

2012 -- H 7281

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - LEVY
AND SALE ON EXECUTION

Introduced By: Representatives Jackson, Keable, Petrarca, Edwards, and Gallison

Date Introduced: January 31, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-26-4.1 of the General Laws in Chapter 9-26 entitled "Levy and
2 Sale on Execution" is hereby amended to read as follows:

3 **9-26-4.1. Homestead estate exemption.** -- (a) In addition to the property exempt from
4 attachment as set forth in section 9-26-4, an estate of homestead to the extent of three hundred
5 thousand dollars (\$300,000) in the land and buildings may be acquired pursuant to this section by
6 an owner or owners of a home, [including manufactured homes](#) or one or all who rightfully
7 possess the premise by lease or otherwise, and who occupy or intend to occupy the home as a
8 principal residence. The estate of homestead provided pursuant to this section shall be automatic
9 by operation of law, and without any requirement or necessity for the filing of a declaration, a
10 statement in a deed, or any other documentation. The estate shall be exempt from the laws of
11 attachment, levy on execution and sale for payment of debts or legacies except in the following
12 cases:

13 (1) Sale for taxes, sewer liens, water liens, lighting district assessments and fire district
14 assessments;

15 (2) For a debt contracted prior to the acquisition of the estate of homestead;

16 (3) For a debt contracted for the purchase of the home;

17 (4) Upon an order issued by the family court to enforce its judgment that a spouse pay a
18 certain amount weekly or otherwise for the support of a spouse or minor children;

1 (5) Where a building or buildings are situated on land not owned by the owner of a
2 homestead estate are attached, levied upon or sold for the ground rent of the lot upon which the
3 building or buildings are situated;

4 (6) for a debt due to, or a lien in favor of, the department of human services and/or the
5 state of Rhode Island for reimbursement of medical assistance, as provided for in section 40-8-15;

6 (7) For a debt heretofore or hereafter owing to a federally insured deposit taking
7 institution or a person regulated or licensed under title 19.

8 (b) For the purposes of this section, "owner of a home" includes a sole owner, joint
9 tenant, tenant by the entirety or tenant in common; provided, that only one owner may acquire an
10 estate of homestead in the home for the benefit of his or her family; and provided further, that an
11 estate of homestead may be acquired on only one principal residence for the benefit of a family.
12 For the purposes of this section, "family" includes either a parent and child or children, a husband
13 and wife and their children, if any, or a sole owner. The provisions of this section shall not apply
14 to any debt owing to a financial institution, or private mortgages, or a mechanics' lien on the
15 property comprising the estate as provided for under chapter 28 of title 34. Notwithstanding any
16 other provisions of law, it shall not be necessary to record a declaration of homestead in order to
17 take advantage of the homestead estate exemption.

18 (c) As used in this section, "manufactured home" means any structure, transportable in
19 one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and
20 forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320)
21 square feet or more, and which is built on a permanent chassis and designed to be used as a
22 dwelling with or without a permanent foundation when connected to required utilities, which
23 include plumbing, heating and electrical heating systems contained therein.

24 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 grant the homestead exemption provided by Rhode Island law to
- 2 “manufactured homes”.
- 3 This act would take effect upon passage.

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