

2026 -- H 8101

LC005686

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PROPERTY -- ABANDONED PROPERTY

Introduced By: Representative June Speakman

Date Introduced: February 27, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-44-1.1, 34-44-2, 34-44-3, 34-44-4 and 34-44-12 of the General
2 Laws in Chapter 34-44 entitled "Abandoned Property" are hereby amended to read as follows:

3 **34-44-1.1. Inventory of abandoned properties.**

4 (a) On or before April 2, 2025, each town and city shall publish a list of all properties
5 located in each respective town or city which, based on inspection and records, may qualify as
6 abandoned property under this chapter. After April 2, 2025, the list shall be published and updated
7 annually and made available in the town or city clerk's office and on the municipal website. Notice
8 of the inclusion of a property on the abandoned properties list shall be provided to the last known
9 record owner or owners as available from the tax assessor records by first class mail, postage pre-
10 paid. ~~The exclusion of any property from a city or town list shall not disqualify any property from~~
11 ~~the provisions of this chapter, so long as the court makes the requisite findings as set forth herein.~~

12 (b) The publication of a list under this section shall not constitute grounds for legal claims
13 against a municipality by the record owner or any interested party.

14 **34-44-2. Definitions.**

15 As used in this chapter:

16 (1) "Abandon" or "abandonment" means a situation where the owner of a building has
17 intended to abandon the building and has manifested the intent with some act or failure to act. In
18 determining whether an owner has abandoned his or her building, a court shall infer the intent of
19 the owner from the existence of serious code violations that pose a health and/or safety hazard to

1 the community ~~and that have gone unrepaired for an unreasonable amount of time~~ where the
2 municipality, the courts or the state or municipal entity issuing the notice of violation has notified
3 the building owner of the violations and the owner has failed to address them in the timeframes set
4 forth in the notice of violation or court order and from any of the surrounding facts and
5 circumstances including, but not limited to the following:

6 (i) Whether or not the building is vacant;
7 (ii) Whether or not the grounds are maintained;
8 (iii) Whether or not the building's interior is sound;
9 (iv) Whether or not any vandalism on the building has gone unrepaired after the building
10 owner has been notified and had an opportunity to address any conditions that may pose a health
11 or safety hazard;

12 (v) Whether or not rents have been collected from the building's tenants by the owner;
13 (vi) The length of time any of the above conditions have existed-;

14 (vii) Notwithstanding the criteria in this section, the building shall not be considered
15 abandoned if, upon a reasonable search of publicly available records, the property is known to be
16 part of a plan of redevelopment or community revitalization strategy, or is actively being marketed
17 for sale;

18 (viii) Notwithstanding the criteria in this section, a building shall not be considered
19 abandoned solely due to the building being vacant and rents not being collected if it is otherwise
20 being maintained and the building owner has been responsive to addressing any health or safety
21 issues that may arise.

22 (2) "Abate" or "abatement" in connection with any property means the removal or
23 correction of any hazardous conditions deemed to constitute a public nuisance and the making of
24 such other improvements as are needed to affect a rehabilitation of the property that is consistent
25 with maintaining safe and habitable conditions over the remaining useful life of the property.
26 However, the closing or boarding up of any building that is found to be a public nuisance is not an
27 abatement of the nuisance.

28 (3) "Building" means any building or structure used for residential purposes or used for
29 retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic
30 administration activities, professional services, or similar business or civic uses.

31 (4) "Interested party" means any owner, mortgagee, lienholder, or other entity or person
32 who or that possesses an interest of record in any property that becomes subject to the jurisdiction
33 of the court pursuant to this chapter and any applicant for the appointment of a receiver pursuant to
34 this chapter.

1 (5) “Neighboring landowner” means any owner of property, including any entity or person
2 who or that is purchasing property by land installment contract or under a duly executed purchase
3 contract, that is located within two hundred feet (200’) of any property that becomes subject to the
4 jurisdiction of the court pursuant to this chapter.

5 (6) “Public nuisance” means a building that is a menace to the public health, welfare, or
6 safety; or that is structurally unsafe, unsanitary; or not provided with adequate safe egress; or that
7 constitutes a fire hazard; or is otherwise dangerous to human life; or is otherwise no longer fit and
8 habitable; or that, in relation to existing use, constitutes a hazard to the public health, welfare, or
9 safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Such
10 condition shall be documented by:

11 (i) Violations of local or state building codes or housing standards as described in § 34-44-
12 3 where the municipality, the courts or the state or municipal entity issuing the notice of violation
13 has notified the building owner of the violations and the owner has failed to address violations in
14 the timeframes set forth in the notice of violation or court order;

15 (ii) The condemnation of the property; or

16 (iii) Written notice by public health and safety personnel, code inspectors or state or
17 municipal building officials identifying the nature of the public health or safety risk posed and the
18 failure of the property owner to address these conditions.

