

2025 -- H 5182 SUBSTITUTE A

LC000240/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Representatives Shallcross Smith, Craven, Ackerman, Chippendale, Casimiro, Alzate, and Diaz
Date Introduced: January 24, 2025
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,~~ which benefit shall be determined by and commensurate with the current
- 14 municipal assessment of each such property ~~shall not be taken into consideration in the calculation~~
- 15 ~~of benefit received.~~
- 16 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, any owner of
- 17 a benefited property or any owner of a burdened property who directly or indirectly damages any
- 18 portion of the easement or right-of way, including damages caused by such property owners'

1 [invitees](#), shall be solely responsible for repairing or restoring the portion damaged by that owner.

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. [The written demand shall include information](#)

8 [and documentation relevant to the damage repaired or restored, including all engineering or](#)

9 [contractor proposals, evaluations, applications and costs, and include a detailed explanation of the](#)

10 [factors considered in arriving at the owner's proportional cost.](#)

11 (e) In the event of any conflict between the provisions of this section and an agreement

12 described in subsections (a) or (b) of this section, the terms of the agreement shall control.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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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, the cost of maintaining
2 and repairing or restoring an easement or right-of-way shall be shared by each property owner of a
3 benefited property and their share of such costs shall be determined by and commensurate with the
4 current municipal assessment of each property. This act would further provide that any written
5 demand for such costs to any owner refusing to repair or restore the damaged areas shall include
6 information and documentation relevant to the damage repaired or restored, including a detailed
7 explanation of the factors considered in arriving at the owner's proportional costs of such repairs
8 or restoration.

9 This act would take effect upon passage.

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