STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, Sc. DISTRICT COURT
SIXTH DIVISION

ESTATE OF STEPHEN A. TARRO
RICHARD M. TARRO, Individually and
in his capacity as Executor of the Estate of
Stephen A. Tarro, MICHAEL A. TARRO
and PATRICIA A. TARRO,
Plaintiffs

v. A.A. No. 10-229

CITY OF PROVIDENCE
Defendant

OPINION AND ORDER

Plaintiffs, through this action, challenge a decision of the State Building Code Standards Committee Board of Appeal which upheld an order of the Providence building official requiring that certain steps be taken to address unsafe conditions at a property they own. The complaint filed in December 2010, is the most recent request for judicial review to resolve a dispute between plaintiffs and the City of Providence involving a building located at 95 Grove Street which, when it was last occupied, was known as the Grove Street Elementary School.

This court has jurisdiction pursuant to Section 23-27.3-127.1.4(g) of the Rhode Island General Laws for appeals from decisions of the State Building Code Standards Committee Board of Appeal. In conducting this review, the court is bound by the provisions of R.I.G.L. § 42-35-15, a section of the Rhode Island Administrative Procedures Act.

I. PROCEDURAL HISTORY AND FACTS

A.

Unfortunately, to fully understand the issues and decisions relating to the Providence building official's order which is the subject of this appeal, it is necessary to examine the circumstances surrounding the earlier litigation between the parties and the findings and orders issued in those proceedings.

The Grove Street Elementary School (Grove Street School) was built in 1901, and was last occupied in 1975 when it was used as a school building.[1] Sometime in the early 1980's neighbors began complaining to the City Councilman for the ward where the school was located, that the building was a "fire hazard and a place for 'unruly activity' by youth[s] and gangs."[2] In December 1982, the City Council's Committee on City Property considered a proposal from Richard Tarro to purchase the building for the purpose of demolishing it and using the land in connection with a funeral home he

[1] City of Providence v. Estate of Stephen Allen Tarro, et al., 2008 WL 2227777 (R.I. Super.)(slip op., at 1.

[2] Id., at 2.

operated on an adjoining lot.[3] In December of 1983, the City sold the property to Richard E. Tarro and his wife for $10,000. It appears that a "condition" of the sale to Richard E. Tarro was that he would demolish the building, and the Properties Committee asked its lawyers to structure the transfer so that the property would revert to the City, if the school was not demolished.[4] However, no written contract for the sale was ever prepared, and the deed merely notes that "said land and properties have become unsuitable and have ceased to be used for any public or municipal purposes."[5]

For reasons not reflected in the record, Richard E. Tarro never demolished the Grove Street School and city officials continued to receive complaints about the building. In November 1984, the Committee on City Property sent a letter to Mr. Tarro asking that he fulfill his promise to demolish the school building. The Committee also voted to refer the matter to the City Solicitor with a request that he consider legal action.[6]

A number of years then passed without any change in the status of the Grove Street School. On March 12, 2002 the City passed an ordinance creating a new "Industrial and Commercial Buildings District," and the Grove Street

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[3] Neighbors supported this proposal, and "[t]he minutes [of the committee meeting] also refer to a petition by more than 260 neighborhood residents who opposed a competing plan to purchase the former school for $12,000 and convert the school into an apartment house." Ibid.

[4] Ibid.

[5] Ibid.

[6] Ibid.

School was designated as a structure within this new district.[7] The ordinance gave the Historic District Commission (HDC), which is responsible for development in the City's historic areas, authority to require that owners of properties in the new district get a "certificate of appropriateness" from the Commission before altering or demolishing covered structures.[8] Richard E. Tarro died in August 2001, prior to the creation of the new Industrial and Commercial Buildings District. His successors in interest are the plaintiffs in this case.

