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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Representative Deborah A. Fellela

Date Introduced: February 27, 2026

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.2 and 34-36.1-1.3 of the General Laws in Chapter 34-36.1
2 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

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

3 (2) Sections [34-36.1-1.03 \(special assessments\)](#), 34-36.1-1.05 (separate titles and taxation),
4 34-36.1-1.06 (applicability of local ordinances, regulations, and building codes), 34-36.1-1.07
5 (eminent domain), 34-36.1-2.03 (construction and validity of declaration and bylaws), 34-36.1-
6 2.04 (description of units), 34-36.1-2.19(b) (mortgage approval), 34-36.1-3.02(a)(1) — (6) and (11)
7 — (17) (powers of unit owners' association), 34-36.1-3.06(c) — (d) (bylaws), 34-36.1-3.08
8 (meetings and notice), 34-36.1-3.11 (tort and contract liability), 34-36.1-3.13(d) and (k) (unit owner
9 responsibility for master policy deductibles), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18
10 (association records), 34-36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on rights
11 of action; attorney's fees), § 34-36.1-3.20 (enforcement of declaration, bylaws and rules), and 34-
12 36.1-1.03 (definitions), to the extent necessary in construing any of those sections, apply to all
13 condominiums created in this state before July 1, 1982; but those sections apply only with respect
14 to events and circumstances occurring after July 1, 1982, and do not invalidate existing provisions
15 of the declaration, bylaws, plats, or plans of those condominiums.

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

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

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

32 (c) This chapter does not apply to condominiums or units located outside this state, but the
33 public offering statement provisions (§§ 34-36.1-4.02 — 34-36.1-4.07) apply to all contracts for
34 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)(i) “Condominium” means real estate, portions of which are designated for separate
32 ownership and the remainder of which is designated for common ownership solely by the owners
33 of those portions. Real estate is not a condominium unless the undivided interests in the common
34 elements are vested in the unit owners.

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

4 (8) "Conversion building" means a building that at any time before creation of the
5 condominium was occupied wholly or partially by persons other than purchasers and persons who
6 occupy with the consent of purchasers.

7 (9) "Declarant" means any person or group of persons acting in concert who:

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

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

11 (10) "Declaration" means any instruments, however denominated, that create a
12 condominium, and any amendments to those instruments.

13 (11) "Development rights" means any right or combination of rights reserved by a declarant
14 in the declaration to:

15 (A) Add real estate to a condominium,

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

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

18 (D) Withdraw real estate from a condominium.

19 (12) "Person with a disability" means any person who is unable to engage in any substantial
20 gainful activity by reason of any medically determinable physical or mental impairment which can
21 be expected to result in death or has lasted or can be expected to last for a continuous period of not
22 less than twelve (12) months or any person having an impairment of mobility or vision which is
23 expected to be of at least twelve (12) months duration, and is a substantial impediment to his or her
24 ability to live independently.

25 (13) "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or
26 equitable interest in a unit, but does not include the transfer or release of a security interest.

27 (14) "Executive board" means the body, regardless of name, designated in the declaration
28 to act on behalf of the association.

29 (15) [Deleted by P.L. 1999, ch. 83, § 80, and P.L. 1999, ch. 130, § 80 which enacted
30 identical amendments to this section.]

31 (16) "Identifying number" means a symbol or address that identifies only one unit in a
32 condominium.

33 (17) "Land only units" shall mean units designated as land only units on the plats and plans
34 which units may be comprised entirely or partially of unimproved real property and the air space

1 above the real property. The boundaries of a land only unit are to be described pursuant to § 34-
2 36.1-2.05(a)(5). Land only units may, but need not, contain a physical structure. The declaration
3 may provide for the conversion of land only units to other types of units and/or common elements
4 provided the conversion shall be effective only upon the recording of an amendment to the
5 declaration which amendment will include new plats and plans identifying any portion of the land
6 only unit converted to another type of unit and/or common element.

7 (18) “Leasehold condominium” means a condominium in which all or a portion of the real
8 estate is subject to a lease the expiration or termination of which will terminate the condominium
9 or reduce its size.

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

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

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

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

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

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

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

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

2 (26) “Special assessment” means an assessment that is not part of the association budget,
3 (§ 34-36.1-3.03).

4 ~~(26)~~(27) “Special declarant rights” means rights reserved for the benefit of a declarant to:

5 (i) Complete improvements indicated on plats and plans filed with the declaration, (§ 34-
6 36.1-2.09),

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

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

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

13 (v) To make the condominium part of a larger condominium or a planned community, (§
14 34-36.1-2.21),

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

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

18 ~~(27)~~(28) “Time share” means a right to occupy a unit or any of several units during five (5)
19 or more separated time periods over a period of at least five (5) years, including renewal options,
20 whether or not coupled with an estate or interest in a condominium or a specified portion thereof.

21 ~~(28)~~(29) “Unit” means a physical portion of the condominium designated for separate
22 ownership or occupancy, the boundaries of which are described pursuant to § 34-36.1-2.05(a)(5).

23 ~~(29)~~(30) “Unit owner” means a declarant or other person who owns a unit, or a lessee of a
24 unit in a leasehold condominium whose lease expires simultaneously with any lease, the expiration
25 or termination of which will remove the unit from the condominium, but does not include a person
26 having an interest in a unit solely as security for an obligation.

27 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 -- CONDOMINIUM LAW

- 1 This act would define a special assessment as an assessment that is not a part of the
- 2 condominium association budget and would apply to condominiums created before July 1, 1982,
- 3 but only apply with respect to events and circumstances occurring after that date.
- 4 This act would take effect upon passage.

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