit number, plat and lot, name, address, type of work, and cost.

Retention: Permanent.

LG7.1.6 Inspection Log

Log recording inspections performed. Inspections include, but are not limited to foundation, plumbing, mechanical, electrical, frame and masonry, lath/wallboard, violations, complaints, and structural and safety inspections. May include date, address, owner's name, plat and lot numbers, inspection number, and type of inspection.

Retention: Retain three (3) years after last entry.

LG7.1.7 Plans and Specifications

Maps, plans, blueprints, and specifications submitted with applications for building and construction permits. (R.I. Gen. Laws § 23-27.3-108.1.7)

LG7.1.7A R-4, One- and Two-Family Dwellings

Retention: Retain one (1) year after completion of construction.

LG7.1.7B Public Buildings

Retention: Retain for three (3) years after the structure is no longer in existence or leased or owned by the municipality.

See Also: If in litigation, see GRS2.1 (Case Files).

LG7.1.7C Historic Buildings

Retention: Permanent.

LG7.1.7D All Other Use Groups

Retention: Retain five (5) years after completion of construction.

LG7.1.7E Duplicate Copies

Retention: Retain until no longer of administrative value.

LG7.1.8 Certificates of Use and Occupancy

Certificates issued upon completion of work in accordance with applicable codes and all approved permits. (R.I. Gen. Laws § 23-27.3-108.1.7)

LG7.1.8A Official Copy or Copy of Record

Retention: Retain as long as building or structure remains in existence.

LG7.1.8B Duplicate Copies

Retention: Retain one (1) year.

LG7.1.9 Certificates of Inspection – Schools

Building Official's copies of the annual inspection certificates approving school buildings. (R.I. Gen. Laws § 23-27.3-108.1.7)

Retention: Retain as long as building or structure remains in existence.

LG7.1.10 Individual Sewage Disposal System (ISDS) Files

Includes ISDS construction permit issued by Department of Health, application/approval for percolation test, specifications for location and plan for type of septic system and soil exploration data. May include application for permit, certificate of conformance, application/permit to construct/alter/add/ on to a facility and architectural plans/blueprints/specifications of building or site detailing proposed construction, alteration, or addition.

Retention: Retain five (5) years.

LG7.1.11 Individual Sewage Disposal System (ISDS) Index [SUPERSEDED]

Records plat, lot, name of owner or firm, address, ISDS application number, and action (e.g. construction and/or conformance approval date, and/or installation or construction performed by approved contractor).

See Also: Retain with LG7.1.10 (Individual Sewage Disposal System (ISDS) Files).

LG7.2 State and Local Regulation

LG7.2.1 State Government Notifications

Notices, opinions, and reports from various departments of state regarding, but not limited to, violations, release of violations, change of use, certificates of closure, ISDS, plan approvals, notices, determinations, field reports, evaluations, and copy applications/permits.

Retention: Retain until updated, superseded, or of no further administrative value.

Note: Office of record is the state agency that issued record.

LG7.2.2 State Building Code Commission Building Code Standard Committee – Interpretation and Approval Reports

May include notices, memos and correspondence relating to approval and use of items, materials, and methods of construction with code interpretation. May include instruction on installation and use and lists of approved manufacturers.

Retention: Retain until updated, superseded, or of no further administrative value.

LG7.2.3 List of Registered Contractors

Alphabetical list of registered contractors. Includes registration number, date, name, address, and expiration.

Retention: Retain until updated or superseded.

LG7.2.4 Municipal Ordinances and Regulations

Copies of ordinances and regulations issued by municipality.

Retention: Retain until updated, superseded, or of no further administrative value.

Note: Copy of record held by municipal clerk.

LG7.3 Zoning Board of Review/Housing Board of Review

LG7.3.1 Zoning Certificate

Certificates for zoning variance (and/or special exception) including proposed construction, street address and lot number. May include signature of building inspector showing approval that proposed construction and/or use of building or land complies with provisions of federal, state, and local ordinances and regulations. (R.I. Gen. Laws § 23-27.3-108.1.7)

Retention: Retain as long as building or structure remains in existence.

LG7.3.2 Zoning Certificate Log

Log indicating name, plat, lot, address, and proposed use and/or construction.

Retention: Retain three (3) years after last entry.

LG7.3.3 Zoning Board Review Files

Applications for appeal, variance or special exception including, but not limited to, applications, site plans, blue-print studies relative to decision, copies of plat maps, zoning petitions, correspondence, affidavits, lists of abutting landowners, copies of deeds, decisions, proceedings, minutes, and legal notices.

Note: Municipal departments responsible for implementation and enforcement may hold parts of the official or record copy.

LG7.3.3A Approved

Retention: Permanent.

LG7.3.3B Denied

Retention: Retain until resolution or final decision.

LG7.3.3C Withdrawn Applications

Retention: Retain three (3) years.

LG7.3.4 Zoning Board Decisions

Notifications and resolutions relative to petitions or requests for variances to municipal zoning ordinances.

Retention: Permanent.

LG7.3.5 Index to Zoning Board Decisions

Includes book number, meeting date, page number, plat/lot number, special exception, and book and page locations of hearing and decision.

Retention: Permanent.

LG7.3.6 Minutes

Minutes of meetings including agendas and legal notices to newspaper.

Retention: Permanent.

Note: Municipal Clerk should hold official or record copy.