In 2004, a demolition company applied for a permit to raze the Grove Street School, but it was rejected because the application did not include a "certificate of appropriateness" from the HDC.[9] A second application for a demolition permit was filed on February 2, 2007, again without a certificate of appropriateness. The filing occurred on a Friday afternoon, and without authorization from the City, the next morning, demolition work began at the school building.[10] On February 5, the City issued a notice of violation for undertaking demolition work "without obtaining the necessary approvals and permits," and the same day, filed a complaint in Superior Court seeking an order preventing further demolition, a fine for acting without the necessary

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[7] Id., at 2-3.
[8] Id., at 3.
[9] City of Providence v. Estate of Stephen A. Tarro, 973 A.2d 597, 599 (R.I. 2009)
[10] Ibid.

permits, and an order to restore the building to its condition prior to the demolition.[11] The Superior Court Justice entered an order on February 27, 2007 enjoining the plaintiffs in this case from further demolition and required them to take steps designed to secure the structure and to prevent further deterioration of the building.[12] The Tarro's filed a counterclaim requesting a writ of mandamus compelling the city building official to issue a permit to demolish the Grove Street School.

A bench trial was held over seven days in October and November 2007, and in January 2008, the hearing justice reopened the case for further testimony after he learned that the City had ordered the demolition of another historic building which was found to be unsafe and was in a condition similar to the Grove Street School. The building official testified at the reopened hearing and "conceded that his reasons for declaring the other building unsafe and hazardous were seemingly identical to the conditions he described at the Grove Street School," but pointed out that differences in size raised practical difficulties in securing the other building.[13] Also, "[a]fter detailed questioning by the trial justice, Mr. Anderson [the building official] conceded that he based his decision not to make an official determination that the Grove Street School was unsafe and required demolition, at least in part, because of his concern that

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[11] 2008 WL 222777 (R.I. Super.), at 4.
[12] 973 A.2d at 600.
[13] Id., at 602-603.

'a building owner * * * has illegally knocked down part of his building, and now he is looking to the City to bail him out.'"[14]

In April of 2008, the Superior Court Justice concluded that the Tarro's had commenced demolition without a permit and fined them $500 for each day demolition work was done and added another $1,868.98 which was the cost of police surveillance necessary to ensure that no further demolition occurred at the site: for a total of $4,868.98.[15] The trial justice further found that the building was "unsafe" as defined in § 23-27.3-124.1[16] and was in "such

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[14] Id., at 603

[15] Ibid.

[16] This statute provides that:

> A building, sign, or structure shall be declared unsafe by the building official if any one of the following conditions exist upon the premises:
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> (1) The building is vacant, unguarded, and open at doors or windows thereby permitting unauthorized entry; or
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> (2) There is a hazardous accumulation of dust, debris, or other combustible material therein, or
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> (3) There is a falling away, hanging loose or loosening of any siding, block, brick, or other building material; or
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> (4) There is a deterioration of the structure, or structural parts, or a structural weakness exists whereby the continued use and occupancy would endanger the lives of the occupants or those using public or private land in the immediate area; or
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> (5) The building has been partially destroyed . . . and is vacant, regardless of whether or not the building is secured to prevent unauthorized entry; or
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> (6) The building or structure has been vacant or unused for more than one hundred eighty (180) days, whether or not it has been boarded, guarded, and/or closed at all doors and windows, and has remained in a condition such that the repairs necessary to make the building safe and sanitary for occupancy exceed fifty percent (50%) of the fair market value of the building or structure in its present condition;

hazardous condition as to create an immediate danger" to the public and came under § 23-27.3-125.5.[17] He further determined that under the circumstances particular to the case before him, the building official had an obligation to find the Grove Street School unsafe and order its demolition. The Tarros' request for a writ of mandamus was granted.

The City appealed, and after the case was docketed in the Supreme Court, the building official inspected the Grove Street property, found it unsafe as defined by § 23-27.3-124.1, and ordered the plaintiffs to "restore the

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> (7) The building, sign, or structure constitutes a fire or windstorm hazard or is, in the opinion of the building official, otherwise dangerous to human life or public health, safety, and welfare; or
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> (8) There is an unusual sagging or leaning out of plumb of the building or any parts of the building, and the effect is caused by deterioration or over-stressing; or
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> (10) An unsanitary condition exists by reason of inadequate or malfunctioning sanitary facilities or waste disposal systems; or
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> (11) The use or occupancy of the building is illegal or improper because the building does not comply with the allowable areas, height, type of construction, fire resistance, means of egress, liveload, or other features regulated by the code in effect at the time of construction; or
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> (12) Whenever the building or structure has been so damaged by fire, wind, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger.

