

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives Fellela, Corvese, Solomon, and Messier

Date Introduced: March 03, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-56 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-56. Notices and complaint forms.**

4 (a) A notice in substantially the following language shall suffice for the purpose of giving
5 a tenant a five (5) day demand for payment of rent prior to commencement of an eviction pursuant
6 to § 34-18-35:

7 FIVE-DAY DEMAND NOTICE FOR NONPAYMENT OF RENT

8 R.I.G.L. 34-18-35

9 Date of Mailing: _____

10 TO: _____

11 (tenant)

12 _____

13 _____

14 You are now more than fifteen days in arrears for some or all of the rent owed under your
15 rental agreement. State law requires that you be sent this Notice of arrearage.

16 Unless you make payment of all rent in arrears within five days of the date this notice was
17 mailed to you, an eviction action may be instituted in court against you. You can prevent the
18 eviction by paying all rent owing within five days of the mailing of this notice.

19 If you believe you have a legal reason for not paying this rent, you will be able to present

1 that defense at the eviction hearing. The rent in arrears as of the above date is \$_____.

2 _____

3 (signature)

4 _____

5 _____

6 (name and address of land-

7 lord/owner)

8 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,

9 addressed to the tenant, on the _____ day of _____, 20_____.

10 _____

11 (landlord or owner

12 signature)

13 (b) A notice in substantially the following language shall suffice for the purpose of giving

14 a tenant a notice of noncompliance with the rental agreement pursuant to § 34-18-36:

15 NOTICE OF NONCOMPLIANCE

16 R.I.G.L. 34-18-36

17 Date of Mailing: _____

18 TO: _____

19 (tenant)

20 _____

21 _____

22 (address)

23 You are in breach of your rental agreement, or of your legal duties under R.I.G.L. 34-18-

24 24, because you:

25 _____

26 _____

27 _____

28 (provide details)

29 To remedy this situation you must do the following within twenty days of the date of

30 mailing of this Notice:

31 _____

32 _____

33 _____

34 If you do not remedy this situation within twenty days, your rental agreement will terminate

1 without further notice on _____ (date, which must be not less than twenty-one days from the
2 date of mailing of this Notice). (NOTE: Under the law you lose this right to remedy your
3 noncompliance if this is the second notice on the same subject within the past six months.) After
4 that date an eviction case may begin in court, and you may be served with a complaint. You will
5 have the right to a hearing and to present any defenses you believe you have.

6 _____
7 (signature)

8 _____
9 _____
10 (name and address of land-
11 lord/owner)

12 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
13 addressed to the tenant, on the _____ day of _____, 20_____.

14 _____
15 (landlord or owner
16 signature)

17 (c) A notice in substantially the following language shall suffice for the purpose of giving
18 a tenant notice of termination of tenancy pursuant to § 34-18-37:

19 NOTICE OF TERMINATION OF TENANCY

20 R.I.G.L. 34-18-37

21 Date of Mailing: _____

22 TO: _____

23 (tenant)

24 _____

25 _____

26 (address)

27 You are hereby directed to vacate and remove your property and personal possessions from
28 the premises located at _____ and deliver control of the
29 premises to the

30 (address of premises)

31 landlord/owner on the first day after the end of your current rental period, namely
32 _____.

33 (insert date)

34 This notice is given for the purpose of terminating your tenancy. You must continue to pay

1 rent as it becomes due until the date indicated above. If you fail to pay that rent, a nonpayment
2 eviction action may be instituted against you.

3 If you fail to vacate the premises by the date specified, an eviction may be instituted against
4 you without further notice. If you believe you have a defense to this termination, you will be able
5 to raise that defense at the court hearing.

6 _____
7 (signature)

8 _____
9 _____

10 _____
11 (name and address of land-
12 lord/owner)

13 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
14 addressed to the tenant, on the _____ day of _____, 20_____.

