

2026 -- H 7851

=====
LC005571
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Representatives Voas, Serpa, and Caldwell

Date Introduced: February 27, 2026

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.02 and 34-36.1-1.03 of the General Laws in Chapter 34-
2 36.1 entitled "Condominium Law" are hereby amended to read as follows:
3 **34-36.1-1.02. Applicability.**
4 (a)(1) This chapter applies to all condominiums created within this state after July 1, 1982,
5 except that any condominium created within this state prior to July 1, 1982, may voluntarily accept
6 the provisions of this chapter in lieu of the provisions under which it was originally organized.
7 Acceptance shall be evidenced by an agreement in writing executed by and in behalf of the
8 condominium association and by all of the owners of all of the individual condominium units within
9 the condominium, in which agreement it is clearly stated that they all accept the provisions of this
10 chapter in lieu of those in the statute under which the condominium was organized and wish to be
11 governed in the future by the provisions of this chapter. The agreement shall be recorded in the
12 land evidence records of each and every town or city where all or any part of the land in the
13 condominium concerned may be located and shall become effective when first so recorded. The
14 acceptance shall only apply to the governance of the condominium concerned as to all matters
15 which are prospective or executory in nature; and nothing herein shall be deemed to abrogate,
16 amend, limit, effect, or impair the continued effectiveness, legality, or validity of all actions
17 lawfully taken by or in behalf of the condominium prior to the effective date of the acceptance,
18 including, but without limitation, the condominium declaration and all amendments thereto, the by-
19 laws of the condominium and/or of its association, all deeds, mortgages, leases, and any further

documents affecting the titles or rights of unit owners, or of the condominium or the prior lawful acts or deeds of any kind, of the condominium association, its officers, directors, or members.

(2) Sections 34-36.1-1.05 (separate titles and taxation), 34-36.1-1.06 (applicability of local ordinances, regulations, and building codes), 34-36.1-1.07 (eminent domain), 34-36.1-2.03 (construction and validity of declaration and bylaws), 34-36.1-2.04 (description of units), 34-36.1-2.19(b) (mortgage approval), 34-36.1-3.02(a)(1) — (6) and (11) — (17) (powers of unit owners' association), 34-36.1-3.06(c) — (d) (bylaws), 34-36.1-3.08 (meetings and notice), [34-36.1-3.08 \(meetings\)](#), 34-36.1-3.11 (tort and contract liability), 34-36.1-3.13(d) and (k) (unit owner responsibility for master policy deductibles), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18 (association records), 34-36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on rights of action; attorney's fees), § 34-36.1-3.20 (enforcement of declaration, bylaws and rules), and 34-36.1-1.03 (definitions), to the extent necessary in construing any of those sections, apply to all condominiums created in this state before July 1, 1982; but those sections apply only with respect to events and circumstances occurring after July 1, 1982, and do not invalidate existing provisions of the declaration, bylaws, plats, or plans of those condominiums.

(3) A condominium created as an additional phase by amendment of a condominium created prior to July 1, 1982, if the original declaration contemplated the amendment, shall be deemed to be a condominium created prior to July 1, 1982; provided, however, the provisions of subdivision (a)(2) shall apply as defined therein.

(4) Section 34-36.1-3.21 (foreclosure of condominium lien) applies, with respect to all condominiums created in this state prior to June 19, 1991, only with respect to events and circumstances occurring after June 18, 1991, does not invalidate existing provisions of the declarations, bylaws, plats, or plans of those condominiums, and applies in all respects to all condominiums created in this state after June 18, 1991.

(b) The provisions of the Condominium Ownership Act, chapter 36 of this title, do not apply to condominiums created after July 1, 1982, and do not invalidate any amendment to the declaration, bylaws, plats, and plans of any condominium created before July 1, 1982, if the amendment would be permitted by this chapter. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by chapter 36 of this title. If the amendment grants to any person any rights, powers, or privileges permitted by this chapter, all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

(c) This chapter does not apply to condominiums or units located outside this state, but the public offering statement provisions (§§ 34-36.1-4.02 — 34-36.1-4.07) apply to all contracts for the disposition thereof signed in this state by any party unless exempt under § 34-36.1-4.01(b).

1 **34-36.1-1.03. Definitions.**

2 In the declaration and bylaws, unless specifically provided otherwise or the context
3 otherwise requires, and in this chapter:

4 (1) “Affiliate of a declarant” means any person who controls, is controlled by, or is under
5 common control with a declarant.