[17] Subsection 125.5 states that:

> Whenever a building is in such hazardous condition as to create an immediate danger to the public health, safety, and welfare, either because of its potential as a fire hazard or because of the danger from collapse, the building official may board up the building immediately at the owner's expense and may order its immediate demolition. In the event that the owner fails to comply immediately with the order to demolish then the building official may demolish the building at the expense of the owner.

building to a safe and useable condition."[18] The Supreme Court stayed that order.

On July 2, 2009, the Rhode Island Supreme Court vacated the Superior Court judgment in part and remanded the case with specific instructions. In its decision, the Supreme Court agreed with the trial justice's conclusion that based on the condition of the Grove Street School and the requirements of § 23-27.3-124.1, the Providence building official had an obligation to declare the structure unsafe, and that the official's failure to do so was an abuse of discretion.[19] The Supreme Court also agreed that once a building is found to be unsafe, § 23-27.3-124.2 requires the official to issue an order addressing the problem, but it held that because the building official had some discretion in fashioning an order, the writ issued by the trial justice was not warranted.[20] After examining the statutory scheme, the court observed that "[a]n appropriate remedy might have been a writ of mandamus requiring the building official to declare the Grove Street School unsafe and compelling him to exercise his reasonable discretion in determining whether the building should be demolished or made safe."[21]

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[18] 973 A.2d at 604, fn. 9.

[19] Id., at 604-606

[20] Id., at 605-606. The Supreme Court also found that there was insufficient evidence to support the trial justice's conclusion that the school was hazardous and came within § 23-27.3-125.5.

[21] Id., at 606.

The Supreme Court then quashed the Superior Court writ, and remanded the case to the trial court for the entry of an order "requiring the City of Providence to declare the building unsafe under § 23-27.3-124.1 and to take whatever action may be appropriate with respect to the Grove Street School in light of its responsibility to safeguard the public's health, safety and welfare."[22]

B.

On July 16, 2009 the Superior Court issued the order as directed by the Supreme Court, and on July 20, 2009, the Providence building official, citing §§ 23-27.3-124.1 and 124.2, gave plaintiffs notice that the Grove Street School was an unsafe structure. He issued an order requiring the owners to obtain permits and to "begin work immediately thereafter to abate all unsafe conditions." The notice identified nine separate measures to be taken. The Tarros appealed this order to the Providence Building Board of Review, which confirmed the order on May 6, 2010. Another appeal followed, and on November 4, 2010 the State Building Code Standards Committee Board of Appeal issued a 10 page decision upholding the decision and order of the Providence building official.

The current appeal was initiated when a complaint was filed in this court on December 1, 2010, seeking a determination that the decision and order of

[22] Id., at 607.

the State Building Code Committee "violates" plaintiffs rights under §42-35-15(g). The complaint was accompanied by a motion to stay the committee's order to take remedial action. On December 29, 2010, the City filed an objection to the stay request, and after a conference on February 15, 2011, an interim stay was granted and the matter was reassigned for a further conference on March 8, when a record of the proceeding before the committee would be available.[23] District Court Magistrate Joseph P. Ippolito entered an order on April 1, which extended the interim stay until further order of this court. The case was assigned to a judge for decision in April, and briefs were filed by the parties on April 19 and May 20, 2011. The City submitted additional materials to the court on June 21 in response to matters raised at a June 8 conference with the parties.

The State Building Code Standards Committee's decision includes extensive findings of fact which trace the history of this dispute, and further found that through a July 20, 2010 letter, the City building official ordered plaintiffs to take the following steps in connection with the Grove Street School building:

1. Repair all holes in floors;
2. Repair all holes in roof;

[23] The interim stay was entered into the written record on February 21, and included a requirement that "the property shall remain fenced and the lower level windows boarded."

3. Remove all debris from the demolition area, stabilize all damaged and/or loose building elements and make weather-tight the entire demolition area;
4. Repair damage to bearing walls under the beam located in the 1st floor Southeast classroom;
5. Repair all damaged floor framing;
6. Install temporary guard rails at all interior stairway landings;
7. Remove all debris from inside the building and exterior grounds;
8. Install a 6' chain link fence around the property with gate and padlock;
9. Shore up valley rafters on the South (Grove Street) side of building.

The Committee made a number of other specific findings in connection with the testimony of particular witnesses which will be discussed infra when appropriate. Based on its findings and conclusions, the Committee ruled that each of the nine items in the July 20 order was a proper measure to make the Grove Street School building safe and secure and that the estimated cost of complying with the order was $97,033.

