

2023 -- S 0311 SUBSTITUTE A

LC001658/SUB A

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: Senators Murray, Mack, Miller, Euer, Sosnowski, Quezada, Acosta,
DiMario, Kallman, and Raptakis

Date Introduced: February 16, 2023

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 34-18 of the General Laws entitled "Residential Landlord and Tenant
2 Act" is hereby amended by adding thereto the following section:

3 **34-18-58. Fair limitation on rental application fees -- Effective January 1, 2024.**

4 (a) A landlord, lessor, sub-lessor, real estate broker, property management company, or
5 designee shall not be allowed to require or demand any prospective tenant to pay for a rental
6 application fee.

7 (b) Nothing in this section shall be construed to prohibit a landlord, lessor, sub-lessor, real
8 estate broker, property management company or designee from requiring an official state criminal
9 background check from the bureau of criminal identification (BCI), department of attorney general,
10 state police or local police department where the prospective tenant resides or from requiring a
11 credit check subject to the following limitations:

12 (1) If a prospective tenant provides a required official state criminal background check or
13 credit report issued within ninety (90) days of the application for a rental unit, no fee for such
14 official state criminal background check and/or credit report may be charged by the respective
15 landlord, lessor, sub-lessor, real estate broker, property management company or designee;

16 (2) If a prospective tenant does not provide a required official state background check
17 and/or credit report issued within ninety (90) days of the application for a rental unit, then the
18 landlord, lessor, sub-lessor, real estate broker, property management company or designee may
19 charge the prospective tenant a fee representing not more than the actual cost of obtaining the

1 official state background check and/or credit report. Provided further, any prospective tenant who
2 is charged a fee under this subsection for a background check or credit report shall be provided
3 with a copy of the background check or credit report; and

4 (3) Nothing in this section shall be construed to prohibit the landlord, lessor, sub-lessor,
5 real estate broker, property management company or designee from obtaining an independent
6 background check or credit report at the landlord's own expense.

7 SECTION 2. This act shall take effect on January 1, 2024.

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

1 This act would prohibit the requirement that a fee be paid for a rental application for real
2 property.

3 This act would take effect on January 1, 2024.

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