

2023 -- H 5514

LC000225

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representatives Fellela, Hull, Perez, and Serpa

Date Introduced: February 10, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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SECTION 1. Section 34-18-56 of the General Laws in Chapter 34-18 entitled "Residential Landlord and Tenant Act" is hereby amended to read as follows:

**34-18-56. Notices and complaint forms.**

(a) A notice in substantially the following language shall suffice for the purpose of giving a tenant a five (5) day demand for payment of rent prior to commencement of an eviction pursuant to § 34-18-35:

FIVE-DAY DEMAND NOTICE FOR NONPAYMENT OF RENT

R.I.G.L. 34-18-35

Date of Mailing: \_\_\_\_\_

TO: \_\_\_\_\_

(tenant)

\_\_\_\_\_

\_\_\_\_\_

You are now more than fifteen days in arrears for some or all of the rent owed under your rental agreement. State law requires that you be sent this Notice of arrearage.

Unless you make payment of all rent in arrears within five days of the date this notice was mailed to you, an eviction action may be instituted in court against you. You can prevent the eviction by paying all rent owing within five days of the mailing of this notice.

1 If you believe you have a legal reason for not paying this rent, you will be able to present  
2 that defense at the eviction hearing. The rent in arrears as of the above date is \$\_\_\_\_\_.

3 \_\_\_\_\_

4 (signature)

5 \_\_\_\_\_

6 \_\_\_\_\_

7 (name and address of land-

8 lord/owner)

9 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,  
10 addressed to the tenant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

11 \_\_\_\_\_

12 (landlord or owner

13 signature)

14 (b) A notice in substantially the following language shall suffice for the purpose of giving  
15 a tenant a notice of noncompliance with the rental agreement pursuant to § 34-18-36:

16 NOTICE OF NONCOMPLIANCE

17 R.I.G.L. 34-18-36

18 Date of Mailing: \_\_\_\_\_

19 TO: \_\_\_\_\_

20 (tenant)

21 \_\_\_\_\_

22 \_\_\_\_\_

23 (address)

24 You are in breach of your rental agreement, or of your legal duties under R.I.G.L. 34-18-  
25 24, because you:

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

29 (provide details)

30 To remedy this situation you must do the following within twenty days of the date of  
31 mailing of this Notice:

32 \_\_\_\_\_

33 \_\_\_\_\_

34 \_\_\_\_\_

1 If you do not remedy this situation within twenty days, your rental agreement will terminate  
2 without further notice on \_\_\_\_\_ (date, which must be not less than twenty-one days from the  
3 date of mailing of this Notice). (NOTE: Under the law you lose this right to remedy your  
4 noncompliance if this is the second notice on the same subject within the past six months.) After  
5 that date an eviction case may begin in court, and you may be served with a complaint. You will  
6 have the right to a hearing and to present any defenses you believe you have.

7 \_\_\_\_\_  
8 (signature)

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 (name and address of land-lord/owner)

12 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,  
13 addressed to the tenant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
14 \_\_\_\_\_  
15 (landlord or owner signature)

16 (c) A notice in substantially the following language shall suffice for the purpose of giving  
17 a tenant notice of termination of tenancy pursuant to § 34-18-37:

18 NOTICE OF TERMINATION OF TENANCY

19 R.I.G.L. 34-18-37

20 Date of Mailing: \_\_\_\_\_

21 TO: \_\_\_\_\_

22 (tenant)

23 \_\_\_\_\_  
24 \_\_\_\_\_

25 (address)

26 You are hereby directed to vacate and remove your property and personal possessions from  
27 the premises located at \_\_\_\_\_ and deliver control of the  
28 premises to the

29 (address of premises)

30 landlord/owner on the first day after the end of your current rental period, namely  
31 \_\_\_\_\_.

32 (insert date)

33 This notice is given for the purpose of terminating your tenancy. You must continue to pay  
34 rent as it becomes due until the date indicated above. If you fail to pay that rent, a nonpayment

1 eviction action may be instituted against you.

2 If you fail to vacate the premises by the date specified, an eviction may be instituted against  
3 you without further notice. If you believe you have a defense to this termination, you will be able  
4 to raise that defense at the court hearing.