6 (i) A person “controls” a declarant if the person:

7 (A) Is a general partner, officer, director, or employer of the declarant,

8 (B) Directly or indirectly or acting in concert with one or more other persons, or through
9 one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing,
10 more than twenty percent (20%) of the voting interest in the declarant,

11 (C) Controls in any manner the election of a majority of the directors of the declarant, or

12 (D) Has contributed more than twenty percent (20%) of the capital of the declarant.

13 (ii) A person “is controlled by” a declarant if the declarant:

14 (A) Is a general partner, officer, director, or employer of the person,

15 (B) Directly or indirectly or acting in concert with one or more other persons, or through
16 one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing,
17 more than twenty percent (20%) of the voting interest in the person,

18 (C) Controls in any manner the election of a majority of the directors of the person, or

19 (D) Has contributed more than twenty percent (20%) of the capital of the person.

20 (iii) Control does not exist if the powers described in this subdivision are held solely as
21 security for an obligation and are not exercised.

22 (2) “Allocated interests” means the undivided interest in the common elements, the
23 common expense liability, and votes in the association allocated to each unit.

24 (3) “Association” or “unit owners’ association” means the unit owners’ association
25 organized under § 34-36.1-3.01.

26 (4) “Common elements” means all portions of a condominium other than the units.

27 (5) “Common expenses” means expenditures made by or financial liabilities of the
28 association, together with any allocations to reserves.

29 (6) “Common expense liability” means the liability for common expenses allocated to each
30 unit pursuant to § 34-36.1-2.07.

31 (7) “Conditions survey” means an assessment of a condominium’s common elements and
32 any additional elements listed in GSA 1204-14 conducted by an engineer, architect, or building
33 inspector licensed in the State of Rhode Island with documented experience in analyzing the
34 structural components of residential communities for the purposes of identifying repairs or

1 [replacements needed to address potential safety hazards and to preserve structural integrity.](#)

2 ~~(7)~~[\(8\)](#)(i) “Condominium” means real estate, portions of which are designated for separate
3 ownership and the remainder of which is designated for common ownership solely by the owners
4 of those portions. Real estate is not a condominium unless the undivided interests in the common
5 elements are vested in the unit owners.

6 (ii) Provided that each unit owner has a vested, undivided interest in the common elements
7 greater than 0.0 percent, no minimum percentage interest in the common elements is otherwise
8 required by this chapter.

9 ~~(8)~~[\(9\)](#) “Conversion building” means a building that at any time before creation of the
10 condominium was occupied wholly or partially by persons other than purchasers and persons who
11 occupy with the consent of purchasers.

12 ~~(9)~~[\(10\)](#) “Declarant” means any person or group of persons acting in concert who:

13 (i) As part of a common promotional plan, offers to dispose of his, her or its interest in a
14 unit not previously disposed of; or

15 (ii) Reserves or succeeds to any special declarant right.

16 ~~(10)~~[\(11\)](#) “Declaration” means any instruments, however denominated, that create a
17 condominium, and any amendments to those instruments.

18 ~~(11)~~[\(12\)](#) “Development rights” means any right or combination of rights reserved by a
19 declarant in the declaration to:

20 (A) Add real estate to a condominium,

21 (B) Create units, common elements, or limited common elements within a condominium,

22 (C) Subdivide units or convert units into common elements, or

23 (D) Withdraw real estate from a condominium.

24 ~~(12)~~[\(13\)](#) “Person with a disability” means any person who is unable to engage in any
25 substantial gainful activity by reason of any medically determinable physical or mental impairment
26 which can be expected to result in death or has lasted or can be expected to last for a continuous
27 period of not less than twelve (12) months or any person having an impairment of mobility or vision
28 which is expected to be of at least twelve (12) months duration, and is a substantial impediment to
29 his or her ability to live independently.

30 ~~(13)~~[\(14\)](#) “Dispose” or “disposition” means a voluntary transfer to a purchaser of any legal
31 or equitable interest in a unit, but does not include the transfer or release of a security interest.

32 ~~(14)~~[\(15\)](#) “Executive board” means the body, regardless of name, designated in the
33 declaration to act on behalf of the association.

34 ~~(15)~~[\(16\)](#) [Deleted by P.L. 1999, ch. 83, § 80, and P.L. 1999, ch. 130, § 80 which enacted

1 identical amendments to this section.]

2 ~~(16)~~(17) “Identifying number” means a symbol or address that identifies only one unit in a
3 condominium.

