

2016 -- S 2105

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Ciccone, Archambault, Lombardi, McCaffrey, and Walaska

Date Introduced: January 21, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-40 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-40. Remedies for abandonment.** – (a) If the tenant abandons the dwelling unit,
4 the landlord shall send a certified letter, return receipt requested, to the tenant's last known
5 address giving notice that unless a reply is received from the tenant within seven (7) days, the
6 landlord shall re-rent the premises. If the notice is returned as undeliverable, or the tenant fails to
7 contact the landlord within seven (7) days, the landlord shall make reasonable efforts to rent the
8 premises at a fair rental. If the landlord rents the dwelling unit for a term beginning before the
9 expiration of the rental agreement, the tenancy terminates as of the date of the new tenancy. If the
10 landlord fails to use reasonable efforts to rent the dwelling unit at fair rental, or if the landlord
11 accepts the abandonment as a surrender, the rental agreement is deemed to be terminated by the
12 landlord as of the date the landlord has notice of the abandonment.

13 (b) Whenever an abandonment occurs, the tenant may recover any personal property left
14 behind in the dwelling unit by removing or paying the moving and storage costs within the time
15 set forth in the seven (7) day notice provision of subsection (a) of this section. Failure of the
16 tenant to remove said personal property shall authorize the landlord to remove and place it in
17 storage for a period of thirty (30) days.

18 (c) The landlord shall not be liable for any moving and/or storage costs relating to the
19 removal or storage of the tenant's personal property (the "property"). If the tenant fails to secure

1 the release of said property within thirty (30) days, the storage company may dispose of said
2 property as it deems appropriate, including, but not limited to, sale or other auction. In the event
3 the storage company sells, auctions, or otherwise disposes of said property in a manner which
4 produces income in excess of the costs of storage, the storage company shall be entitled to retain
5 such funds, except that any costs for moving the property pursuant to this section shall be paid.

6 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 set forth a process for tenants to retrieve their abandoned personal
- 2 property from former dwelling units and the placement in storage of a tenant's personal property.
- 3 This act would take effect upon passage.

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