In dismissing the plaintiffs appeal from the decision of the Providence Building Board of Review, the Committee concluded that "all nine (9) items listed in the Providence Building Official's July 20, 2009 Order were necessary for public safety." At p. 10.

II. DISCUSSION

Pursuant to the instructions of the Rhode Island Supreme Court, the Superior Court issued what is essentially a mandamus order directing the Providence building official to carry out his responsibilities under the state building code. In response to that order, the building official found the Grove

Street School "unsafe" under § 23-27.3-124.1, and acting under § 23-27.3-124.2, the official ordered that it be "made safe." Plaintiffs contend that by imposing this obligation, rather than the other available option, demolition, the building official abused the discretion given to him by Rhode Island law. Plaintiffs do not argue that the steps identified as necessary to make the school building safe are unreasonable.

A.

Before examining the merits of the July 20, 2009 order of the Providence building official, it is necessary to consider the City's contention that this court lacks jurisdiction to "overturn" the building official's order. The argument offered to support this proposition is that the action taken by the City official is based on an order issued by the Rhode Island Supreme Court, and therefore, the "Administrative Procedures Act is not applicable here." The brief for the City further contends that if the July order were reversed in this proceeding, the District Court would be "effectively nullifying an Order" of the Supreme Court, and notes – although it hardly needs saying, that this court "lacks jurisdiction to overturn a Rhode Island Supreme Court Order."

The City's jurisdictional argument reflects a misunderstanding of the Supreme Court's Order. In its decision, the Supreme Court carefully reviewed the procedure to be followed if a building is determined to be "unsafe" under Rhode Island law. The Supreme Court found that the trial justice erred when

he issued a writ of mandamus which deprived the building official of the opportunity to exercise his discretion to determine what action should be taken once a structure is declared unsafe. The Supreme Court then, in effect, re-wrote the mandamus order previously fashioned by the Superior Court Justice and directed him to issue the order as amended.

There is nothing in the Supreme Court's decision or opinion that suggests that it would review the action taken when its order to the Superior Court was implemented. Indeed, that decision expressly observed that if the building official issued an order to demolish the structure or make it safe, an appeal could be taken "to the local board of appeals. Section 23-27-124.3."[24] It is also noteworthy that the City failed to question the authority of the Providence Building Board of Review or the State Building Code Standards Committee Board of Appeal when those tribunals reviewed the July 20 order.

This court believes that the language of §23-27.3-127.1.4(g) is unequivocal, and requires the District Court to entertain appeals from orders of building officials issued under §23-27.3-124.2. There is no reason to assume that the Supreme Court intended the Providence building official's decision would not follow the normal path for review, and that is the procedure relied upon by the parties up to this time. Refusal to recognize this court's jurisdiction in this case could be criticized as a failure to properly construe the

[24] 973A.2d at 606.

Rhode Island the Administrative Procedures Act. See Gross v State of Rhode Island Division of Taxation, 659 A.2d 670, 672 (R.I. 1995).

B.

When considering appeals from administrative decisions, this court has a limited role. The court cannot "substitute its judgment for that of the agency as to the weight of evidence on questions of fact," § 42-35-15(g). Rather, after examining the record, the court must determine whether there is legally competent evidence to support the decision of the administrative tribunal. Powell v. Department of Employment Security, Board of Review, 477 A.2d 93, 95 (R.I. 1984). Of course, this deferential review "cannot be equated with no review at all."' Sloat v. City of Newport, A.2d (R.I. 2011)(No. 2010-160-Appeal), quoting The Astors' Beechwood v. People Coal Co., 659 A.2d 1109, 1115 (R.I. 1995)

The testimony and documents presented to the Providence Board and the State Committee, as well as the questions and comments of the members of those tribunals, reflect that both tribunals conducted a detailed examination of exactly what would be required to comply with the July 20 order and the costs associated with satisfying each of the nine measures outlined in the order. In addition to the building official, three experts testified. Each side offered a person qualified to evaluate the work to be done and the approximated expense associated with it. The plaintiffs' second witness was a real estate broker and

appraiser who gave his views about the value of the building and the cost of making it useable as an apartment complex.