19 **34-44-3. Injunctive relief and other relief.**

20 (a) In any proceeding involving properties listed in a municipality’s inventory of
21 abandoned property established in accordance with § 34-44-1.1 and:

22 (1) Brought under chapter 27.3 of title 23 entitled the Rhode Island state building code, and
23 any violation of the provisions of those regulations promulgated by the state building code
24 standards committee entitled SBC-1 Rhode Island state building code, SBC-2 Rhode Island state
25 one- and two-family dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4 Rhode Island
26 state mechanical code, SBC-5 Rhode Island state electrical code, SBC-6 state property maintenance
27 code, SBC-19 state fuel gas code or any municipal ordinance or regulation concerning minimum
28 housing standards, that is before a state court, municipal court, housing division of a state or
29 municipal court; or

30 (2) Brought upon a verified petition for abatement filed in the state court by the municipal
31 corporation in which the property involved is located, by any neighboring landowner, or by a
32 nonprofit corporation, registered to do business in the state, that is duly organized and has as one
33 of its primary goals the improvement production, preservation or repair of housing conditions for
34 low- and moderate-income persons in the municipality in which the property in question is located

1 [Rhode Island](#), if a building is alleged to be abandoned and either to be in a dangerous or unsafe
2 condition or to be otherwise in violation of chapter 27.3 of title 23 entitled the Rhode Island state
3 building code, and any violation of the provisions of those regulations promulgated by the state
4 building code standards committee entitled SBC-1 Rhode Island state building code, SBC-2 Rhode
5 Island state one and two family dwelling code, SBC-3 Rhode Island state plumbing code, SBC-4
6 Rhode Island state mechanical code, SBC-5 Rhode Island state electrical code, SBC-6 state
7 property maintenance code, SBC-19 state fuel gas code or any municipal ordinance or regulation
8 concerning building or housing; the municipal corporation, neighboring landowner, or nonprofit
9 corporation may apply for an injunction requiring the owner of the building to correct the condition
10 or to eliminate the violation which request shall include evidence of the condition(s) alleged
11 satisfactory to the court, in its discretion. [Such application for injunction must include the](#)
12 [following:](#)

13 [\(i\) Documentation that the building is included on the inventory of abandoned property for](#)
14 [the municipality as set forth in § 34-44-1.1;](#)

15 [\(ii\) Documentation of the violations of state or municipal laws, regulations or ordinances](#)
16 [associated with the property; and](#)

17 [\(iii\) Documentation that the conditions for “abandon” or “abandonment” set forth in § 34-](#)
18 [44-2\(1\) have been met.](#)

19 (b) [The provisions of this chapter shall not apply to properties owned by the Rhode Island](#)
20 [housing and mortgage finance corporation established under chapter 55 of title 42 \(“Rhode Island](#)
21 [housing and mortgage finance corporation”\) or any of its subsidiary organizations.](#)

22 ~~(c) Unless the court finds an immediate need, due to public safety, for a shortened period,~~
23 ~~there~~ [There](#) shall be a hearing at least twenty (20) days after a summons for an injunction, indicating
24 the date and time of the hearing is served upon the owner of the building. The summons shall be
25 served by personal service, residence service, or service by certified mail pursuant to R.I. Super.
26 Ct. R. Civ. P. 4. If service cannot be made in one of these ways, the notice shall be served by posting
27 it in a conspicuous place on the building and by publication in a newspaper of general circulation
28 in the municipality in which the building is located. If the court finds at the hearing that the building
29 is abandoned and either is in a dangerous or unsafe condition or is otherwise in violation of any
30 ordinance or regulation concerning minimum housing standards, it shall issue an injunction
31 requiring the owner to correct the condition or to eliminate the violation, or any other order that it
32 considers necessary or appropriate to correct the condition or to eliminate the violation.

