

2023 -- H 6129

LC002213

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL PROCEDURE -- PUBLIC DEFENDER

Introduced By: Representatives Cruz, Cotter, Boylan, Kazarian, Speakman, J. Lombardi,
Potter, Stewart, Baginski, and Casimiro

Date Introduced: March 06, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly hereby finds and declares that:

2 (1) Eviction proceedings have a profoundly disparate impact on low-income individuals
3 and given this disparate impact, it is imperative that these individuals be provided legal
4 representation in legal proceedings that put their housing at risk.

5 (2) There is a fundamental human right to adequate housing accommodations. Safe, secure,
6 and accessible housing is essential to achieving equal access to all other fundamental needs.
7 Without housing, individuals and families too often cannot preserve family integrity, gain
8 employment or other income, or enjoy access to healthcare, proper nutrition, and education.

9 (3) Eviction proceedings and displacement as a result of evictions have a disparate impact
10 on low-income individuals and particularly on low-income people of color, who are
11 disproportionately the respondents in eviction proceedings.

12 (4) Representation of people who are at risk of losing their homes in legal proceedings
13 preserves access to housing and ensures compliance with laws protecting people's rights in such
14 proceedings. Abrupt, unwarranted, or unlawful evictions disrupt lives and livelihoods, force people
15 to find housing in a market with a severe shortage of affordable housing and often significantly
16 increases the risk of homelessness. The short- and long-term effects of housing instability are
17 devastating to individuals and families and can affect physical and mental health, employment and
18 education.

19 (5) Providing a right to legal representation to individuals who are most at risk of housing

1 instability not only protects individuals and families from these devastating effects, it saves public
2 funds that would otherwise be spent on shelters and services to people experiencing homelessness
3 as well as the wide range of detrimental short- and long-term collateral consequences of housing
4 instability.

5 SECTION 2. Title 12 of the General Laws entitled "PUBLIC DEFENDER" is hereby
6 amended by adding thereto the following chapter:

7 CHAPTER 15.1

8 RESIDENTIAL TENANT'S RIGHT TO LEGAL REPRESENTATION ACT

9 **12-15.1-1. Short title.**

10 This chapter shall be known and may be cited as the "Residential Tenant's Right to Legal
11 Representation Act".

12 **12-15.1-2. Definitions.**

13 As used in this chapter, the following words and terms shall have the following meanings
14 unless the context shall clearly indicate another or different meaning or intent:

15 (1) "Designated community organization" means a not-for-profit organization or
16 association having nonprofit status under §501(C)(3) of the United States Internal Revenue Code
17 that has the capacity to provide education in a program established under § 12-15.1-6. To the extent
18 practicable, such designated community organization shall maintain a practice of furnishing free
19 services; possess expertise and experience in community education and organizing, and ties to the
20 communities they serve; demonstrate expertise in recognizing and responding to the housing issues
21 facing low-income residents of the state; possess adequate expertise to provide consistent, high
22 quality supervision, oversight, training, evaluation, and strategic response to emerging or changing
23 needs in the communities served; and maintain reasonable workloads and working conditions for
24 their staff.

25 (2) "Designated legal organization" means a not-for-profit (charitable) organization or
26 association having tax deductible for contributions status under §501(c)(3) of the United States
27 Internal Revenue Code that has the capacity to provide comprehensive and effective legal services
28 for the program established under this chapter. To the extent practicable, such designated legal
29 organizations shall be organizations that maintain a practice of furnishing free or reduced cost legal
30 services to individuals; possess expertise in the areas of law for covered actions; have a
31 demonstrated history or practice with regard to the legal issues facing low-income residents of the
32 state; provide consistent, high quality supervision, oversight, training, evaluation, and strategic
33 response to emerging or changing needs in the communities served; and maintain reasonable
34 workloads and working conditions for their staff.

1 (3) "Director" means the director of the division of civil representation.

2 (4) "Division" means the division of civil representation.

3 (5) "Eligible individual" means an individual who is at risk of losing their housing
4 accommodation in an action for eviction. An individual becomes eligible when that individual:

5 (i) Becomes the subject of an eviction notice; or

6 (ii) Is a party, in an eviction action.

