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# S T A T E  O F  R H O D E  I S L A N D

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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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:

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

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

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

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

(c) A property owner or lienholder shall have the right, but not the obligation, to cure or cause to be cured the conditions giving rise to inclusion on the abandoned properties list within a reasonable time, before the property may be alleged to be abandoned in any municipal proceeding under this chapter.

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

As used in this chapter:

(1) "Abandon" or "abandonment" means a situation where the owner of a building has intended to abandon the building and has manifested the intent with some act or failure to act. In determining whether an owner has abandoned his or her building, a court shall infer the intent of the owner from the existence of serious code violations that pose a health and/or safety hazard to the community ~~and that have gone unrepaired for an unreasonable amount of time~~ and from any of the surrounding facts and circumstances including, but not limited to the following:

(i) Whether or not the building is vacant;

(ii) Whether or not the grounds are maintained;

(iii) Whether or not the building's interior is sound;

(iv) Whether or not any vandalism on the building has gone unrepaired;

(v) Whether or not rents have been collected from the building's tenants by the owner;

(vi) The length of time any of the above conditions have existed;

(vii) Notwithstanding the criteria in this section, a property shall not be considered abandoned if, upon a reasonable search of publicly available records, the property is known to be part of a documented plan of redevelopment or community revitalization strategy, and is to be financed in whole or in part with public funds, or is pending sale pursuant to a valid purchase and sale agreement;

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

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

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

(4) "Eligible nonprofit corporation" ("ENC") means a nonprofit corporation registered to do business in the State of Rhode Island which has as one of its primary purposes the production, preservation or repair of dwelling units in the State of Rhode Island.

~~(4)~~(5) "Interested party" means any owner, mortgagee, lienholder, or other entity or person who or that possesses an interest of record in any property that becomes subject to the jurisdiction

of the court pursuant to this chapter and any applicant for the appointment of a receiver pursuant to this chapter.

~~(5)~~(6) "Neighboring landowner" means any owner of property, including any entity or person who or that is purchasing property by land installment contract or under a duly executed purchase contract, that is located within two hundred feet (200′) of any property that becomes subject to the jurisdiction of the court pursuant to this chapter.

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

(i) Violations of local ordinances, state building codes or minimum housing standards where a municipality, court officer, or the state or municipal entity issuing the notice has notified the building owner of the violations and the owner has failed to address violations in the timeframes set forth in the notice of violation or court order;

(ii) The condemnation of the property for reasons of health or safety;

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

(iv) Law enforcement reports indicating the nature of the hazard to the public health, welfare or safety.

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

(a) In any proceeding:

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

(2) Brought upon a verified petition for abatement filed in the state court by the municipal corporation in which the property involved is located, by any neighboring landowner, or by ~~a~~

~~nonprofit corporation, registered to do business in the state, that is duly organized and has as one of its goals the improvement of housing conditions for low- and moderate-income persons in the municipality in which the property in question is located, if a~~ an ENC where:

(i) A building is alleged to be abandoned; and

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

(b) Such application for injunction shall include the following, as applicable:

(1) Documentation of the violation of state or municipal laws, regulations or ordinances associated with the property; and

(2) Documentation that the conditions for "abandon" or "abandonment" set forth in § 34-44-2(1) have been met; and

(3) If applicable, evidence that the property owner has received notice of the violations or orders from the applicable governmental entity and the property owner has failed to address the violations in the timeframe set forth in the notice or order; or

(4) In circumstances of vandalism at the property which present documented conditions from the applicable governmental entity that such conditions pose a health and safety hazard and the property owner, after receiving notice of the same, has failed to address the violations in the timeframe set forth in the notice.

~~(b)~~(c) The provisions of this chapter shall not apply to properties owned by the Rhode Island housing and mortgage finance corporation established under chapter 55 of title 42 ("Rhode Island housing and mortgage finance corporation") or any of its subsidiary organizations.

(d) ~~Unless the court finds an immediate need, due to public safety, for a shortened period, there~~ There shall be a hearing ~~at least~~ on the requested injunctive relief which shall be scheduled no sooner than twenty (20) days after ~~a summons for an injunction,~~ notice indicating the date and time of the hearing is served upon the owner of the ~~building~~ property and all mortgagees of record

and lienholders of record. The ~~summons~~ notice shall be served by personal service, residence service, or service by certified mail pursuant to R.I. Super. Ct. R. Civ. P. 4. If service cannot be made in one of these ways, the notice shall be served by posting it in a conspicuous place on the building and by publication in a newspaper of general circulation in the municipality in which the building is located. If the court finds at the hearing that the building is abandoned and either is in a dangerous or unsafe condition or is otherwise in violation of any ordinance or regulation concerning minimum housing standards, it shall issue an injunction requiring the owner to correct the condition or to eliminate the violation, or any other order that it considers necessary or appropriate to correct the condition or to eliminate the violation.

(e) The court may schedule a hearing earlier than the time frame set forth in subsection (c) of this section, if needed, to address an immediate threat to public health or safety as documented by the condemnation of the property or in writing by applicable governmental official, entity or agency identifying the nature of the public health or safety risk posed and the failure of the property owner to address these conditions.

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

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

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

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

(d) All amounts expended by the party toward abating the public nuisance shall be a lien

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

(e) If the court determines at the hearing that no party can undertake the work and furnish the materials required to abate the public nuisance, or if the court determines at any time after the hearing that any party who is undertaking corrective work pursuant to this chapter cannot or will not proceed, or has not proceeded with due diligence, the judge may appoint a receiver to take possession and control of the property. The receiver shall be appointed in the manner provided in subsection (f).

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

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

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

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 -- ABANDONED PROPERTY

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This act would amend several definitions within the general law chapter relating to abandoned property, would add a definition for "eligible nonprofit corporation", and would provide criteria for when properties are considered abandoned or a public nuisance.

This act would take effect upon passage.

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