15 _____
16 (landlord or owner
17 signature)

18 (d) A complaint in substantially the following language shall suffice for the purpose of
19 commencing an eviction action for nonpayment of rent pursuant to § 34-18-35:

20 State of Rhode Island
21 _____, Sc. DISTRICT
22 COURT
23 _____

24 DIVISION
25 PLAINTIFF DEFENDANT
26 _____
27 (Landlord's Name) (Tenant's Name)

28 V
29 _____
30 _____
31 _____
32 (address) (address of rental
33 premises)

34 COMPLAINT FOR EVICTION

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FOR NONPAYMENT OF RENT

R.I.G.L. 34-18-35

1. Plaintiff is the owner/landlord of the rental premises listed above, in which the Defendant Tenant currently resides.

2. Defendant is more than fifteen days in arrears in rental payments due to the plaintiff from the defendant. The rent is \$_____ per _____, and the amount in arrears is \$_____ as of the _____ day of _____, 20____.
(month)

3. Plaintiff has served the five-day demand notice as required by law, and a copy of that notice is attached to this complaint. The notice was mailed to the defendant on the _____ day of _____, 20_____.

4. Defendant has not paid the rent in arrears or offered the full amount in arrears, either before or after the demand notice. Defendant remains in possession of the rental premises.

WHEREFORE, Plaintiff requests that this Court grant a judgment for possession of the premises (eviction of the tenant) and for back rent in the amount of \$_____, plus costs.

(Name & address of
landlord/owner or attorney for
landlord)

Date complaint filed with clerk _____

(e) A complaint in substantially the following language shall suffice for the purpose of commencing an eviction action for noncompliance with the rental agreement pursuant to § 34-18-36, or an eviction action for unlawfully holding over after expiration or termination of the tenancy pursuant to § 34-18-38:

STATE OF RHODE ISLAND

_____, Sc. DISTRICT
COURT

DIVISION
PLAINTIFF DEFENDANT

(Landlord's Name) (Tenant's Name)

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(address)

(address of rental premises)

COMPLAINT FOR EVICTION
FOR REASON OTHER THAN
NONPAYMENT OF RENT

R.I.G.L. 34-18-36

R.I.G.L. 34-18-38

1. Plaintiff Landlord(s) owns the rental premises listed above, in which the Defendant Tenant(s) resides.

2. CHECK ONE:

_____ Defendant breached the tenant's obligations under the rented agreement or § 34-18-24 as set forth in the attached copy of the notice of noncompliance which was mailed to the defendant. Defendant has not cured or remedied the breach. (Plaintiff must attach copy of required notice of noncompliance.)

_____ Defendant has remained in possession of the rented premises following the period set forth in the attached notice of termination of tenancy which was mailed to defendant. (Plaintiff must attach copy of required termination notice.)

_____ Defendant breached the tenants' obligations under § 34-18-24(8), (9) or (10).

3. Plaintiff seeks judgment for possession of the premises plus judgment in the amount of

for _____

(explain basis for money claim)

Plaintiff seeks costs and fees (if applicable).

(Signature of Landlord/Owner or Attorney)

Date complaint filed with clerk _____

(f) A complaint in substantially the following language, or in similar language, shall be

1 sufficient for use by landlords or by tenants to bring any claims or causes of action other than
2 eviction actions:

3 NOT FOR EVICTION

4 State of Rhode Island

5 _____, Sc. DISTRICT
6 COURT

7 _____

8 DIVISION

9 PLAINTIFF DEFENDANT
10 _____
11 (Name) (Name)

12 V
13 _____
14 _____
15 _____
16 (address) (address of rental
17 premises)

18 LANDLORD-TENANT COMPLAINT
19 (NOT FOR USE IN EVICTIONS)

20 1.Plaintiff is the ____ Tenant ____ Landlord/Owner of the rental premises
21 at. _____
22 (address of rental premises)

23 2. Defendant is the ____ Tenant ____ Landlord/Owner.