7 (6) "Eviction" means any action to evict an individual or otherwise terminate a tenancy, or
8 any other action that is likely to result in an individual losing their housing accommodation,
9 including any proceeding to terminate a housing subsidy, or an action brought by an eligible
10 individual based on the landlord's failure to maintain the premises in a fit and habitable condition,
11 or in response to an unlawful eviction, or in response to the unlawful actions of a landlord, as well
12 as any appeals from any such proceedings.

13 (7) "Housing accommodation" or "residence" means that part of any building or structure
14 or any part thereof, permanent or temporary, occupied or intended, arranged or designed to be used
15 or occupied, by one or more individuals as a home, dwelling unit or apartment, sleeping place,
16 boarding house, lodging house or hotel, and all essential services, privileges, furnishings, furniture
17 and facilities supplied in connection with its occupation.

18 (8) "Legal representation" means ongoing legal representation provided by a designated
19 legal organization to eligible individuals and the provision of legal advice, advocacy, and
20 assistance, including, but not be limited to: filing a notice of appearance, filing and preparation of
21 pleadings and motions on behalf of eligible individuals, court appearances on behalf of eligible
22 individuals, pre- and post-trial settlement conferences, and any other activities needed to provide
23 legal representation in a covered proceeding.

24 (9) "Office" means the office of the public defender.

25 **12-15.1-3. Right to legal representation in eviction proceedings.**

26 The civil right to full legal representation for eligible individuals in an eviction action is
27 hereby created.

28 **12-15.1-4. Division of civil representation.**

29 There is hereby established in the office of the public defender, the division of civil
30 representation to create and implement a program to provide legal representation pursuant to § 12-
31 15.1-5. The division shall be headed by a director who shall be appointed by the governor, and shall
32 be subject to the advice and consent of the senate.

33 **12-15.1-5. Powers and duties of the division of civil representation.**

34 The director shall have the power and duty to:

1 (1) Establish a program to provide legal representation including entering into contracts
2 and agreements as may be necessary, in accordance with § 12-15.1-6;

3 (2) Prepare and submit to the governor, the president of the senate, and the speaker of the
4 house an annual financial audit of the program's activities, prepared by a certified public accountant
5 licensed in the state and carried out in accordance with generally accepted auditing standards; and
6 an annual report regarding the program created under § 12-15.1-6. Such report shall include, but
7 not be limited to, the following information regarding all individuals requesting services and all
8 individuals provided services, disaggregated by municipality; provided, however, that the
9 information shall not be required for every case where the individual refuses to provide the
10 information or the information is not reasonably ascertainable:

11 (i) The total number of people provided legal representation and the total number of people
12 requesting but not provided legal representation and the reasons why representation was not
13 provided;

14 (ii) The outcomes of the cases where legal representation was provided;

15 (iii) Gender, race, ethnicity, and age;

16 (iv) Postal code of residence;

17 (v) Household size;

18 (vi) Estimated length of tenancy;

19 (vii) Approximate household income;

20 (viii) Receipt of ongoing public assistance at the time such legal services were initiated;

21 (ix) Tenancy in housing operated by or subsidized through a federal, state or local rental
22 subsidy program;

23 (x) Legal services provided by type of legal issue;

24 (xi) Outcomes immediately following the provision of full legal representation, as
25 applicable and available, including, but not limited to, the number of:

26 (A) Judgments and stipulated agreements allowing individuals to remain in their residence;

27 (B) Judgments and stipulated agreements requiring individuals to be displaced from their
28 residence; and

29 (C) Instances where an attorney representing an income-eligible individual was discharged
30 or withdrew;

31 (xii) A list of landlords involved in eviction proceedings;

32 (xiii) Residential evictions conducted by sheriffs, disaggregated by municipality;

33 (xiv) A list of designated community organizations, the community in which such
34 organizations provide services, and the amount of funding provided to each;

1 (xv) The number of buildings in which outreach was conducted, the number of workshops
2 offered, the number of attendees at such workshops, the number of people referred to nonprofits
3 having status under § 501(c)(3) of the United States Internal Revenue Code, and the number of
4 trainings offered; and

5 (xvi) An evaluation of implementation challenges and recommendations for any future
6 programmatic improvements.