33 [\(d\) The court may schedule a hearing earlier than the time frame set forth in subsection \(c\)](#)
34 [of this section, if needed, to address an immediate threat to public health or safety as documented](#)

1 [by the condemnation of the property or in writing by public health and safety personnel, code](#)
2 [inspectors or state or municipal building officials identifying the nature of the public health or](#)
3 [safety risk posed and the failure of the property owner to address these conditions.](#)

4 **34-44-4. Public nuisance determination — Show cause hearing — Appointment of**
5 **receiver.**

6 (a) In any proceeding described in § 34-44-3, after the court makes the finding described
7 in that section and additionally finds that the building in question constitutes a public nuisance [as](#)
8 [set forth in § 34-44-3\(a\)\(2\)](#) and that the owner of the building has been afforded reasonable
9 opportunity to begin correcting the dangerous or unsafe condition found or to begin eliminating the
10 violation found and has refused or failed to do so, the court shall cause notice of its findings to be
11 served upon the owner, each mortgagee or other lienholder of record, and any other interested party,
12 and shall order the parties to show cause why a receiver should not be appointed to perform, or
13 cause to be performed, any work and to furnish any material that reasonably may be required to
14 abate the public nuisance. The notice shall be served in the same manner as described in § 34-44-
15 3.

16 (b) Before appointing a receiver to perform, or cause to be performed, any work to abate a
17 public nuisance under this chapter, the court shall conduct a hearing at which any mortgagee of
18 record or lienholder of record, or other interested party in the order of their priority of interest in
19 title shall be offered the opportunity to undertake the work and to furnish the materials as are
20 necessary to abate the public nuisance.

21 (c) The court shall require the party selected to demonstrate the ability promptly to
22 undertake the work required, to provide the judge with a viable financial and construction plan for
23 the rehabilitation of the building, and to post security for the performance of the work.

24 (d) All amounts expended by the party toward abating the public nuisance shall be a lien
25 on the property if the expenditures were approved in advance by the court and if the party desires
26 such a lien. The lien shall bear the interest, and shall be payable upon the terms approved by the
27 court. The lien shall have the same priority as the mortgage of a receiver, as set forth in § 34-44-6,
28 if a certified copy of the court order that approved the expenses, the interest, and the terms of
29 payment of the lien, and a description of the property in question are filed for record, within thirty
30 (30) days of the date of issuance of the order, in the office of the recorder of deeds of the
31 municipality in which the property is located.

32 (e) If the court determines at the hearing that no party can undertake the work and furnish
33 the materials required to abate the public nuisance, or if the court determines at any time after the
34 hearing that any party who is undertaking corrective work pursuant to this chapter cannot or will

1 not proceed, or has not proceeded with due diligence, the judge may appoint a receiver to take
2 possession and control of the property. The receiver shall be appointed in the manner provided in
3 subsection (f).

4 (f) No person shall be appointed a receiver unless the person first has provided the court
5 with a viable financial and construction plan for the rehabilitation of the property in question and
6 has demonstrated the capacity and expertise to perform, or cause to be performed, the required
7 work in a satisfactory manner.

8 (g) Prior to the appointment of a receiver the court may grant access to the property in
9 question to any person who applies to be appointed the receiver of the property, for the limited
10 purpose of developing a viable financial and construction plan for the rehabilitation of the property
11 which shall include the items set forth in § 34-44-4.1.

12 (h) The appointed receiver shall be a lawyer appointed by the court who is certified by the
13 court to act as such.

14 (i) In no case shall a receiver, or temporary receiver, be appointed unless the owner has
15 been provided the notification and been afforded the opportunity for a hearing as set forth in this
16 section and §§ 34-44-3 and/or 34-44-4.

17 **34-44-12. Sale of building and property by receiver.**

18 (a) If a receiver appointed pursuant to § 34-44-4 files with the judge in the civil action
19 described in § 34-44-4 a report indicating that the public nuisance has been abated, and if the judge
20 confirms that the receiver has abated the public nuisance, and if the receiver or any interested party
21 requests the judge to enter an order directing the receiver to sell the building and the property on
22 which it is located, then the judge may enter that order after holding a hearing as described in
23 subsection (c).

24 (b)(1) If the abatement of the nuisance has not yet occurred; and

25 (2) If the court approves the abatement plan presented by the receiver or any interested
26 party; and

27 (3) The building at the subject property is unoccupied, then the court may enter an order,
28 upon the receiver's recommendation, directing the receiver to sell the building and property upon
29 which it is located after holding a hearing as described in subsection (c) of this section. Any sale
30 order and sale deed under this subsection shall include a requirement that the transfer of the property
31 include a reverter if the abatement plan is not completed in accordance with its terms and in the
32 timeframe established in the plan. The abatement of the property by the purchaser shall be at the
33 purchaser's sole cost and expense.