LG7.4 Complaints and Violations

LG7.4.1 Complaint Files

Record of complaint of alleged violations. Includes name, address and signature of complainant, location of complaint, owner's name and address, nature of complaint, type of violation (minimum housing, zoning violation, health ordinance, building violation), type of building, occupant(s) name(s) and investigator's name.

Retention: Retain three (3) years unless in litigation.

LG7.4.2 Violation Files

Records relating to building code violations. May include field inspection record, original and copy correspondence, certified mail requests and

return receipts, complaints including investigation reports, summonses, photographs, notices and cease and desist orders.

Retention: Retain ten (10) years.

Note: Record copy of all notices of violations must be retained as long as the building exists and may form part of LG7.1.1 (Permit Application Files) or LG7.1.2 (Permits and Applications). (R.I. Gen. Laws § 23-27.3-108.1.7)

LG7.4.3 Stop Work Orders/Cease and Desist Orders

Documents violation of code ordinance and includes relevant code/ordinance, date, delivery time, and signatures of server and recipient.

Retention: Retain three (3) years after final resolution.

LG7.4.4 Summons

Summons to appear issued by municipal authority. Includes date, place, time, defendant's name and address, statutes violated, and complainant(s) name(s).

Retention: Retain until final resolution of case.

Note: Official copy or record copy should be held by municipal solicitor.

LG7.4.5 Affidavits and Arrest Warrants

Initiates action for arrest for failure to comply with minimum housing ordinances or for failure to correct problems which cause serious hazard to health and safety. Records defendant's name and address, date of offense, and affiant's name and address.

Retention: Retain until final resolution of case.

Note: Official copy or record copy should be held by municipal solicitor.

LG7.4.6 Court Docket Slips

Copy of court schedule. Includes date, trial date, defendants name, charges, witness' name, reason for appearance (trial, plead, sentence) and description.

Retention: Retain one (1) year.

LG7.4.7 Rent Receivership Revolving Fund

Documents activities of program pursuant to Pub. Laws 68-52 and 70-146 and includes rent payment forms, payment vouchers for repair services provided, receipts for vouchers, rental payments, applications, and correspondence.

Retention: Retain one (1) year after resolution and completion of audit.

LG7.4.8 Minimum Housing Files

Records of rental properties containing information relative to violations and complaints. May include certified return receipts, zoning violation notices, municipal court ordinance complaints, summons, decisions, copy permits and photographs.

Retention: Retain until obsolete and of no further administrative value after five (5) years.

LG7.4.9 Rental Registration Records

The rental registration program registers rental properties in the municipality to ensure compliance with applicable municipal ordinances and the Rhode Island General Law. Records include but are not limited to annual rental registration forms, copies of complaints/incidents provided by the police department (see LG6.1.1 Complaint report files), copies of Designation of Agent for Nonresident Landlord forms (original is filed with the Municipal Clerk per R.I. Gen. Laws § 34-18-22.3), address lists, and accounts receivable records.

Retention: Retain until administrative use ceases but no less than three (3) years.

See Also: For accounts receivable retained by fiscal authority, see LG2.1.2 (Accounts Receivable Records). LG1.4.12 (Designation of Non-Resident Landlord) and LG12 (Municipal Court Records).

LG7.5 Administration

LG7.5.1 Reports

Internally generated reports.

LG7.5.1A Daily and Weekly Reports

Retention: Retain one (1) year.

LG7.5.1B Monthly and Quarterly Reports

Retention: Retain three (3) years.

LG7.5.1C Periodic Reports

Retention: Retain three (3) years.

LG7.5.1D Annual Reports

Retention: Permanent.

LG7.5.2 Buildings History Files

Ongoing cumulative reference records documenting buildings (often arranged by street). May include references to and citations of land evidence records, orders, resolutions and minutes of City/Town Council, surveys, plat references, copies from maps and field books, copies of petitions, lists of property owners, memos, correspondence, photographs, and plans.

Retention: Review for historical value. Retain until obsolete and of no further administrative value after five (5) years.

LG7.5.3 House Numbering Cards

Ongoing reference file which includes street name, plat number, lot number, house number for lot, number used, and owner(s) name(s).

Retention: Retain until updated or superseded.

LG7.5.4 Zoning Plat Maps

Plat maps showing zoning.

LG7.5.4A Official or Copy of Record

Retention: Permanent.

LG7.5.4B Reference Copies

Retention: Retain until updated or superseded.

LG7.5.5 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the

disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws § 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

LG7.5.6 Boiler Operator Licenses

By ordinance, municipalities may require testing of individuals seeking a license to operate any stationary engine or prime mover, stationary steam or hot water boiler, refrigeration plant, air conditioning plant, diesel generator, gas generator or steam turbine. Records include license application, annual renewal records, accounts receivable records, completed exams or tests of applicants, and exam and answer key. May include correspondence (including email) and photographs of applicants for producing the license.

LG7.5.6A Applications and Renewals

Retention: Retain three (3) years after expiration.

LG7.5.6B Completed Examinations

Retain completed tests three (3) years.

LG7.5.6C Exam Records and Answer Keys

Retention: Retain until update, superseded or of no further administrative value, but no less than three (3) years.

LG7.5.6D Accounts Received and Receipts

Retention: Retain six (6) years after audit.

See Also: LG2.1.2 (Accounts Receivable Records).