7 (3) Provide an annual estimate for the funding necessary for the operation of the program
8 created under § 12-15.1-6;

9 (4) Coordinate with other programs providing legal representation to ensure efficiency of
10 functions and to prevent duplication of work;

11 (5) Create a program providing outreach and education through designated community
12 organizations to spread awareness of the availability of legal representation. With the support of
13 the director and adequate funding, designated community organizations shall be responsible for
14 engaging and educating tenants of their rights in eviction proceedings, including, but not limited
15 to:

16 (i) Hosting trainings and other workshops for tenants;

17 (ii) Distributing written information to tenants;

18 (iii) Assisting tenants in forming and maintaining tenant associations; and

19 (iv) Referring tenants to designated legal organization and other activities to engage,
20 educate, or inform tenants of their rights in eviction proceedings. Engagement and education shall
21 be provided in diverse languages;

22 (6) Create and make available resources for individuals with regard to their rights in civil
23 legal matters regarding housing accommodations in the languages required by law and such
24 additional languages as may be necessary; and

25 (7) Promulgate any rules, regulations, and guidance necessary for the implementation of
26 the provisions of this chapter.

27 **12-15.1-6. Provision of legal representation and community education.**

28 (a) In accordance with this chapter, the division shall develop programs to guarantee and
29 deliver:

30 (1) Legal representation to eligible individuals in covered proceedings throughout the state;
31 and

32 (2) Community outreach and education through one or more designated community
33 organizations regarding the programs created by this chapter.

34 (b) In creating the programs under subsection (a) of this section, the director shall consult

1 with the following:

2 (1) Tenants or representatives of tenants, and community groups representing low-income
3 or other at-risk members of the community;

4 (2) Legal and community-based organizations;

5 (3) Representatives of the judiciary;

6 (4) Representatives of a municipality operating or funding a program providing legal
7 representation, legal consultation, or community education and outreach or representatives of the
8 organizations involved in such programs; and

9 (5) Any other organizations or individuals as may be necessary as determined by the
10 director.

11 (c) The division shall post on its website information regarding the programs created under
12 this section including how individuals may find services available in their community.

13 (d) The division shall hold one or more hearings or listening sessions in each municipality
14 of the state on an annual basis to evaluate the programs created pursuant to this section and to
15 incorporate any necessary changes to such programs.

16 **12-15.1-7. Lease provisions.**

17 Any lease or contract for rental of residential property shall provide notice of the tenant's
18 right to legal representation pursuant to § 12-15.1-3. Lease provisions waiving right to legal
19 representation or otherwise limiting the tenant's right to obtain legal representation shall be void
20 and unenforceable.

21 **12-15.1-8. Severability.**

22 If any clause, sentence, paragraph, section, or part of this chapter or its application to any
23 individual or circumstance, is, for any reason, adjudged by a court of competent jurisdiction to be
24 invalid, that judgment shall not affect, impair, or invalidate the remainder of this chapter or its
25 application to other individuals or circumstances; provided, however that judgment shall be
26 confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the
27 controversy in which that judgment shall have been rendered.

28 SECTION 3. Section 34-18-56 of the General Laws in Chapter 34-18 entitled "Residential
29 Landlord and Tenant Act" is hereby amended to read as follows:

30 **34-18-56. Notices and complaint forms.**

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

34 FIVE-DAY DEMAND NOTICE FOR NONPAYMENT OF RENT

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Date of Mailing: _____

TO: _____

(tenant)

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

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

If you believe you have a legal reason for not paying this rent, you will be able to present that defense at the eviction hearing. [You may be entitled to legal representation through a designated legal organization. Contact the Division of Civil Representation at the Office of the Public Defender.](#) The rent in arrears as of the above date is \$_____.

(signature)

(name and address of land-lord/owner)

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

(landlord or owner signature)

(b) A notice in substantially the following language shall suffice for the purpose of giving a tenant a notice of noncompliance with the rental agreement pursuant to § 34-18-36:

NOTICE OF NONCOMPLIANCE

Date of Mailing: _____

TO: _____

(tenant)

(address)

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(tenant)

(address)

You are hereby directed to vacate and remove your property and personal possessions from the premises located at _____

(address of premises)

and deliver control of the premises to the landlord/owner on the first day after the end of your current rental period, namely _____.

