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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives McKiernan, O'Brien, Ucci, Almeida, and Carson

Date Introduced: May 27, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-49 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-49. Payment of rent on stay of execution.** – (a) Whenever, in any action for the
4 recovery of real property, the issuance of an execution, or the service of an execution, is stayed by
5 order of the court or by the operation of law, the stay shall be conditioned upon the payment by
6 tenant to the landlord of sums of money equal to the rent for the premises, which sums shall be
7 paid at such times and in such amounts as rent would be due and payable were the action not then
8 pending. The acceptance of these sums shall not constitute a waiver of the right of the landlord to
9 obtain possession of the premises, nor shall the receipt thereof be deemed to reinstate the tenancy.

10 (b) Whenever, in any action for the recovery of real property, the issuance of an
11 execution results from the failure of the tenant to appear resulting in a default, the tenant shall
12 have fifteen (15) days to appeal and make full payment to the landlord pursuant to subsection (a)
13 of this section. If the tenant fails to make full payment, the execution shall not be stayed, and the
14 tenant shall have five (5) days thereafter to remove any and all personal property from the
15 dwelling unit; otherwise, the moving and storage costs shall be the financial responsibility of the
16 tenant if removal and storage is undertaken by the landlord.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT

1 This act would require full payment for all rent due and payable upon the issuance of a
2 stay of execution and would establish the rights and obligations of tenants and landlords relating
3 to the removal of a tenant's personal property when an execution is obtained by default and not
4 stayed.

5 This act would take effect upon passage.

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