4 ~~(17)~~(18) “Land only units” shall mean units designated as land only units on the plats and
5 plans which units may be comprised entirely or partially of unimproved real property and the air
6 space above the real property. The boundaries of a land only unit are to be described pursuant to §
7 34-36.1-2.05(a)(5). Land only units may, but need not, contain a physical structure. The declaration
8 may provide for the conversion of land only units to other types of units and/or common elements
9 provided the conversion shall be effective only upon the recording of an amendment to the
10 declaration which amendment will include new plats and plans identifying any portion of the land
11 only unit converted to another type of unit and/or common element.

12 ~~(18)~~(19) “Leasehold condominium” means a condominium in which all or a portion of the
13 real estate is subject to a lease the expiration or termination of which will terminate the
14 condominium or reduce its size.

15 ~~(19)~~(20) “Limited common element” means a portion of the common elements allocated
16 by the declaration or by operation of § 34-36.1-2.02(2) or (4) for the exclusive use of one or more
17 but fewer than all of the units.

18 ~~(20)~~(21) “Master association” means an organization described in § 34-36.1-2.20, whether
19 or not it is also an association described in § 34-36.1-3.01.

20 ~~(21)~~(22) “Offering” means any advertisement, inducement, solicitation, or attempt to
21 encourage any person to acquire any interest in a unit, other than as security for an obligation. An
22 advertisement in a newspaper or other periodical of general circulation, or in any broadcast medium
23 to the general public, of a condominium not located in this state, is not an offering if the
24 advertisement states that an offering may be made only in compliance with the law of the
25 jurisdiction in which the condominium is located.

26 ~~(22)~~(23) “Person” means a natural person, corporation, business trust, estate, trust,
27 partnership, association, joint venture, government, governmental subdivision or agency, or other
28 legal or commercial entity. (In the case of a land trust, however, “person” means the beneficiary of
29 the trust rather than the trust or the trustee.)

30 ~~(23)~~(24) “Purchaser” means any person, other than a declarant or a person in the business
31 of selling real estate for his or her own account, who by means of a voluntary transfer acquires a
32 legal or equitable interest in a unit other than:

33 (i) A leasehold interest including renewal options of less than twenty (20) years, or
34 (ii) As security for an obligation.

1 ~~(24)~~(25) “Real estate” means any leasehold or other estate or interest in, over, or under
2 land, including structures, fixtures, and other improvements and interests which by custom, usage,
3 or law pass with a conveyance of land though not described in the contract of sale or instrument of
4 conveyance. “Real estate” includes parcels with or without upper or lower boundaries, and spaces
5 that may be filled with air or water.

6 (26) “Reserves study” means an evaluation of the reserves required for future anticipated
7 major repairs and replacements of the common elements of a condominium and states

8 (i) The normal and estimated remaining useful life of each identified component;

9 (ii) The estimated cost of repair or replacement of each identified component;

10 (iii) The estimated annual reserve amount necessary to accomplish any identified future
11 repair or replacement; and

12 (iv) The quantity or size of each identified component using the appropriate measurement,
13 such as unit amount, square footage, or cubic feet.

14 (27) “Reserves study update” means, for the common elements since the prior reserve study
15 was completed within the previous five (5) years, a study that:

16 (i) Revises replacement costs, remaining life, and useful life estimates;

17 (ii) Analyzes work performed and amounts spent; and

18 (iii) Identifies whether any maintenance contracts are in place.

19 ~~(25)~~(28) “Residential purposes” means use for dwelling or recreational purposes, or both.

20 ~~(26)~~(29) “Special declarant rights” means rights reserved for the benefit of a declarant to:

21 (i) Complete improvements indicated on plats and plans filed with the declaration, (§ 34-
22 36.1-2.09),

23 (ii) To exercise any development right, (§ 34-36.1-2.10),

24 (iii) To maintain sales offices, management offices, signs advertising the condominium,
25 and models, (§ 34-36.1-2.15),

26 (iv) To use easements through the common elements for the purpose of making
27 improvements within the condominium or within real estate which may be added to the
28 condominium, (§ 34-36.1-2.16),

29 (v) To make the condominium part of a larger condominium or a planned community, (§
30 34-36.1-2.21),

31 (vi) To make the condominium subject to a master association, (§ 34-36.1-2.20),

32 (vii) Or to appoint or remove any officer of the association or any master association or
33 any executive board member during any period of declarant control, (§ 34-36.1-3.03(d)).