(insert date)

This notice is given for the purpose of terminating your tenancy. You must continue to pay rent as it becomes due until the date indicated above. If you fail to pay that rent, a nonpayment eviction action may be instituted against you.

If you fail to vacate the premises by the date specified, an eviction may be instituted against you without further notice. If you believe you have a defense to this termination, you will be able to raise that defense at the court hearing. [You may be entitled to legal representation through a designated legal organization. Contact the Division of Civil Representation at the Office of the Public Defender.](#)

(signature)

(name and address of land-lord/owner)

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

(landlord or owner signature)

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

State of Rhode Island

_____, Sc.

DISTRICT COURT

DIVISION

PLAINTIFF

DEFENDANT

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(Landlord's Name)

(Tenant's Name)

V

(address)

(address of rental premises)

COMPLAINT FOR EVICTION

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_____.
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

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PLAINTIFF

DEFENDANT

(Landlord's Name)

(Tenant's Name)

V

(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 rental 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)

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Date complaint filed with clerk _____

(f) A complaint in substantially the following language, or in similar language, shall be sufficient for use by landlords or by tenants to bring any claims or causes of action other than eviction actions:

NOT FOR EVICTION

State of Rhode Island

_____, Sc.

DISTRICT COURT

_____ DIVISION

PLAINTIFF

DEFENDANT

(Name)

(Name)

V

(address)

(address of rental premises)

LANDLORD-TENANT COMPLAINT

(NOT FOR USE IN EVICTIONS)

1. Plaintiff is the ____ Tenant ____ Landlord/Owner of the rental premises

at. _____

(address of rental premises)

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

3. Plaintiff claims that defendant has breached the obligations of the rental agreement or law in relation to this landlord-tenant relationship, as follows:

(brief description of claim, attach extra sheet, if necessary)

4. Plaintiff seeks the following judgment or relief from the Court:

Date Complaint Filed _____

1 With Clerk: _____ (Signature of plaintiff or plaintiff's attorney)
2 _____
3 (address)

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

6 STATE OF RHODE ISLAND
7 DISTRICT COURT SUMMONS
8 EVICTION-NONPAYMENT OF RENT
9 DIVISION COUNTY CIVIL ACTION-FILE NO.

10 Address of Court:

11 _____
12 _____
13 _____

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

15 TO THE TENANT: You are served with an eviction complaint for nonpayment of rent. If
16 you do nothing, you will lose by default and be evicted. If you claim any defense, you must
17 complete the enclosed ANSWER and file it with the Court Clerk at or before the hearing date. You
18 should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at 9:30 A.M.
19 on the hearing date, at the court address listed above. You should go to the hearing or you may lose
20 by default. If you think the case is "settled," you should still go to the hearing to make sure the
21 settlement is in the court record. [You may be entitled to legal representation through a designated](#)
22 [legal organization. Contact the Division of Civil Representation at the Office of the Public](#)
23 [Defender.](#)

24 YOUR HEARING DATE IS: _____.

25 (Proof of Service on next page)

26 _____
27 **PROOF OF SERVICE**

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

30 _____ to the defendant personally; or
31 _____ at his or her dwelling unit or usual place of abode
32 at the address listed below with a person of suitable age then residing therein; or
33 _____ if none be found, by posting conspicuously on the
34 door to the defendant's dwelling unit.

1 ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:
2 _____

3 NAME OF PERSON OF SUITABLE AGE:
4 _____

5 SERVICE DATE:
6 _____

7 DEPUTY SHERIFF/CONSTABLE:
8 _____
9 _____

10 CERTIFICATE OF SERVICE

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

15 _____
16 (Signature of _____ Clerk)

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

20 State of Rhode Island
21 District Court Summons

22 EVICTION FOR REASON OTHER THAN NONPAYMENT OF RENT
23 DIVISION COUNTY CIVIL ACTION-FILE NO. _____

24 Address of Court:
25 _____
26 V
27 _____
28 _____

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

30 TO THE TENANT: You are served with an eviction complaint for noncompliance with
31 rental agreement (R.I.G.L. 34-18-36), or for unlawfully holding over after termination or expiration
32 of tenancy (R.I.G.L. 34-18-38). If you do nothing, you will lose by default and be evicted. If you
33 claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk
34 within TWENTY (20) days after you are served with this summons and complaint. You should also

