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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Ciccone, Tikoian, and Urso

Date Introduced: February 26, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-46 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-46. Retaliatory conduct prohibited.**

4 (a) Except as provided in this section, a landlord may not retaliate by increasing rent or
5 decreasing services or by bringing or threatening to bring an action for possession because:

6 (1) The tenant has complained to a governmental agency charged with responsibility for
7 enforcement of a building or housing code of a violation applicable to the premises materially
8 affecting health and safety; or

9 (2) The tenant has complained to the landlord of a violation under § 34-18-22; or

10 (3) The tenant has organized or become a member of a tenants' union or similar
11 organization; or

12 (4) The tenant has availed himself or herself of any other lawful rights and remedies.

13 (b) If the landlord acts in violation of subsection (a), the tenant is entitled to the remedies
14 provided in § 34-18-34 and has a defense in any retaliatory action against him or her for possession.

15 In an action by or against the tenant, evidence of a complaint within six (6) months before the
16 alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The
17 presumption does not arise if the tenant made the complaint after notice of a proposed rental
18 increase or diminution of services. "Presumption" means that the trier of fact must find the
19 existence of the fact presumed unless and until evidence is introduced which would support a

1 finding of its nonexistence.

2 (c) Notwithstanding subsections (a) and (b), this subsection shall not be considered
3 retaliatory, and a landlord may bring an action for possession if:

4 (1) The violation of the applicable building or housing code was caused primarily by lack
5 of reasonable care by the tenant, a member of his or her family, or other person on the premises
6 with his or her consent; or

7 (2) The tenant is in default in rent; or

8 (3) Compliance with the applicable lead mitigation act, building or housing code or other
9 public action such as eminent domain, requires alteration, remodeling, or demolition which would
10 effectively deprive the tenant of use of the dwelling unit, ~~and the relocation requirements have been~~
11 ~~met by the municipality.~~

12 (d) The maintenance of an action under subsection (c) of this section does not release the
13 landlord from liability under § 34-18-28(b).

14 SECTION 2. Section 34-18-58 of the General Laws in Chapter 34-18 entitled "Residential
15 Landlord and Tenant Act" is hereby amended to read as follows:

16 **34-18-58. Statewide mandatory rental registry.**

17 (a) All landlords who lease a residential property constructed prior to 1978 and that is not
18 exempt from the requirements of chapter 128.1 of title 42 ("lead hazard mitigation") shall register
19 the following information with the department of health:

20 (1) Names of individual landlords or ~~any~~ the business entity or property management
21 company responsible for leasing to a tenant under this chapter;

22 (2) An active business address, PO box, or home address;

23 (3) An active email address;

24 (4) An active telephone number that would reasonably facilitate communications with the
25 tenant of each dwelling unit; and

26 (5) ~~Any property manager, management company, or agent for service of the property,~~
27 ~~along with the business address, PO box, or home address of the property manager, management~~
28 ~~company, or agent and including:~~

29 ~~(i) An active email address; and~~

30 ~~(ii) An active telephone number, for each such person or legal entity, if applicable, for each~~
31 ~~dwelling unit; and~~

32 (6) Information necessary to identify each dwelling unit.

33 (b) All landlords who lease a residential property constructed prior to 1978 and that is not
34 exempt from the requirements of chapter 128.1 of title 42 ("lead hazard mitigation") shall, in

1 addition to the requirements of subsection (a) of this section, for each dwelling unit, provide the
2 department of health with a valid certificate of conformance in accordance with chapter 128.1 of
3 title 42 (“lead hazard mitigation”) and regulations derived therefrom, or evidence sufficient to
4 demonstrate that they are exempt from the requirement to obtain a certificate of conformance.

5 (c) Contingent upon available funding, the department of health, or designee, shall create
6 ~~a publicly accessible~~ an online database containing the information obtained in accordance with
7 subsections (a) and (b) of this section, no later than nine (9) months following the effective date of
8 this section [June 20, 2023]. The information contained in this database shall not be available to
9 the public and shall only be accessible to:

- 10 (1) Tenant(s) who reside in the rental unit they are requesting information on;
- 11 (2) The department of health (hereinafter referred to in this section as (“DOH”));
- 12 (3) Any city or town in the State of Rhode Island;
- 13 (4) The Rhode Island judiciary; and
- 14 (5) Any other Rhode Island governmental agency with a legitimate purpose; provided and
15 only if that, purpose is related to lead or code enforcement and in no case shall the information
16 contained in the database be used for any other purpose.

