

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 Felix, Morales, Barros, Kislak, Alzate, Giraldo, Diaz,  
Cassar, Kazarian, and Ruggiero

Date Introduced: March 04, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-35 of the General Laws in Chapter 34-18 entitled "Residential  
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-35. Eviction for nonpayment of rent.**

4 (a) If any part of the stipulated rent is due and in arrears for fifteen (15) days, the landlord  
5 shall send a written notice, in a form substantially similar to that provided in § 34-18-56(a),  
6 specifying the amount of the rent which is fifteen (15) days in arrears, making demand for the rent,  
7 and notifying the tenant that unless he or she cures the breach within five (5) days of the date of  
8 mailing of the notice, the rental agreement shall terminate, and the landlord shall commence an  
9 eviction action in the appropriate district court or housing court.

10 (b) If the tenant fails to cure his or her breach by paying the stipulated rent in arrears within  
11 five (5) days of the date of mailing of the notice, the landlord may commence an eviction action  
12 against the tenant, which shall be filed no earlier than the sixth (6th) day after mailing of the written  
13 demand notice. The action shall be commenced by filing a "Complaint for Eviction for Nonpayment  
14 of Rent" in the appropriate court in the form provided in § 34-18-56(d).

15 (c) The summons for eviction for nonpayment of rent shall specify the date for hearing and  
16 be in the form provided in § 34-18-56(g). The summons shall specify that the defendant may file  
17 and serve his or her answer prior to or at the time of hearing, and that if he or she fails to answer or  
18 appear at the hearing, he or she shall be defaulted.

19 (d) If the defendant files his or her answer and commences discovery prior to the hearing,

1 and it appears, for good cause shown, that the defendant will not be able to conduct his or her  
2 defense without the benefit of discovery, the court may continue the hearing to allow a reasonable  
3 time for the completion of discovery. In the case of such a continuance, the court may, in its  
4 discretion, order interim rent, or other remedy, to be paid to preserve the status quo pending hearing.  
5 Except as provided in this chapter, the landlord may recover possession and actual damages. In  
6 cases where the tenant had received a demand notice pursuant to subsection (a) within the six (6)  
7 months immediately preceding the filing of the action, and the tenant's nonpayment was willful,  
8 the landlord may also recover a reasonable attorney's fee.

9 (e) The tenant shall have the right to cure his or her failure to pay rent by tendering the full  
10 amount of rent prior to commencement of suit. If the tenant has not received a notice pursuant to  
11 subsection (a) of this section within the six (6) months immediately preceding the filing of the  
12 action, the tenant shall have the right to cure his or her failure to pay rent after commencement of  
13 suit by tendering the full amount of rent in arrears, together with court costs, at the time of hearing.

14 (f)(1) Notwithstanding subsections (a) through (e) of this section, before initiating eviction  
15 for nonpayment of rent, the landlord shall complete the landlord portion of an application for rental  
16 assistance to satisfy the tenant's arrearage through any available emergency rental assistance  
17 program funded through the federal Consolidated Appropriations Act (2021), Pub. L. 116-260, Div.  
18 N § 501(a) or the federal American Rescue Plan Act of 2021, Pub. L. 117-2, § 3201(a).

19 (2) A landlord may proceed with the process for eviction for nonpayment of rent, as  
20 described in this section, if the application for rental assistance is denied or thirty (30) days have  
21 elapsed from the time all documentation required under the program to be provided by the landlord  
22 has been submitted, whichever comes first.

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

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

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1           This act would require landlords to complete the landlord portion of an application for  
2 federal emergency rental assistance before starting an action for eviction against a residential tenant  
3 for nonpayment of rent. A landlord would then be authorized to proceed with the eviction if the  
4 application for rental assistance is denied or thirty (30) days after all the landlord's required  
5 documentation has been submitted, whichever comes first.

6           This act would take effect upon passage.

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