1 mail a copy of the ANSWER to the landlord or the landlord's lawyer. If you file the enclosed
2 ANSWER, then you will receive another written notice telling you when the hearing will be. If you
3 have any questions, you may consult a lawyer. If you think the case is "settled" you should still file
4 the enclosed ANSWER or be sure that the written settlement is in the file at the Clerk's office. [You](#)
5 [may be entitled to legal representation through a designated legal organization. Contact the Division](#)
6 [of Civil Representation at the Office of the Public Defender.](#)

7 (Proof of Service on next page)

8 _____
9 **PROOF OF SERVICE**

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

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

18 Address of dwelling or usual place of abode:
19 _____

20 Name of person of suitable age or of agent:
21 _____

22 Service Date: _____

23 Deputy Sheriff/Constable (circle one):
24 _____

25 (signature)

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

28 State of Rhode Island
29 District Court Summons
30 _____

31 DIVISION COUNTY CIVIL ACTION-FILE NO.
32 _____

33 PLAINTIFF PLAINTIFF'S ATTORNEY
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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. [You may be entitled to legal representation through a designated legal organization. Contact the Division of Civil Representation at the Office of the Public Defender.](#)

DATE

CLERK

SEAL OF THE DISTRICT COURT

DATE RECEIVED

PROOF OF SERVICE

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

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

Address of Dwelling or Usual Place of Abode

Name of Authorized Agent or Person of Suitable Age

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Date Deputy Sheriff/Constable

SERVICE FEE \$_____

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

State of Rhode Island
_____, Sc. DISTRICT COURT

DIVISION
PLAINTIFF DEFENDANT

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

(address) (address of rental premises)

INSTRUCTIONS TO THE DEFENDANT

Listed below are several possible defenses to the eviction action your landlord has filed against you. If one or more of these defenses apply to your case, check the appropriate box(es). If space is provided, write in facts in support of that defense. Use additional paper if necessary. Some of these defenses are technical, and there may be others not listed here. You may consult a lawyer and seek representation before filling out this Answer. [You may be entitled to legal representation through a designated legal organization. Contact the Division of Civil Representation at the Office of the Public Defender.](#)

TENANT'S ANSWER

The complaint against me is untrue or fails to state the following facts:
I offered rent, but my landlord refused it. I am still able and willing to pay the rent.
I have a defense for nonpayment because the landlord has failed to maintain the premises in a fit and habitable condition.
My rent has not been paid, but I have a legally justifiable defense for not paying:
I have a written lease which does not expire until:
I have not received the required notice from the landlord before this complaint was served on me.
The landlord is trying to evict me because I have exercised my legal rights by calling code enforcement officials, or by taking the following protected action:

1 I have other defenses as follow:

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

4 COUNTERCLAIM

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

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

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

9 _____

10 _____

11 Name of Defendant (or attorney)

Signature of Defendant

12 _____

13 Address

14 _____

15 Telephone number

16 _____

17 SECTION 4. Section 12-15-3 of the General Laws in Chapter 12-15 entitled "Public
18 Defender" is hereby amended to read as follows:

19 **12-15-3. Duty to represent indigent defendants.**

20 It shall be the duty of the public defender to represent and act as attorney for indigent
21 defendants in those criminal cases referred to him or her by the supreme court, by the superior
22 courts, by the district courts, and as are set forth in § 14-1-31, as well as all civil evictions pursuant
23 to chapter 15.1 of this title, and he or she shall be engaged full time in that capacity.

24 SECTION 5. This act shall take effect upon passage.

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LC002213
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- PUBLIC DEFENDER

1 This act would establish a new division of civil representation, within the office of the
2 public defender that would provide legal representation to tenants in eviction proceedings. The act
3 would also provide that notice of an individual's right to legal representation be included in all
4 residential landlord/tenant complaint forms and that any attempt to waive that right in a lease would
5 be void.

6 This act would take effect upon passage.

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LC002213
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