24 3. Plaintiff claims that defendant has breached the obligations of the rental agreement or
25 law in relation to this landlord-tenant relationship, as follows:
26 _____
27 _____
28 _____
29 (brief description of claim, attach extra sheet, if necessary)

30 4. Plaintiff seeks the following judgment or relief from the Court:
31 _____
32 _____
33 _____

34 Date Complaint Filed

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With Clerk: _____ (Signature of plaintiff or
plaintiff's attorney)

(address)

(g) The summons in an action for eviction for nonpayment of rent pursuant to § 34-18-35 shall be in substantially the following form:

STATE OF RHODE ISLAND
DISTRICT COURT
SU
MMONS

EVICTON-NONPAYMENT OF RENT
DIVISION COUNTY CIVIL ACTION-FILE NO.

Address of Court:

(name & address of plaintiff landlord) (name & address of defendant-tenant)

TO THE TENANT: You are served with an eviction complaint for nonpayment of rent. If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk at or before the hearing date. You should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at ~~9:30~~ 9:00 A.M. on the hearing date, at the court address listed above. You should go to the hearing or you may lose by default. If you think the case is "settled," you should still go to the hearing to make sure the settlement is in the court record.

YOUR HEARING DATE IS: _____.

(Proof of Service on next page)

PROOF OF SERVICE

I hereby certify that I served a copy of the Complaint and Summons & Answer upon the defendant(s) by delivering or leaving said papers in the following manner:

_____ to the defendant personally; or
_____ at his or her dwelling unit or usual place of abode

1 at the

2 address listed below with a person of suitable age

3 then

4 residing therein; or

5 _____ if none be found, by posting conspicuously on the

6 door

7 to the defendant's dwelling unit.

8 ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:

9 _____

10 NAME OF PERSON OF SUITABLE AGE:

11 SERVICE DATE:

12 _____

13 DEPUTY

SHERIFF/CONSTABLE:

14 _____

15 _____

16 CERTIFICATE OF SERVICE

17 I hereby certify that a copy of this Complaint and Summons was placed into regular U.S.
18 Mail, postage prepaid, on the _____ day of _____, 20____, addressed
19 to defendant at the following address:

20 _____.

21 _____

(Signature of Clerk)

23 (h) The summons in an action for eviction for noncompliance with the rental agreement
24 pursuant to § 34-18-36, or for unlawfully holding over after termination or expiration of tenancy
25 pursuant to § 34-18-38, shall be in substantially the following form:

26 State of Rhode Island

27 District Court

28 Summons

29 EVICTON FOR REASON OTHER THAN NONPAYMENT OF RENT

30 DIVISION

COUNTY

CIVIL ACTION-

31 FILE NO. _____

32 Address of Court:

33 _____

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(name & address of plaintiff landlord) (name & address of defendant-tenant)

TO THE TENANT: You are served with an eviction complaint for noncompliance with rental agreement (R.I.G.L. 34-18-36), or for unlawfully holding over after termination or expiration of tenancy (R.I.G.L. 34-18-38). If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk within TWENTY (20) days after you are served with this summons and complaint. You should also mail a copy of the ANSWER to the landlord or the landlord's lawyer. If you file the enclosed ANSWER, then you will receive another written notice telling you when the hearing will be. If you have any questions, you may consult a lawyer. If you think the case is "settled" you should still file the enclosed ANSWER or be sure that the written settlement is in the file at the Clerk's office.

(Proof of Service on next page)

PROOF OF SERVICE

I hereby certify that I served a copy of the Complaint, Summons, and Answer form upon the defendant(s) by delivering or leaving said papers in the following manner:

_____ to the defendant personally
_____ at his/her dwelling unit or usual place of abode at the address listed below, with a person of suitable age then residing therein
_____ to an agent named below authorized by appointment or by law to receive service of process
_____ further notice as required by law was given as noted below

Address of dwelling or usual place of abode:

Name of person of suitable age or of agent:

If none be found, by posting conspicuously on the door to the defendant's dwelling unit or usual place of abode.

