

2023 -- S 1083

LC003075

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Senators F. Lombardi, Zurier, McKenney, Burke, and Lauria

Date Introduced: May 26, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.02 and 34-36.1-3.08 of the General Laws in Chapter 34-
2 36.1 entitled "Condominium Law" are hereby amended to read as follows:

3 **34-36.1-1.02. Applicability.**

4 (a)(1) This chapter applies to all condominiums created within this state after July 1, 1982,
5 except that any condominium created within this state prior to July 1, 1982, may voluntarily accept
6 the provisions of this chapter in lieu of the provisions under which it was originally organized.
7 Acceptance shall be evidenced by an agreement in writing executed by and in behalf of the
8 condominium association and by all of the owners of all of the individual condominium units within
9 the condominium, in which agreement it is clearly stated that they all accept the provisions of this
10 chapter in lieu of those in the statute under which the condominium was organized and wish to be
11 governed in the future by the provisions of this chapter. The agreement shall be recorded in the
12 land evidence records of each and every town or city where all or any part of the land in the
13 condominium concerned may be located and shall become effective when first so recorded. The
14 acceptance shall only apply to the governance of the condominium concerned as to all matters
15 which are prospective or executory in nature; and nothing herein shall be deemed to abrogate,
16 amend, limit, effect, or impair the continued effectiveness, legality, or validity of all actions
17 lawfully taken by or in behalf of the condominium prior to the effective date of the acceptance,
18 including, but without limitation, the condominium declaration and all amendments thereto, the by-
19 laws of the condominium and/or of its association, all deeds, mortgages, leases and any further

1 documents affecting the titles or rights of unit owners, or of the condominium or the prior lawful
2 acts or deeds of any kind, of the condominium association, its officers, directors, or members.

3 (2) Sections 34-36.1-1.05 (separate titles and taxation), 34-36.1-1.06 (applicability of local
4 ordinances, regulations, and building codes), 34-36.1-1.07 (eminent domain), 34-36.1-2.03
5 (construction and validity of declaration and bylaws), 34-36.1-2.04 (description of units), 34-36.1-
6 3.02(a)(1) — (6) and (11) — (17) (powers of unit owners' association), [34-36.1-3.08 \(meetings\)](#),
7 34-36.1-3.11 (tort and contract liability), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18
8 (association records), 34-36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on rights
9 of action; attorney's fees), § 34-36.1-3.20 (enforcement of declaration, bylaws and rules), and 34-
10 36.1-1.03 (definitions), to the extent necessary in construing any of those sections, apply to all
11 condominiums created in this state before July 1, 1982; but those sections apply only with respect
12 to events and circumstances occurring after July 1, 1982 and do not invalidate existing provisions
13 of the declaration, bylaws, plats, or plans of those condominiums.

14 (3) A condominium created as an additional phase by amendment of a condominium
15 created prior to July 1, 1982, if the original declaration contemplated the amendment, shall be
16 deemed to be a condominium created prior to July 1, 1982; provided, however, the provisions of
17 subdivision (a)(2) shall apply as defined therein.

18 (4) Section 34-36.1-3.21 (foreclosure of condominium lien) applies, with respect to all
19 condominiums created in this state prior to June 19, 1991, only with respect to events and
20 circumstances occurring after June 18, 1991, does not invalidate existing provisions of the
21 declarations, bylaws, plats, or plans of those condominiums, and applies in all respects to all
22 condominiums created in this state after June 18, 1991.

23 (b) The provisions of the Condominium Ownership Act, chapter 36 of this title, do not
24 apply to condominiums created after July 1, 1982 and do not invalidate any amendment to the
25 declaration, bylaws, plats, and plans of any condominium created before July 1, 1982 if the
26 amendment would be permitted by this chapter. The amendment must be adopted in conformity
27 with the procedures and requirements specified by those instruments and by chapter 36 of this title.
28 If the amendment grants to any person any rights, powers, or privileges permitted by this chapter,
29 all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

30 (c) This chapter does not apply to condominiums or units located outside this state, but the
31 public offering statement provisions (§§ 34-36.1-4.02 — 34-36.1-4.07) apply to all contracts for
32 the disposition thereof signed in this state by any party unless exempt under § 34-36.1-4.01(b).

33 **34-36.1-3.08. Meetings.**

34 (a) A meeting of the association must be held at least once each year. Special meetings of

1 the association may be called by the president, a majority of the executive board or by unit owners
2 having twenty percent (20%), or any lower percentage specified in the bylaws, of the votes in the
3 association. Not less than ten (10) nor more than sixty (60) days in advance of any meeting, the
4 secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent
5 prepaid by United States mail to the mailing address of each unit or to any other mailing address
6 designated in writing by the unit owner. Notice may be sent electronically if authorized in the
7 declaration or bylaws. The notice of any meeting must state the time and place of the meeting and
8 the items on the agenda, including the general nature of any proposed amendment to the declaration
9 or bylaws, any budget changes, and any proposal to remove a director or officer.

10 (b) Unless authorized in the declaration or bylaws pursuant to subsection (c) of this section,
11 all association meetings shall take place in a physical location located in the city or town or, if not
12 possible, in the county where the condominium is located. Unit owners shall have the right to be
13 counted in order to establish a quorum and to communicate with all other unit owners participating
14 and to vote at association meetings in person or by proxy at the physical location of the meeting or
15 remotely as provided in subsection (d) of this section.

16 (c) Notwithstanding subsection (b) of this section, if authorized in the declaration or
17 bylaws, all association meetings may be conducted entirely or partially by remote means as
18 provided in subsection (d) of this section.

19 (d) If authorized in the declaration of bylaws, the executive board may provide that at any
20 association meeting unit owners shall have the right to be counted in order to establish a quorum
21 and to communicate with all other unit owners participating and to vote at the association meeting
22 using remote means that support image, voice and data transfer over digital networks or telephone
23 circuits. The notice of meeting shall identify the remote platform being used and provide the
24 necessary access information to allow unit owners to participate.

25 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 provide that the "meetings" requirements from § 34-36.1-3.08 be applicable
2 to condominiums created before July 1, 1982 and would permit remote participation in
3 condominium meetings.

4 This act would take effect upon passage.

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