34 ~~(27)~~(30) “Time share” means a right to occupy a unit or any of several units during five (5)

1 or more separated time periods over a period of at least five (5) years, including renewal options,
2 whether or not coupled with an estate or interest in a condominium or a specified portion thereof.

3 ~~(28)~~(31) “Unit” means a physical portion of the condominium designated for separate
4 ownership or occupancy, the boundaries of which are described pursuant to § 34-36.1-2.05(a)(5).

5 ~~(29)~~(32) “Unit owner” means a declarant or other person who owns a unit, or a lessee of a
6 unit in a leasehold condominium whose lease expires simultaneously with any lease, the expiration
7 or termination of which will remove the unit from the condominium, but does not include a person
8 having an interest in a unit solely as security for an obligation.

9 SECTION 2. Chapter 34-36.1 of the General Laws entitled "Condominium Law" is hereby
10 amended by adding thereto the following section:

11 **34-36.1-3.24. Applicability of structural common element study requirement for**
12 **condominium associations.**

13 (a) Any condominium twenty (20) years old or older shall commission a conditions survey
14 that includes a timeline by which such repairs and replacements should be completed and shall
15 identify areas that should be physically designated as safety hazards with access prohibited. The
16 conditions survey and a plan developed by the executive board to address needed repairs and
17 replacements shall be shared with all unit owners upon its completion.

18 (b) Every declarant of a condominium association shall commission and conduct both a
19 conditions survey as described in § 34-36.1-1.02 and an initial reserves study within six (6) months
20 after completion of its final phase of construction.

21 (c) An association that has not commissioned an initial reserves study or has not conducted
22 one within five (5) years shall conduct a reserves study within twelve (12) months of the effective
23 date of this legislation unless they are conducting a conditions survey. An association conducting
24 a conditions survey that has not had a reserves study done within five (5) years shall conduct a
25 reserves study at least at the time the repairs and replacements identified by the conditions survey
26 are completed.

27 (d) Every condominium association shall conduct a reserves study or a reserves study
28 update with engineer review every five (5) years after its initial reserves study.

29 (e) All reserve studies shall be conducted, certified, and dated by a reserves study specialist
30 (RS™) certified by the Community Associations Institute or a professional engineer (PE) licensed
31 in the state. All reserve studies shall be prepared in conformance with the currently available
32 Reserve Study Standards of the Community Associations Institute or similar standards by another
33 recognized national organization.

34 (f) The most recent reserve study shall be shared with all unit owners upon completion and

1 shall be included in the sales certificate for new unit owners within sixty (60) days of its availability
2 to unit owners.

3 (g) The executive board shall oversee the development of a plan that addresses the short
4 term recommendations of the reserve study with respect to the association's priorities, funding, and
5 timelines. Such plan shall be shared with all unit owners. The executive board shall subsequently
6 engage in a strategic planning process that includes the reserve study's recommendations in
7 addition to its other goals and objectives. The strategic plan shall be shared with all unit owners
8 when completed, the executive board shall report on its progress to all unit owners on an annual
9 basis, and it shall be updated at least every five (5) years.

10 (h) It is the responsibility of the association's governing executive board to identify and
11 obtain funds needed to address any immediate repairs and replacements identified by a conditions
12 survey. Unless the association's declaration or bylaws state otherwise, the unit owners of the
13 association, by a majority vote of a quorum, may determine the source of these finances which
14 could include reserves and/or assessments and/or loans, and/or amendment of budget through
15 standard procedure.

16 (i) The association must maintain a reserves account, separate from the operating account,
17 that shall only be used to conduct necessary work as identified in the conditions survey, reserves
18 studies, and unexpected needed structural repairs to common elements. The reserves account may
19 also fund the required reserves studies. The reserves account shall be funded by at least fifteen
20 percent (15%) of the monthly assessment fee by January 1, 2027 and may be supplemented by
21 assessments as necessary to maintain the structural integrity of the association's infrastructure.

22 SECTION 3. This act shall take effect on January 1, 2028.

=====
LC005571
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- CONDOMINIUM LAW

1 This act would amend Rhode Island condominium act to require condominium associations
2 to conduct periodic structural conditions surveys and reserve studies, share the results with unit
3 owners, develop repair and funding plans, and maintain a separate reserve account funded by at
4 least fifteen percent (15%) of monthly assessments.

5 This act would take effect on January 1, 2028.

=====
LC005571
=====