Service Date: _____

Deputy Sheriff/Constable (circle one):

(signature)

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CERTIFICATE OF SERVICE

I hereby certify that, on the day of, 20....., I mailed a copy of this Summons, and Complaint for Eviction for Reason Other than Nonpayment of Rent, blank Answer forms, and Language Assistance Notice addressed to the Defendant/Tenant, at the address listed above.

Affiant

(i) The summons in an action relating to any claims by tenants, or by landlords other than for eviction, shall be in substantially the following form:

State of Rhode Island

District Court Summons

DIVISION COUNTY CIVIL ACTION-FILE NO.

PLAINTIFF PLAINTIFF'S ATTORNEY

ADDRESS

vs

DEFENDANT

DEFENDANT'S ADDRESS

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon the plaintiff's attorney, whose name and address appears above, an answer to the complaint which is herewith served upon you. Your answer must be made within 20 days after service of this summons, excluding the date of service. The original must be filed in writing with this court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

DATE

CLERK

SEAL OF THE DISTRICT COURT

DATE

RECEIVED

PROOF OF SERVICE

1 I hereby certify that on the date below I served a copy of this summons and a copy of the
2 complaint received herewith upon the above-named defendant by delivering or leaving said papers
3 in the following manner:

- 4 to the defendant personally.
- 5 at his dwelling house or usual place of abode at the address entered
6 below, with a person of suitable age and discretion then residing therewith.
- 7 to an agent named below authorized by appointment or by law to receive
8 service of process.
- 9 Further notice as required by statute was given as noted on the reverse
10 side.

11 _____
12 Address of Dwelling or Usual Place of Abode
13 _____

14 Name of Authorized Agent or Person of Suitable Age
15 _____

16 Date _____ Deputy Sheriff/Constable _____
17 _____

18 SERVICE FEE \$_____

19 (j) The blank answer served in eviction actions shall be in substantially the following form:

20 State of Rhode Island

21 _____, Sc. DISTRICT COURT
22 _____ DIVISION

23 PLAINTIFF DEFENDANT

24 _____

25 (Landlord's Name) (Tenant's Name)

26 V

27 _____

28 _____

29 (address) (address of rental
30 premises)

31 INSTRUCTIONS TO THE DEFENDANT
32 Listed below are several possible defenses to the eviction action your landlord has filed
33 against you. If one or more of these defenses apply to your case, check the appropriate box(es). If
34 space is provided, write in facts in support of that defense. Use additional paper if necessary. Some

1 of these defenses are technical, and there may be others not listed here. You may consult a lawyer
2 and seek representation before filling out this Answer.

3 TENANT'S ANSWER

4 The complaint against me is untrue or fails to state the following facts:

5 I offered rent, but my landlord refused it. I am still able and willing to pay the rent.

6 I have a defense for nonpayment because the landlord has failed to maintain the premises
7 in a fit and habitable condition.

8 My rent has not been paid, but I have a legally justifiable defense for not paying:

9 I have a written lease which does not expire until:

10 I have not received the required notice from the landlord before this complaint was served
11 on me.

12 The landlord is trying to evict me because I have exercised my legal rights by calling code
13 enforcement officials, or by taking the following protected action:

14 I have other defenses as follow:

15 WHEREFORE: Because of the defense(s) indicated above, I ask the court to grant a
16 judgment in my favor and not order me to be evicted.

17 COUNTERCLAIM

18 Instructions: If you believe you are entitled to be awarded damages or money for any reason
19 from your landlord, you may fill out the statement below:

20 I hereby sue my landlord for the amount of \$_____.

21 I believe I am entitled to receive an award of this amount because

22 _____
23 _____

24 Name of Defendant (or attorney)

Signature of Defendant

25 _____

26 Address

27 _____

28 Telephone number

29 _____

30 SECTION 2. This act shall take effect on January 1, 2023.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

- 1 This act would modify the summons for eviction for reasons other than nonpayment of rent
- 2 with the district court, to add a certificate of service section, and provide the option to post the
- 3 summons and complaint conspicuously on the door of the defendant/tenant's dwelling.
- 4 This act would take effect on January 1, 2023.

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LC005098
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