5 \_\_\_\_\_  
6 (signature)

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 (name and address of land-lord/owner)

10 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,  
11 addressed to the tenant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

12 \_\_\_\_\_  
13 (landlord or owner signature)

14 (d) A complaint in substantially the following language shall suffice for the purpose of  
15 commencing an eviction action for nonpayment of rent pursuant to § 34-18-35:

16 State of Rhode Island  
17 \_\_\_\_\_, Sc. DISTRICT  
18 COURT  
19 \_\_\_\_\_

20 DIVISION  
21 PLAINTIFF DEFENDANT

22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 (Landlord's Name) (Tenant's Name)

26 V  
27 \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 (address) (address of rental premises)

31 COMPLAINT FOR EVICTION  
32 FOR NONPAYMENT OF RENT  
33 R.I.G.L. 34-18-35

34 1. Plaintiff is the owner/landlord of the rental premises listed above, in which the Defendant

1 Tenant currently resides.

2 2. Defendant is more than fifteen days in arrears in rental payments due to the plaintiff from  
3 the defendant. The rent is \$ \_\_\_\_\_ per \_\_\_\_\_, and the amount in arrears is \$ \_\_\_\_\_  
4 as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
5 (month)

6 3. Plaintiff has served the five-day demand notice as required by law, and a copy of that  
7 notice is attached to this complaint. The notice was mailed to the defendant on the \_\_\_\_\_ day  
8 of \_\_\_\_\_, 20\_\_\_\_.

9 4. Defendant has not paid the rent in arrears or offered the full amount in arrears, either  
10 before or after the demand notice. Defendant remains in possession of the rental premises.

11 WHEREFORE, Plaintiff requests that this Court grant a judgment for possession of the  
12 premises (eviction of the tenant) and for back rent in the amount of \$ \_\_\_\_\_, plus costs.

13 \_\_\_\_\_  
14 (Name & address of landlord/owner or attorney for landlord)

15 \_\_\_\_\_  
16 Date complaint filed with clerk \_\_\_\_\_

17 (e) A complaint in substantially the following language shall suffice for the purpose of  
18 commencing an eviction action for noncompliance with the rental agreement pursuant to § 34-18-  
19 36, or an eviction action for unlawfully holding over after expiration or termination of the tenancy  
20 pursuant to § 34-18-38:

21 STATE OF RHODE ISLAND  
22 \_\_\_\_\_, Sc. DISTRICT

23 COURT  
24 \_\_\_\_\_

25 DIVISION  
26 PLAINTIFF DEFENDANT

27 \_\_\_\_\_  
28 (Landlord's Name) (Tenant's Name)

29 V  
30 \_\_\_\_\_

31 \_\_\_\_\_  
32 (address) (address of rental

33 premises)  
34 COMPLAINT FOR EVICTION

1 FOR REASON OTHER THAN

2 NONPAYMENT OF RENT

3 R.I.G.L. 34-18-36

4 R.I.G.L. 34-18-38

5 1. Plaintiff Landlord(s) owns the rental premises listed above, in which the Defendant  
6 Tenant(s) resides.

7 2. CHECK ONE:

8 \_\_\_\_\_ Defendant breached the tenant's obligations under the rental agreement or § 34-18-  
9 24 as set forth in the attached copy of the notice of noncompliance which was mailed to the  
10 defendant. Defendant has not cured or remedied the breach. (Plaintiff must attach copy of required  
11 notice of noncompliance.)

12 \_\_\_\_\_ Defendant has remained in possession of the rented premises following the period set  
13 forth in the attached notice of termination of tenancy which was mailed to defendant. (Plaintiff  
14 must attach copy of required termination notice.)

15 \_\_\_\_\_ Defendant breached the tenants' obligations under § 34-18-24(8), (9) or (10).

16 3. Plaintiff seeks judgment for possession of the premises plus judgment in the amount of

17 \_\_\_\_\_  
18 for \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_

22 (explain basis for money claim)

23 Plaintiff seeks costs and fees (if applicable).

24 \_\_\_\_\_  
25 (Signature of Landlord/Owner or Attorney)

26 \_\_\_\_\_  
27 Date complaint filed with clerk \_\_\_\_\_

28 (f) A complaint in substantially the following language, or in similar language, shall be  
29 sufficient for use by landlords or by tenants to bring any claims or causes of action other than  
30 eviction actions:

31 NOT FOR EVICTION

32 State of Rhode Island

33 \_\_\_\_\_, Sc.

