

2023 -- H 5416

LC001414

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM OWNERSHIP

Introduced By: Representative Patricia A. Serpa

Date Introduced: February 08, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-36-29 of the General Laws in Chapter 34-36 entitled  
2 "Condominium Ownership" is hereby amended to read as follows:

3 **34-36-29. Insurance.**

4 (a) The manager, management committee, or association of unit owners, if required by the  
5 declaration, bylaws, or by a majority of the unit owners, or at the request of a mortgagee having a  
6 first mortgage of record covering a unit, shall have the authority to, and shall, obtain insurance for  
7 the property against loss or damage by fire and other hazards under the terms and for amounts as  
8 shall be required or requested. Insurance coverage shall be written on the property in the name of  
9 the manager, management committee, or association of unit owners, as trustee for each of the unit  
10 owners in the percentages established in the declaration. Premiums on insurance shall be common  
11 expenses. Provision for insurance shall be without prejudice to the right of each unit owner to insure  
12 his or her own unit for his or her benefit. [Provided, however, a unit's owners insurance policy shall](#)  
13 [become the primary insurance policy with respect to any loss covered by the association's policy](#)  
14 [but not payable under the association's policy because of the application of the deductible.](#)

15 (b) In the event a unit owner sustains damage to their unit as a result of an event that is  
16 covered under the insurance coverage purchased in accordance with subsection (a), then, upon  
17 written request to the condominium association, the unit owner shall be entitled to a written copy  
18 from the condominium association of the insurance company damage appraisal, or any damage  
19 appraisal in regard to damage to the owner's unit, within fourteen (14) calendar days of the date of

1 the unit owner's request, or within fourteen (14) days of the association's receipt of the damage  
2 appraisal, whichever is later. If coverage for the damage to a unit is denied for any reason, or is  
3 deemed to be valued below the policy deductible, then the unit owner shall also be entitled to  
4 receive, from the association, a copy of the letter detailing the determination.

5 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 a condominium unit owners policy would be the primary
- 2 insurance policy with respect to any loss covered by the association's policy but not payable under
- 3 the association's policy because of the application of the deductible.
- 4           This act would take effect upon passage.

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