By finding that the cost of complying with the order would be $97,033, the committee accepted the estimate provided by the City's witness. However, the record shows, and the City's expert admitted, that this figure did not include hiring a structural engineer.[25] He was under the impression when he considered the work to be done, that an engineer would not be necessary to oversee it, even though it is clearly required by the order.[26] Plaintiffs expert testified that the cost of hiring a structural engineer would be approximately $10,000.[27]

The real estate broker and appraiser testified that he was familiar with the Grove Street School and had been since 1985. In his opinion, the most promising use for the school building would be as an apartment complex. However, before that could be done, the owners would have to obtain a variance from the zoning board.[28] He testified further that if it were in "functional operating" condition, the school would be worth about $450,000.

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[25] State Building Code Standards Committee Board of Appeal, August 12, 2010 hearing, transcript, pp. 70-72.

[26] Page 2 of the directive states:

> Please be advised that all structural work shall be subject to plan review prior to permitting. Plans shall be prepared by a registered structural engineer who shall supervise the work in accordance with RIGL 23-37.3-128.0 Design and construction procedures.

[27] Hearing transcript, at 29.

[28] Id., at 35.

He estimated that it would cost between $75 and $150 per square foot to get the building into useable condition. He concluded that "no matter what, if you go and try to renovate this building, you're at least $400,000 under water."[29] He then suggested that it was "probably closer to 800 under water."

In stark contrast to the numerous and detailed questions relating to what would be required to comply with the building official's order, only a few members of the committee seemed interested in exploring the alternative urged by the plaintiffs: demolition. And the following testimony of the building official evinces an unwillingness to even consider this possibility:

> Mr. Howe [a committee member]: Does this building, as it currently stands and exclusive of any other agency being involved, does this building right now fall into the category where you would order the building to be demolished?
>
> Mr. Anderson: Given my discretion, no. That's not the road I'm taking with this.
>
> Mr. Howe: That wasn't the question. Does it fall within the category as it currently stands as being a building where you might order it could be condemned and demolished?
>
> Mr. Anderson: I might.[30]

Throughout the hearing before the committee, the City's lawyer argued that the issue before the tribunal was "really very simple. It's whether the order

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[29] Id., at 35-38. The witness said that in his view the $150 estimate was more accurate, and used the lower figure as the "most optimistic."

[30] Id., at 83.

issued by Mr. Anderson in July of 2009 is reasonable…"[31] The attorney also discounted the financial burden imposed on the plaintiffs saying, "[y]es, there's a cost attached to [complying with the order], but that's the price that the owners have to pay for both the illegal demolition and the neglect of the building over the many years."[32]

This argument clearly resonated with the committee members. A spirited discussion followed the attorney's comments. Much of questioning and arguments focused on the efforts made to obtain a demolition certificate, and the attempt to raze the building without a permit. At the end of the hearing, one of the committeemen asked: "[w]ere there any other sanctions, in addition to the $6,000(sic) fine, that the Judge imposed from the Superior Court?"[33] Immediately after he was told that the plaintiffs were fined and enjoined from further demolition work, the committeeman moved to "uphold the building official's decision."[34] This motion was approved by the committee.

This court is not persuaded that the issue raised in this case is the simple question described by the City's attorney. It is a bit more complicated. The question that should have been considered by the State Building Code

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[31] Id., at 75.
[32] Ibid.
[33] Id., at 87.
[34] Id., at 88.

Standards Committee Board of Appeal was whether the building official acted arbitrarily or abused his discretion in choosing to require that the Grove Street School be made safe rather than be demolished. Only after a finding that the choice made by the building official was a proper exercise of his authority, could the Committee turn to the question of whether the measures ordered were reasonable.

Viewing the record as whole – including the hearing before the City of Providence Building Board of Review, this court is persuaded that the Providence building official did not give any serious consideration to ordering the demolition of the Grove Street School as an alternative to requiring measures to make it safe. In its 2009 decision the Rhode Island Supreme Court ruled that state law required the Providence building official to issue an order that the building be made safe or be demolished, and that "[t]his choice involves a clear exercise of discretion." [35] However the Supreme Court described that discretion as fettered, saying:

> We agree with the trial justice that Mr. Anderson's refusal to take any action with respect to the Grove Street School because he did not want to reward the Tarro's for attempting to demolish it without a permit was an abuse of discretion. Whatever the cause of the building's unsafe condition, a building official may not place the public at risk to punish the owner for his culpability. . . An appropriate remedy might have been a writ of mandamus requiring the building official to declare the Grove Street School unsafe and compelling him to exercise his reasonable discretion in

[35] 973 A.2d at 605-606.

