

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Lombardi, Lynch Prata, Conley, McCaffrey, and Nesselbush

Date Introduced: January 18, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-22 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-22. Landlord to maintain premises.**

4 (a) A landlord shall:

5 (1) Comply with the requirements of applicable building and housing codes affecting
6 health and safety;

7 (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit
8 and habitable condition;

9 (3) Keep all common areas of the premises in a clean and safe condition;

10 (4) Maintain in good and safe working order and condition all electrical, plumbing,
11 sanitary, heating, ventilating, air conditioning, and other facilities and appliances, including
12 elevators, supplied or required to be supplied by him or her;

13 (5) Provide and maintain appropriate receptacles and conveniences for the removal of
14 ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit as
15 required by § 45-24.3-6, or applicable local codes if more restrictive, and arrange for their
16 removal; **and**

17 (6) Supply running water and reasonable amounts of hot water at all times as required by
18 § 45-24.3-7, or applicable local codes if more restrictive, and reasonable heat as required by § 45-
19 24.3-9, or applicable local codes if more restrictive, between October 1 and May 1, except where

1 the building that includes the dwelling unit is not required by law to be equipped for that purpose,
2 or the dwelling unit is so constructed that heat or hot water is generated by an installation within
3 the exclusive control of the tenant and supplied by a direct public utility connection; and

4 (7) Obtain and have in full force and effect a general liability policy of at least one
5 hundred thousand dollars (\$100,000) for those injured on the premises due to the landlord's
6 negligence. The landlord must introduce a copy of any such policy into evidence in any trespass
7 and ejection action for possession and rent owed. If the landlord has no such liability policy, the
8 action shall be stayed until such time as the landlord is able to produce evidence that such a
9 liability policy is in full force and effect.

10 (b) If the duty imposed by subsection (a)(1) of this section is greater than any duty
11 imposed by any other paragraph of that subsection, the landlord's duty shall be determined by
12 reference to subsection (a)(1) of this section.

13 (c) The landlord and tenant of a dwelling unit may agree in writing that the tenant
14 perform specified repairs, maintenance tasks, alterations and remodeling but only if:

15 (1) The agreement of the parties is entered into in good faith and set forth in a writing
16 signed by the parties and supported by adequate consideration;

17 (2) The work is not necessary to cure noncompliance with subsection (a)(1) of this
18 section; and

19 (3) The agreement does not diminish or affect the obligation of the landlord to other
20 tenants in the premises.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would mandate that a landlord have a general liability policy of at least one
2 hundred thousand dollars (\$100,000) in effect for those injured on the premises due to the
3 landlord's negligence. Failure to provide proof of insurance would preclude a landlord from
4 proceeding on an eviction action.

5 This act would take effect upon passage.

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