

2021 -- S 0131

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Bell, Calkin, Mendes, Lombardo, Mack, Anderson, Ciccone,
DiMario, Murray, and Cano

Date Introduced: January 26, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-38 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-38. Eviction for unlawfully holding over after termination or expiration of**
4 **tenancy.**

5 (a) If the tenant remains in possession without the landlord's consent after expiration of the
6 term of the rental agreement or after the termination of a periodic tenancy, the landlord may
7 commence an eviction action, which may be filed no earlier than the first day following the
8 expiration or termination of the tenancy. The action shall be commenced by filing a "Complaint for
9 Eviction for Reason Other Than for Nonpayment of Rent," which shall be filed in the appropriate
10 court according to the form provided in § 34-18-56(e).

11 (b) The summons shall be in the form provided in § 34-18-56(h) and shall specify that the
12 tenant has twenty (20) days from the date of service in which to file his or her answer to the
13 complaint, and that if he or she fails to file his or her answer within that time, he or she will be
14 defaulted. The matter may be assigned for hearing in accordance with the rules of procedure of the
15 appropriate court.

16 (c) If the tenant's holdover is willful and not in good faith, the landlord may also recover,
17 in addition to possession, an amount not more than three (3) months' periodic rent or threefold the
18 actual damages sustained by him or her, whichever is greater, and reasonable attorney's fees. If the
19 landlord consents to the tenant's occupancy, the parties may agree to a definite term. If no term is

1 specified, the term shall be week-to-week if the tenant pays on a week-to-week basis, and in all
2 other cases, month-to-month.

3 (d) If a tenant dies during the term of the rental agreement, the deceased's live-in caregiver
4 or any other person of at least eighteen (18) years of age residing in the dwelling unit shall be
5 permitted to continue the rental agreement for a period of time known as the post-death rental grace
6 period. Any such person residing in the dwelling unit who chooses to continue the rental agreement
7 shall be known as the grace period temporary tenant. The grace period temporary tenant shall pay
8 the rent agreed to in the rental agreement and assume all other obligations of the tenant. The length
9 of the post-death rental grace period shall be selected by the grace period temporary tenant and
10 shall not exceed three (3) months, unless the landlord consents to a longer period of time. The post-
11 death rental grace period shall not extend beyond the end of the term of the rental agreement. Rent
12 due for part of a month shall be prorated. Nothing in this section shall be construed to obligate the
13 deceased's live-in caregiver or any other person residing in the dwelling unit to continue the rental
14 agreement if they do not choose to do so. Nor shall any part of this section be construed to restrict
15 the ability of the landlord and dwelling unit resident(s) to enter into a new mutually agreeable rental
16 agreement.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would permit those other residents of a residential dwelling unit to extend the term
- 2 of the rental agreement for a period not to exceed three (3) months after the death of the lessee.
- 3 This act would take effect upon passage.

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