

2024 -- H 8238

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PROPERTY -- MAINTENANCE OF PRIVATE EASEMENTS AND RIGHTS-
OF-WAY

Introduced By: Representatives Shallcross Smith, McGaw, and Chippendale

Date Introduced: May 03, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-9.1-2 of the General Laws in Chapter 34-9.1 entitled
2 "Maintenance of Private Easements and Rights-Of-Way" is hereby amended to read as follows:

3 **34-9.1-2. Maintenance of private easement and rights-of-way.**

4 (a) In the absence of an enforceable, written agreement to the contrary, the owner of any
5 residential real property that benefits from an easement or right-of-way, the purpose of which is to
6 provide access to the residential real property, shall be responsible for the cost of maintaining the
7 easement or right-of-way in good repair and the cost of repairing or restoring any damaged portion
8 of the easement or right-of-way. The maintenance shall include, but not be limited to, the removal
9 of snow from the easement or right-of-way.

10 (b) In the absence of an enforceable, written agreement, the cost of maintaining and
11 repairing or restoring the easement or right-of-way shall be shared by each owner of a benefited
12 property in proportion to the benefit received by each property; ~~provided, that the market value or~~
13 ~~assessed valuation of each such property shall not be taken into consideration in the calculation of~~
14 ~~benefit received, and based on the city or town real estate appraisal of each such real property.~~

15 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, any owner of
16 a benefited property or any owner of a burdened property who directly or indirectly damages any
17 portion of the easement or right-of way shall be solely responsible for repairing or restoring the
18 portion damaged by that owner, inclusive of any and all vehicles that are working for or with the

1 [property owners or renters of such property.](#)

2 (d) If any owner of a benefited or burdened property refuses to repair or restore a damaged
3 portion of an easement or right-of-way in accordance with this section, or fails, after a demand in
4 writing, to pay the owner's proportion of the cost of maintaining or repairing or restoring the
5 easement or right-of-way in accordance with subsection (b), an action for specific performance or
6 contribution may be brought in the superior court against the owner by other owners of benefited
7 or burdened properties, either jointly or severally.

8 (e) In the event of any conflict between the provisions of this section and an agreement
9 described in subsections (a) or (b) of this section, the terms of the agreement shall control.

10 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 -- MAINTENANCE OF PRIVATE EASEMENTS AND RIGHTS-
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1 This act would provide that in the absence of a written agreement pertaining to the costs of
2 maintaining and repairing an easement or right-of-way, the real estate appraisal from the city or
3 town shall be taken into consideration when determining each property owner's share of costs to
4 maintain and/or repair. This act would further provide that any owner or renter of property who
5 directly or indirectly damages any portion of the easement or right-of-way shall be responsible for
6 any costs associated with repairing the damage caused by any vehicle working for or with that
7 owner or renter.

8 This act would take effect upon passage.

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