

2022 -- H 8078

LC005625

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives Diaz, Slater, Batista, Morales, Edwards, Felix, Alzate,
Williams, and Perez

Date Introduced: April 01, 2022

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-10 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-10. Service of process for actions pursuant to chapter.**

4 (a)(1) In actions for nonpayment of rent, the summons for eviction for nonpayment of rent
5 shall be in the form provided in § 34-18-56(g). At the time of filing of the complaint, the clerk shall
6 ~~mark enter~~ the date of hearing upon the summons, ~~which shall be the ninth (9th) day after filing of~~
7 ~~the complaint, or the first court day following the ninth (9th) day.~~ For the purposes of this section
8 only, the time of filing of the complaint shall be the date upon which the clerk assigns a case number
9 to the action and the filing fee is paid to the clerk. On the same day that the complaint is filed, the
10 plaintiff's attorney or, if pro se, the plaintiff, or if more than one, the person filing the complaint
11 shall mail a copy of the summons and complaint with the date of the hearing and a blank answer
12 form as provided in § 34-18-56(j) by first class mail, to the defendant, shall complete the proof of
13 service on a copy of the original summons and file the completed proof of service in the appropriate
14 court. ~~The clerk shall note on the docket the mailing date of the summons and complaint, and shall~~
15 ~~complete the proof of service on the original summons.~~ The plaintiff shall deliver the original
16 summons and a copy thereof, together with a copy of the complaint and a blank answer form to the
17 division of sheriffs or any constable of the county in which the appropriate court is located. The
18 officer receiving the copies shall serve them by:

19 (i) Handing them to the defendant; or

1 (ii) Serving them at the defendant's dwelling unit to a person of suitable age and discretion
2 then residing therein; or

3 (iii) If none be found, by posting them conspicuously on the door to defendant's dwelling
4 unit.

5 (2) The deputy sheriff or constable serving the summons and complaint shall make proof
6 of service on the original summons and shall file it with the clerk of the appropriate court at or
7 before the time of the hearing. The proof of service shall show the manner and the day, hour, and
8 place of service, and shall show that the defendant was served no less than five (5) days before the
9 hearing.

10 (b) In all actions pursuant to this chapter other than for nonpayment of rent, the procedure
11 shall be as follows:

12 (1) The summons for eviction actions pursuant to §§ 34-18-36 and 34-18-38 shall be in the
13 form provided in § 34-18-56(h). A blank answer, in the form provided in § 34-18-56(j) shall be
14 served together with this summons.

15 (2) The summons in all other actions pursuant to this chapter shall be in the form provided
16 in § 34-18-56(i). Service shall be made pursuant to Rule 4 of the district court civil rules, or other
17 appropriate rule of court.

18 (c) If a landlord or tenant is not a resident of this state or is a corporation not authorized to
19 do business in this state and engages in any conduct in this state governed by this chapter, or
20 engages in a transaction subject to this chapter, he or she may designate an agent upon whom
21 service of process may be made in this state. The agent shall be a resident of this state or a
22 corporation authorized to do business in this state. The designation shall be in writing and filed
23 with the secretary of state. If no designation is made and filed or if the process cannot be served in
24 this state upon the designated agent, process may be served upon the secretary of state, but service
25 upon the secretary of state is not effective unless the plaintiff or petitioner forthwith mails a copy
26 of the process and pleading by registered or certified mail to the defendant or respondent at his or
27 her last reasonably ascertainable address. An affidavit of compliance with this subsection shall be
28 filed with the clerk of the court on or before the return day of the process, if any, or within any
29 further time the court allows.

30 (d) ~~If at time of hearing it appears that the clerk failed to provide mail service as required~~
31 ~~by subsection (a), or that the mailed service was undeliverable, service shall nevertheless be~~
32 ~~deemed complete if proof of service reflects that service was accomplished in accordance with~~
33 ~~subsection (a)(1)(i) or (ii) of this section. If mailed service was defective and the tenant was~~
34 ~~prejudiced by shorter notice of the hearing, the tenant may seek the benefits of § 34-18-35(d) for~~

1 ~~late filing of discovery, if justice requires.~~

2 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 -- RESIDENTIAL LANDLORD AND TENANT ACT

- 1 This act would allow the district court to designate the date of the hearing in eviction
- 2 matters filed under the residential landlord and tenant act.
- 3 This act would take effect upon passage.

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