34 (c) The receiver or interested party requesting an order as described in subsection (a) or (b)

1 of this section shall cause a notice of the date and time of a hearing on the request to be served on
2 the owner of the building involved and all other interested parties in accordance with § 34-44-3.
3 The judge in the civil action described in § 34-44-3 shall conduct the scheduled hearing. At the
4 hearing, if the owner or any interested party objects to the sale of the building and the property, the
5 burden of proof shall be upon the objecting person to establish, by a preponderance of the evidence,
6 that the benefits of not selling the building and the property outweigh the benefits of selling them.
7 If the judge determines that there is no objecting person, or if the judge determines that there is one
8 or more objecting persons but no objecting person has sustained the burden of proof specified
9 herein, the judge may enter an order directing the receiver to offer the building and the property for
10 sale upon terms and conditions that the judge shall specify, and may further order the removal of
11 any clouds on the title to the building and property by reason of any liens or encumbrances that are
12 inferior to any claims of the receiver, as provided by § 34-44-6(9), or if the receivership action is
13 pending in a court other than the superior court, the judge may order the receiver to petition the
14 superior court to order the removal of any clouds on the title to the building or property. An order
15 by the superior court to remove any cloud on the title to the building and property shall be binding
16 upon all those claiming by, through, under, or by virtue of, any inferior liens or encumbrances.

17 (d) The court may give priority in a sale to any party willing to:

18 ~~(1) Designate~~ designate and deed restrict the property for low- and moderate-income
19 housing, as defined in § 45-53-3; ~~or~~

20 ~~(2) Resell the property at least ten percent (10%) below an appraised market value; or~~

21 ~~(3) Designate any residential units in the property for occupancy through any housing~~
22 ~~choice voucher program; or~~

23 ~~(4) Restrict use of the property to owner occupancy for a period of not less than twenty-~~
24 ~~four (24) months from the date of the issuance of a certificate of occupancy.~~

25 The waiver of any portion of the delinquent real estate taxes or zoning or minimum housing
26 fines pursuant to subsection (e) of this section may qualify as a municipal subsidy under § 45-53-
27 3.

28 (e) If a sale of a building and the property on which it is located is ordered pursuant to
29 subsections (a) — (d) and if the sale occurs in accordance with the terms and conditions specified
30 by the judge in the judge's order of sale, then the receiver shall distribute the proceeds of the sale
31 and the balance of any funds that the receiver may possess, after the payment of the costs of the
32 sale, in the following order of priority and in the described manner:

33 (1) First, the amount due for delinquent taxes and assessments owed to this state or a
34 political subdivision of this state;

1 (2) Second, in satisfaction of any mortgage liability incurred by the receiver pursuant to §
2 34-44-6, in their order of priority;

3 (3) Third, any unreimbursed expenses and other amounts paid in accordance with § 34-44-
4 6 by the receiver, and the fees of the receiver assessed pursuant to § 34-44-8; and

5 (4) Fourth, the amount of any pre-receivership mortgages, liens, or other encumbrances, in
6 their order of priority.

7 (f) Following a distribution in accordance with subsection (e), the receiver shall request the
8 judge in the civil action described in § 34-44-3 to enter an order terminating the receivership. If the
9 judge determines that the sale of the building and the property on which it is located occurred in
10 accordance with the terms and conditions specified by the judge in his or her order of sale under
11 subsection (c) and that the receiver distributed the proceeds of the sale and the balance of any funds
12 that the receiver possessed, after the payment of the costs of the sale, in accordance with subsection
13 (e), and if the judge approves any final accounting required of the receiver, the judge may terminate
14 the receivership.

15 (g) If a judge in a civil action described in § 34-44-3 enters a declaration that a public
16 nuisance has been abated by a receiver, and if, within three (3) days after the entry of the
17 declaration, all costs, expenses, and approved fees of the receivership have not been paid in full,
18 the judge may enter an order directing the receiver to sell the building involved and the property
19 on which it is located. The order shall be entered, and the sale shall occur, only in compliance with
20 subsections (b) — (d), as applicable.

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

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

1 This act would amend the definition of abandoned property by imposing the requirement
2 that the building owner be notified of the violation and has failed to address such violations in the
3 timeframes set forth in the notice of violation or court order. This act would further amend the
4 definition of public nuisance to require documentation of the property's condition.

5 This act would take effect upon passage.

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