

2019 -- H 5704

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives McKiernan, Almeida, O'Brien, Solomon, and Johnston

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-17 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-17. Prohibited provisions in rental agreements.**

4 (a) A rental agreement may not provide that the tenant:

5 (1) Agrees to waive or forego rights or remedies under this chapter;

6 (2) Authorizes any person to confess judgment on a claim arising out of the rental
7 agreement;

8 (3) Agrees to pay the landlord's attorney's fees inconsistent with this chapter; or

9 (4) Agrees to the exculpation or limitation of any liability of the landlord arising under
10 law or to indemnify the landlord for that liability or the costs connected with the liability except
11 as provided in subsection (b) of this section.

12 (b)(1) In certain municipalities, landlords may be liable for penalties associated with loud
13 noise, improper disposal of trash, and use of leased premises in a manner that violates local
14 ordinances designed to eliminate nuisance properties.

15 (2) If clearly designated in a lease agreement, a landlord may seek reimbursement of
16 finances imposed against the landlord but due to actions of the tenant(s), during the term of the lease,
17 at any time after the imposition of the fine.

18 (3) For purposes of this subsection, the landlord and tenant(s) shall be jointly and
19 severally liable to the government entity, and the laws relating to contribution and indemnity shall

1 apply in any such controversy(ies) between the landlord and the tenant(s). The burden of proof in
2 such cases shall be by preponderance of evidence, and the burden shall rest upon the tenants in
3 any such proceeding.

4 ~~(b)~~(c) A provision prohibited by subsection (a) included in a rental agreement is
5 unenforceable. If a landlord deliberately uses a rental agreement containing provisions known to
6 be prohibited, the tenant may recover, in addition to his or her actual damages, an amount up to
7 three (3) months periodic rent and reasonable attorney's fees.

8 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 -- RESIDENTIAL LANDLORD AND TENANT ACT

1 This act would allow landlords to recover funds expended or fines associated with
2 violations of local ordinances when such violations are due to actions of their tenants(s), provided
3 that the lease clearly addresses the reimbursement.

4 This act would take effect upon passage.

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