DISTRICT

34 COURT

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DIVISION

PLAINTIFF

DEFENDANT

(Name)

(Name)

V

(address)

(address of rental premises)

LANDLORD-TENANT COMPLAINT  
(NOT FOR USE IN EVICTIONS)

1. Plaintiff is the \_\_\_\_ Tenant \_\_\_\_ Landlord/Owner of the rental premises

at. \_\_\_\_\_

(address of rental premises)

2. Defendant is the \_\_\_\_ Tenant \_\_\_\_ Landlord/Owner.

3. Plaintiff claims that defendant has breached the obligations of the rental agreement or law in relation to this landlord-tenant relationship, as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(brief description of claim, attach extra sheet, if necessary)

4. Plaintiff seeks the following judgment or relief from the Court:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Complaint Filed \_\_\_\_\_

With Clerk: \_\_\_\_\_

(Signature of plaintiff or plaintiff's attorney)

\_\_\_\_\_

(address)

(g) The summons in an action for eviction for nonpayment of rent pursuant to § 34-18-35 shall be in substantially the following form:

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STATE OF RHODE ISLAND

DISTRICT

COURT

SU

MMONS

EVICTON-NONPAYMENT OF RENT

DIVISION COUNTY CIVIL ACTION-FILE NO.

Address of Court:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(name & address of plaintiff landlord)

(name & address of defendant-tenant)

TO THE TENANT: You are served with an eviction complaint for nonpayment of rent. If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk at or before the hearing date. You should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at ~~9:30~~ 9:00 A.M. on the hearing date, at the court address listed above. You should go to the hearing or you may lose by default. If you think the case is "settled," you should still go to the hearing to make sure the settlement is in the court record.

YOUR HEARING DATE IS: \_\_\_\_\_.

(Proof of Service on next page)

\_\_\_\_\_

PROOF OF SERVICE

I hereby certify that I served a copy of the Complaint and Summons & Answer upon the defendant(s) by delivering or leaving said papers in the following manner:

\_\_\_\_\_ to the defendant personally; or  
\_\_\_\_\_ at his or her dwelling unit or usual place of abode  
at the \_\_\_\_\_ address listed below with a person of suitable age  
then \_\_\_\_\_ residing therein; or  
\_\_\_\_\_ if none be found, by posting conspicuously on the  
door \_\_\_\_\_ to the defendant's dwelling unit.

ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:



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NAME OF PERSON OF SUITABLE AGE:

SERVICE DATE:

DEPUTY

SHERIFF/CONSTABLE:

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Complaint and Summons was placed into regular U.S. Mail, postage prepaid, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, addressed to defendant at the following address:

\_\_\_\_\_.

\_\_\_\_\_  
(Signature of \_\_\_\_\_ Clerk)

(h) The summons in an action for eviction for noncompliance with the rental agreement pursuant to § 34-18-36, or for unlawfully holding over after termination or expiration of tenancy pursuant to § 34-18-38, shall be in substantially the following form:

State of Rhode Island  
District Court  
Summons

EVICTON FOR REASON OTHER THAN NONPAYMENT OF RENT

DIVISION COUNTY CIVIL ACTION-  
FILE NO.

Address of Court:

\_\_\_\_\_

V

\_\_\_\_\_

\_\_\_\_\_

(name & address of plaintiff landlord) (name & address of defendant-tenant)

TO THE TENANT: You are served with an eviction complaint for noncompliance with rental agreement (R.I.G.L. 34-18-36), or for unlawfully holding over after termination or expiration of tenancy (R.I.G.L. 34-18-38). If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk within TWENTY (20) days after you are served with this summons and complaint. You should also

1 mail a copy of the ANSWER to the landlord or the landlord's lawyer. If you file the enclosed  
2 ANSWER, then you will receive another written notice telling you when the hearing will be. If you  
3 have any questions, you may consult a lawyer. If you think the case is "settled" you should still file  
4 the enclosed ANSWER or be sure that the written settlement is in the file at the Clerk's office.

5 (Proof of Service on next page)

6 \_\_\_\_\_  
7 PROOF OF SERVICE

8 I hereby certify that I served a copy of the Complaint, Summons, and Answer form upon  
9 the defendant(s) by delivering or leaving said papers in the following manner:

10 \_\_\_\_\_ to the defendant personally  
11 \_\_\_\_\_ at his/her dwelling unit or usual place of abode at the address listed below, with a  
12 person of suitable age then residing therein  
13 \_\_\_\_\_ to an agent named below authorized by appointment or by law to receive service of  
14 process  
15 \_\_\_\_\_ further notice as required by law was given as noted below

16 Address of dwelling or usual place of abode:  
17 \_\_\_\_\_  
18 Name of person of suitable age or of agent:  
19 \_\_\_\_\_

20 If none be found, by posting conspicuously on the door to the defendant's dwelling unit or  
21 usual place of abode.

22 Service Date: \_\_\_\_\_  
23 Deputy Sheriff/Constable (circle one):  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 (signature)

27 CERTIFICATE OF SERVICE

28 I hereby certify that, on the .... day of ...., 20...., I mailed a copy of this Summons, and  
29 Complaint for Eviction for Reason Other than Nonpayment of Rent, blank Answer forms, and  
30 Language Assistance Notice addressed to the Defendant/Tenant, at the address listed above.

