

2020 -- H 7638

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LC004664
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives Alzate, Casimiro, Caldwell, and Kazarian

Date Introduced: February 14, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-18-21, 34-18-22.1 and 34-18-29 of the General Laws in Chapter
2 34-18 entitled "Residential Landlord and Tenant Act" are hereby amended to read as follows:

3 **34-18-21. Landlord to deliver possession of dwelling unit.**

4 At the commencement of the term a landlord shall deliver possession of the premises to
5 the tenant in compliance with the rental agreement and § 34-18-22, and shall deliver to the tenant
6 a valid certificate of rental suitability as defined in § 34-18-22.4. The landlord may bring an action
7 for possession against any person wrongfully in possession and may recover the damages provided
8 in § 34-18-38(c).

9 **34-18-22.1. Landlord's duty to notify tenant of violation.**

10 (a) A landlord, when cited by a state or local minimum housing code enforcement agency
11 for a housing code violation, shall, within thirty (30) days of receipt of the notice, deliver a copy of
12 the notice of violation to each residential tenant of the building affected by said violation, unless
13 within said thirty (30) day period the landlord has corrected all violations set forth in the notice of
14 violation to the satisfaction of the state or local minimum housing code enforcement agency which
15 issued the notice of violation.

16 (b) A landlord, prior to entering into any residential rental agreement, and shall deliver to
17 the tenant a valid certificate of rental suitability as defined in § 34-18-22.4 shall inform a
18 prospective tenant of any outstanding minimum housing code violations which exist on the building
19 that is the subject of the rental agreement.

1 **34-18-29. ~~Failure to deliver possession~~ Failure to deliver possession or certificate of**
2 **rental suitability.**

3 (a) If the landlord fails to deliver a valid certificate of rental suitability or fails to deliver
4 possession of the dwelling unit to the tenant as provided in § 34-18-21, ~~rent abates until possession~~
5 ~~is delivered and~~ the tenant may:

6 (1) Terminate the rental agreement upon at least five (5) days' written notice to the landlord,
7 and, upon termination, the landlord shall return all prepaid rent and security; ~~or~~

8 (2) Demand performance of the rental agreement by the landlord and, if the tenant elects,
9 bring action for possession of the dwelling unit against the landlord; or

10 (3) Suspend the payment of rent and bring a civil action for a refund of rent paid during the
11 period of non-compliance.

12 (b) If a person's failure to deliver possession is willful and not in good faith, an aggrieved
13 person may recover from that person an amount not more than three (3) months' periodic rent or
14 threefold the actual damages sustained, whichever is greater, and reasonable attorney's fees.

15 SECTION 2. Chapter 34-18 of the General Laws entitled "Residential Landlord and Tenant
16 Act" is hereby amended by adding thereto the following section:

17 **34-18-22.4. Certificate of rental suitability.**

18 (a) No owner shall offer for rent or allow to be occupied any dwelling or dwelling unit
19 without obtaining a certificate of rental suitability for each dwelling unit from the town or city in
20 which the dwelling unit is located. If a building contains multiple dwelling units, a single certificate
21 of rental suitability may be obtained for the entire building provided that such certificate of rental
22 suitability shall specify each unit in such building governed by such certificate.

23 (b) An applicant for a certificate of rental suitability shall submit the following:

24 (1) An application including the information described in subsection (c) of this section; and

25 (2) A signed statement by a licensed home inspector confirming that the rental unit meets
26 minimum housing standards as set forth at chapter 24.3 of title 45 entitled "housing maintenance
27 and occupancy code"; and

28 (3) The application fee established by the municipality.

29 (c) An application for a certification of rental suitability shall include:

30 (1) The name of the applicant and the address of the principal place of business of the
31 applicant;

32 (2) A description of the dwelling unit and the address of the dwelling unit by house or unit
33 number;

34 (3) The name and address of the managing operator, resident agent, or trustee, when

1 applicable:

2 (4) The name and address of an adult individual who is a resident of Rhode Island and is
3 designated as the applicant's agent for receiving service of process, notices, or any other papers
4 from the municipality's code enforcement office;

5 (5) The number of adult individuals authorized to occupy the dwelling unit;

6 (6) The type of dwelling, including the number of stories, in which the dwelling unit is
7 located;

8 (7) The year the dwelling in which the dwelling unit is located was constructed;

9 (8) The type and number of smoke detectors in the dwelling unit;

10 (9) The type of heating system in the dwelling unit;

11 (10) The type of hot water heating system for the dwelling unit;

12 (11) The source of water; and

13 (12) The type of sewage disposal.

14 (d) The applicant or owner shall provide a written amendment stating any new or different
15 change in information shared on the application not more than sixty (60) days after the change
16 occurs.

17 (e) A certificate of rental suitability shall be valid for five (5) years from issuance.

18 (f) Possession of a valid certificate of rental suitability does not alter the responsibilities
19 set forth in chapter 18 of title 34.

20 SECTION 3. This act shall take effect on July 1, 2021.

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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 amend the "residential landlord and tenant act" to require a landlord, prior
2 to any residential rental agreement, to deliver to a prospective tenant a valid certificate of rental
3 suitability and sets forth the requirements for applying for a certification.

4 This act would take effect upon passage.

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