

2023 -- S 0804 AS AMENDED

LC002544

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senator Dawn M. Euer

Date Introduced: March 23, 2023

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Chapter 34-18-58 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended by adding thereto the following section:
- 3 **34-18-58. Statewide mandatory rental registry.**
- 4 (a) All landlords shall register the following information with the department of health:
- 5 (i) Names of individual landlords or any business entity responsible for leasing to a tenant
6 under this chapter;
- 7 (ii) An active business address, PO box, or home address;
- 8 (iii) An active email address;
- 9 (iv) An active telephone number that would reasonably facilitate communications with the
10 tenant of each dwelling unit;
- 11 (v) Any property manager, management company, or agent for service of the property,
12 along with the business address, PO box, or home address of the property manager, management
13 company or agent and including;
- 14 (A) An active email address; and
- 15 (B) An active telephone number, for each such person or legal entity, if applicable, for each
16 dwelling unit; and
- 17 (vi) Information necessary to identify each dwelling unit.
- 18 (b) All landlords who lease a residential property constructed prior to 1978 and that is not
19 exempt from the requirements of chapter 128.1 title 42, ("lead hazard mitigation"), shall, in addition

1 to the requirements of subsection (a) of this section, for each dwelling unit, provide the department
2 of health with a valid certificate of conformance in accordance with chapter 128.1 of title 42 ("lead
3 hazard mitigation") and regulations derived therefrom, or evidence sufficient to demonstrate that
4 they are exempt from the requirement to obtain a certificate of conformance.

5 (c) Contingent upon available funding, the department of health, or designee, shall create
6 a publicly accessible online database containing the information obtained in accordance with
7 subsections (a) and (b) of this section, no later than nine (9) months following the effective date of
8 this section.

9 (d) All landlords subject to the requirements of subsections (a) and (b) of this section as of
10 September 1, 2024, shall register the information required by those subsections no later than
11 October 1, 2024.

12 A landlord who acquires a rental property, or begins leasing a rental property to a new
13 tenant, after September 1, 2024, shall register the information required by subsections (a) and (b)
14 of this section within thirty (30) days after the acquisition or lease to a tenant, whichever date is
15 earlier. All landlords subject to the requirements of subsections (a) and (b) of this section shall,
16 following initial registration, re-register by October 1 of each year in order to update any
17 information required to comply with subsections (a) and (b) of this section, or to confirm that the
18 information already supplied remains accurate.

19 (e) Any person or entity subject to subsections (a) and (b) of this section who fails to
20 comply with the registration provision in subsection (d) of this section, shall be subject to a civil
21 fine of at least fifty dollars (\$50.00) per month for failure to register the information required by
22 subsection (a) of this section, or at least one-hundred and twenty-five dollars (\$125) per month, for
23 failure to register the information required by subsection (b) of this section.

24 (f) All civil penalties imposed pursuant to subsection (e) of this section shall be payable to
25 the department of health. There is to be established a restricted receipt account to be known as the
26 "rental registry account" which shall be a separate account within the department of health.
27 Penalties received by the department pursuant to the terms of this section shall be deposited into
28 the account. Monies deposited in the account shall be transferred to the department of health and
29 shall be expended for the purpose of administering the provisions of this section or lead hazard
30 mitigation, abatement, enforcement, or poisoning prevention. No penalties shall be levied under
31 this section prior to October 1, 2024.

32 (g) Notwithstanding the provisions of § 34-18-35, a landlord or any agent of a landlord
33 may not commence an action to evict for nonpayment of rent in any court of competent jurisdiction,
34 unless, at the time the action is commenced, the landlord is in compliance with the requirements of

1 subsections (a), (b), and (d) of this section. A landlord must present the court with evidence of
2 compliance with subsections (a), (b), and (d) of this section at the time of filing an action to evict
3 for nonpayment of rent in order to proceed with the civil action.

4 (h) The department of health may commence an action for injunctive relief and additional
5 civil penalties of up to fifty dollars (\$50.00) per violation against any landlord who repeatedly fails
6 to comply with subsection (a) of this section. The attorney general may commence an action for
7 injunctive relief and additional civil penalties of up to one thousand dollars (\$1,000) per violation
8 against any landlord who repeatedly fails to comply with subsection (b) of this section. Any
9 penalties obtained pursuant to this subsection shall be used for the purposes of lead hazard
10 mitigation, abatement, enforcement, or poisoning prevention, or for the purpose of administering
11 the provisions of this section. No penalties shall be levied under this section prior to October 1,
12 2024.

13 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 require landlords to register certain identifying information on a statewide
2 registry and for pre-1978 properties, provide a valid certificate of conformance with the lead hazard
3 mitigation act. For landlords who do not comply, this act establishes civil penalties and prevents
4 the landlord from suing a tenant for non-payment of rent.

5 This act would take effect upon passage.

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