17 (d) All landlords subject to the requirements of subsections (a) and (b) of this section as of
18 September 1, 2024, shall register the information required by those subsections no later than
19 October 1, ~~2024~~ 2025.

20 A landlord who acquires a rental property, or begins leasing a rental property to a new
21 tenant, after September 1, 2024, shall register the information required by subsections (a) and (b)
22 of this section within ~~thirty (30)~~ sixty (60) days after the acquisition or lease to a tenant, whichever
23 date is earlier. All landlords subject to the requirements of subsections (a) and (b) of this section
24 shall, following initial registration, and shall re-register by October 1 of each year in order to update
25 any information required to comply with subsections (a) and (b) of this section, but is not required
26 to register each year if there has been no change in the information to be updated, or to confirm that
27 the information already supplied remains accurate.

28 (e) Any person or entity subject to subsections (a) and (b) of this section who fails to
29 comply with the registration provision in subsection (d) of this section, shall be subject to a civil
30 fine of at least fifty dollars (\$50.00) per month for failure to register the information required by
31 subsection (a) of this section, or at least one hundred and twenty-five dollars (\$125) per month, for
32 failure to register the information required by subsection (b) of this section.

33 (f) All civil penalties imposed pursuant to subsection (e) of this section shall be payable to
34 the department of health. There is to be established a restricted receipt account to be known as the

1 “rental registry account” which shall be a separate account within the department of health.
2 Penalties received by the department pursuant to the terms of this section shall be deposited into
3 the account. Monies deposited into the account shall be transferred to the department of health and
4 shall be expended for the purpose of administering the provisions of this section or lead hazard
5 mitigation, abatement, enforcement, or poisoning prevention. No penalties shall be levied under
6 this section prior to October 1, 2024.

7 ~~(g) Notwithstanding the provisions of § 34-18-35, a landlord or any agent of a landlord~~
8 ~~may not commence an action to evict for nonpayment of rent in any court of competent jurisdiction,~~
9 ~~unless, at the time the action is commenced, the landlord is in compliance with the requirements of~~
10 ~~subsections (a), (b), and (d) of this section. A landlord must present the court with evidence of~~
11 ~~compliance with subsections (a), (b), and (d) of this section at the time of filing an action to evict~~
12 ~~for nonpayment of rent in order to proceed with the civil action.~~

13 (h) The department of health may commence an action for injunctive relief and additional
14 civil penalties of up to fifty dollars (\$50.00) per violation against any landlord who repeatedly fails
15 to comply with subsection (a) of this section. The attorney general may commence an action for
16 injunctive relief and additional civil penalties of up to one thousand dollars (\$1,000) per violation
17 against any landlord who repeatedly fails to comply with subsection (b) of this section. Any
18 penalties obtained pursuant to this subsection shall be used for the purposes of lead hazard
19 mitigation, abatement, enforcement, or poisoning prevention, or for the purpose of administering
20 the provisions of this section. No penalties shall be levied under this section prior to October 1,
21 2024.

22 (i) The DOH or any related agency shall allow any landlord required to register in
23 accordance with this section to register free of charge.

24 (j) The DOH shall strictly comply with the requirements of this section and shall not create
25 any additional burdens, regulations or require more information than is required by this section or
26 the requirements of chapter 128.1 of title 42.

27 (k) The DOH shall promptly issue any lead inspection documentation requested by a
28 landlord to evidence compliance with this section and the requirements of chapter 128.1 of title 42.
29 This documentation shall include, but is not limited to, the issuance of any lead conformance
30 renewals based on visual affidavit, and such renewals shall be issued no more than seven (7) days
31 after submission by the landlord to the DOH. If the DOH, after receiving a visual affidavit for
32 renewal, fails to issue a renewal certificate within seven (7) days, the landlord shall keep evidence
33 of the submission until the DOH issues the renewal and said affidavit so submitted shall be
34 considered prima facie evidence of the landlord’s compliance with this section and not liable for

1 [any fines hereunder.](#)

2 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

1 This bill would require landlords of residential properties built before 1978 to register lead
2 hazard mitigation information with the department of health and the information would be private
3 and only accessible by specific entities. The act also would make revisions to prohibited retaliatory
4 conduct and the statewide mandatory rental registry. The act further would allow landlords to
5 register free of charge, restrict DOH from creating any additional burdens, and issue lead
6 documentation promptly.

7 This act would take effect upon passage.

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