> determining whether the building should be demolished or made safe.

973 A.2d at 606 (emphasis added).

A normal appeal from a decision taken pursuant to this part of the building code would require this court to decide whether the building official acted reasonably in choosing the option of making the structure safe rather than requiring its demolishment. Here, however, it is obvious that Mr. Anderson rejected the second option without appropriate reflection. When asked by a committee member if the building fell into the category where he would order it demolished, he dismissed the notion out-of-hand, saying: "[g]iven my discretion, no. That's not the road I'm taking with this."[36] The committeeman explained that the answer was not responsive, and rephrased the inquiry asking whether given the current condition of the school, the official might order it demolished. He admitted that he "might."

Because the record establishes that the building official either misunderstood or intentionally refused to perform[37] one of the tasks mandated by the Supreme Court's instructions as ordered by the Superior Court Justice, the case must be remanded to permit him to fully comply with that order. The court is persuaded that the building official is a conscientious city employee,

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[36] August 12, 2010 hearing transcript, at 83.

[37] Obviously, a willful failure would be contumacious and sanctions could be ordered by the Superior Court.

and has worked diligently to solve the Grove Street School problem in the manner he thinks best. However, his candid reluctance to consider ordering demolition is contrary to his legal obligation and the Superior Court's order. Moreover, his testimony suggests that he disapproves of the plaintiffs' efforts to seek relief from the courts.[38] The Supreme Court decision and its subsequent order require him to choose a course of action without being influenced by the clearly illegal conduct of the owners in the past. This long-running dispute and the enmity it has engendered may make it difficult here, but almost all public officials must sometimes ignore their personal opinions in order to meet their statutory responsibilities. The plaintiffs have already been punished for the unlawful demolition, and that decision was never appealed.

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[38] At one point, the building official testified:

> "This order, basically, is a culmination of what I just explained. I inherited this thing. This began before my tenure in the department, and due to the frustration that we've had in gaining compliance from the owners, I mean, they've appealed one order after another, they've skillfully used the law to their advantage, this was an effort on our part to get the building stabilized, because we believe that if we just wrestle this project from them and demolish it on the city's part, it is not holding the owners responsible."

Id., at 45-46.

This plea for understanding demonstrates the building official's complete insensitivity to the delays and expenses suffered by the plaintiffs because of his failure to carry out his duties promptly – even after being ordered to do so by a directive of the Supreme Court. The City is not the only party injured by the protracted litigation and administrative proceedings that have now been going on for seven and one half years.

Even if the building official believes that the penalties were inadequate to address that wrong, he cannot allow plaintiffs' prior misconduct to color his judgment on remand.

Recognizing that the building official alone is designated to decide issues under § 23-27.3-124.2, the court suggests some circumstances he may consider. First, and perhaps most important, if the school is merely made safe, it will remain an unattractive structure which will adversely affect the value of other nearby properties and invite the attention of youths or vandals.

Second, there appears to be no real disagreement that the cost of rehabilitating the building to make it useable far exceeds the value of the restored property. The current condition of the structure make it extremely unlikely that the owners would be able to convert the school into an apartment or other economically feasible structure.

Third, the Committee's finding that the estimated cost of complying with the building official's order would be $97,033 is clearly erroneous and not supported by the record in this case. The City's expert did testify that this would be the approximated cost, but he admitted that he neglected to include the fee -- about $10,000, for a structural engineer. The order expressly requires that the plans for the work to be done "shall be prepared by a registered structural engineer who shall supervise the work."

Finally, the building official has an obligation to treat all parties affected by his decisions fairly. He cannot allow any residual animosity from prior dealings with the plaintiffs to infect his decision upon remand. When making his decision on remand, Mr. Anderson must – even if unpalatable, give full weight to the preference of the plaintiffs and the financial burden his decision will place on them.

III. CONCLUSION

For the reasons set forth above, this matter is remanded to the State Building Code Standards Committee Board of Appeal with instructions for it to order the Providence building official to consider demolition of the Grove Street School as an alternative to making it safe. When he has completed that process, he is to issue an order as required by § 23-27.3-124.2 and the writ of the Superior Court.

ENTERED:

/s/
Walter Gorman
Associate Judge (Ret.)

DATED 7/11/11