31 Affiant \_\_\_\_\_

32 (i) The summons in an action relating to any claims by tenants, or by landlords other than  
33 for eviction, shall be in substantially the following form:

34 State of Rhode Island

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District Court Summons \_\_\_\_\_

\_\_\_\_\_  
DIVISION COUNTY CIVIL ACTION-FILE NO.

\_\_\_\_\_  
PLAINTIFF PLAINTIFF'S ATTORNEY

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
vs

DEFENDANT \_\_\_\_\_

DEFENDANT'S ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon the plaintiff's attorney, whose name and address appears above, an answer to the complaint which is herewith served upon you. Your answer must be made within 20 days after service of this summons, excluding the date of service. The original must be filed in writing with this court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

\_\_\_\_\_  
DATE CLERK

\_\_\_\_\_  
SEAL OF THE DISTRICT COURT DATE

RECEIVED

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this summons and a copy of the complaint received herewith upon the above-named defendant by delivering or leaving said papers in the following manner:

- to the defendant personally.
- at his dwelling house or usual place of abode at the address entered below, with a person of suitable age and discretion then residing therewith.
- to an agent named below authorized by appointment or by law to receive service of process.
- Further notice as required by statute was given as noted on the reverse

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\_\_\_\_\_  
Address of Dwelling or Usual Place of Abode

\_\_\_\_\_  
Name of Authorized Agent or Person of Suitable Age

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Sheriff/Constable

SERVICE FEE \$\_\_\_\_\_

(j) The blank answer served in eviction actions shall be in substantially the following form:

State of Rhode Island

\_\_\_\_\_, Sc.

DISTRICT COURT

\_\_\_\_\_

\_\_\_\_\_ DIVISION

PLAINTIFF

DEFENDANT

\_\_\_\_\_

\_\_\_\_\_

(Landlord's Name)

(Tenant's Name)

V

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(address)

(address of rental premises)

INSTRUCTIONS TO THE DEFENDANT

Listed below are several possible defenses to the eviction action your landlord has filed against you. If one or more of these defenses apply to your case, check the appropriate box(es). If space is provided, write in facts in support of that defense. Use additional paper if necessary. Some of these defenses are technical, and there may be others not listed here. You may consult a lawyer and seek representation before filling out this Answer.

TENANT'S ANSWER

The complaint against me is untrue or fails to state the following facts:

I offered rent, but my landlord refused it. I am still able and willing to pay the rent.

I have a defense for nonpayment because the landlord has failed to maintain the premises in a fit and habitable condition.

My rent has not been paid, but I have a legally justifiable defense for not paying:

I have a written lease which does not expire until:

1 I have not received the required notice from the landlord before this complaint was served  
2 on me.

3 The landlord is trying to evict me because I have exercised my legal rights by calling code  
4 enforcement officials, or by taking the following protected action:

5 I have other defenses as follow:

6 WHEREFORE: Because of the defense(s) indicated above, I ask the court to grant a  
7 judgment in my favor and not order me to be evicted.

8 COUNTERCLAIM

9 Instructions: If you believe you are entitled to be awarded damages or money for any reason  
10 from your landlord, you may fill out the statement below:

11 I hereby sue my landlord for the amount of \$\_\_\_\_\_.

12 I believe I am entitled to receive an award of this amount because

13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 \_\_\_\_\_

17 Name of Defendant (or attorney)

Signature of Defendant

18 \_\_\_\_\_

19 Address

20 \_\_\_\_\_

21 Telephone number

22 \_\_\_\_\_

23 SECTION 3. This act shall take effect on January 1, 2024.

=====  
LC000225  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

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- 1           This act would modify the summons for eviction for reasons other than nonpayment of rent
- 2 with the district court, to add a certificate of service section, and provide the option to post the
- 3 summons and complaint conspicuously on the door of the defendant/tenant's dwelling.
- 4           This act would take effect on January 1, 2024.

=====  
LC000225  
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