

2020 -- S 2260

LC003284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Bell, Euer, Murray, Quezada, and Nesselbush

Date Introduced: February 04, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-38 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-38. Eviction for unlawfully holding over after termination or expiration of**
4 **tenancy.**

5 (a) If the tenant remains in possession without the landlord's consent after expiration of
6 the term of the rental agreement or after the termination of a periodic tenancy, the landlord may
7 commence an eviction action, which may be filed no earlier than the first day following the
8 expiration or termination of the tenancy. The action shall be commenced by filing a "Complaint
9 for Eviction for Reason Other Than for Nonpayment of Rent," which shall be filed in the
10 appropriate court according to the form provided in § 34-18-56(e).

11 (b) The summons shall be in the form provided in § 34-18-56(h) and shall specify that the
12 tenant has twenty (20) days from the date of service in which to file his or her answer to the
13 complaint, and that if he or she fails to file his or her answer within that time, he or she will be
14 defaulted. The matter may be assigned for hearing in accordance with the rules of procedure of
15 the appropriate court.

16 (c) If the tenant's holdover is willful and not in good faith, the landlord may also recover,
17 in addition to possession, an amount not more than three (3) months' periodic rent or threefold the
18 actual damages sustained by him or her, whichever is greater, and reasonable attorney's fees. If
19 the landlord consents to the tenant's occupancy, the parties may agree to a definite term. If no

1 term is specified, the term shall be week-to-week if the tenant pays on a week-to-week basis, and
2 in all other cases, month-to-month.

3 (d) If a tenant dies during the term of the rental agreement, the deceased's live-in
4 caregiver or any other person of at least eighteen (18) years of age residing in the dwelling unit
5 shall be permitted to continue the rental agreement for a period of time known as the post-death
6 rental grace period. Any such person residing in the dwelling unit who chooses to continue the
7 rental agreement shall be known as the grace period temporary tenant. The grace period
8 temporary tenant shall pay the rent agreed to in the rental agreement and assume all other
9 obligations of the tenant. The length of the post-death rental grace period shall be selected by the
10 grace period temporary tenant and shall not exceed three (3) months, unless the landlord consents
11 to a longer period of time. The post-death rental grace period shall not extend beyond the end of
12 the term of the rental agreement. Rent due for part of a month shall be prorated. Nothing in this
13 section shall be construed to obligate the deceased's live-in caregiver or any other person residing
14 in the dwelling unit to continue the rental agreement if they do not choose to do so. Nor shall any
15 part of this section be construed to restrict the ability of the landlord and dwelling unit resident(s)
16 to enter into a new mutually agreeable rental agreement.

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

=====
LC003284
=====

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

1 This act would permit those other residents of a residential dwelling unit to extend the
2 term of the rental agreement for a period not to exceed three (3) months after the death of the
3 lessee.

4 This act would take effect upon passage.

=====
LC003284
=====