

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: Senators McKenney, Britto, Burke, LaMountain, and Kallman

Date Introduced: February 16, 2023

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 34-18 of the General Laws entitled "Residential Landlord and Tenant
2 Act" is hereby amended by adding thereto the following section:

3 **34-18-58. Rental application fees.**

4 [A landlord may not charge a rental application fee in an amount in excess of ten percent](#)
5 [\(10%\) of one month's periodic rent.](#)

6 SECTION 2. Section 34-18-11 of the General Laws in Chapter 34-18 entitled "Residential
7 Landlord and Tenant Act" is hereby amended to read as follows:

8 **34-18-11. Definitions.**

9 Subject to additional definitions contained in subsequent sections of this chapter which
10 apply to specific sections thereof, and unless the context otherwise requires, in this chapter:

11 (1) "Abandonment" means the tenant has vacated the premises without notice to the
12 landlord and has no intention of returning, as evidenced by nonpayment of rent for more than fifteen
13 (15) days and removal of substantially all possessions from the premises;

14 (2) "Action" includes recoupment, counterclaim, set-off, suit in equity, and any other
15 proceeding in which rights are determined, including an action for possession;

16 (3) "Building and housing codes" include any law, ordinance, or governmental regulation
17 concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use, or
18 appearance of any premises of dwelling unit;

19 (4) "Dwelling unit" means a structure or part of a structure that is designed or intended to

1 be used as a home, residence, or sleeping place by one or more persons;

2 (5) "Fair rental value" means rent which is of comparable value with that of other rental
3 properties of similar size and condition within the contiguous neighborhood;

4 (6) "Good faith" means honesty in fact in the conduct of the transaction concerned;

5 (7) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building
6 of which it is a part, and it also means a manager of the premises who fails to disclose as required
7 by § 34-18-20;

8 (8) "Ordinary wear and tear" means deterioration of the premises which is the result of the
9 tenant's normal nonabusive living and includes, but is not limited to, deterioration caused by the
10 landlord's failure to prepare for expected conditions or by the landlord's failure to comply with his
11 or her obligations;

12 (9) "Organization" includes a corporation, government, governmental subdivision or
13 agency, business trust, estate, trust, partnership or association, two (2) or more persons having a
14 joint or common interest, and any other legal or commercial entity;

15 (10) "Owner" shall mean any person who, alone or jointly or severally with others:

16 (i) Has legal title or tax title (pursuant to §§ 44-9-40 — 44-9-46, inclusive, of the general
17 laws) to any dwelling, dwelling unit or structure with or without accompanying actual possession
18 thereof; or

19 (ii) Has charge, care, or control of any dwelling, dwelling unit or structure as owner or
20 agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

21 Any person representing the actual owner in this way shall be bound to comply with the provisions
22 of this chapter and of rules and regulations adopted pursuant thereto to the same extent as if he or
23 she were the owner.

24 (11) "Person" includes an individual or organization;

25 (12) "Premises" means a dwelling unit and the structure of which it is a part and facilities
26 and appurtenances therein and grounds, areas, and facilities held out for the use of tenants generally,
27 or the use of which is promised to the tenant;

28 (13) "Rent" means the payment or consideration that a tenant pays to a landlord for the use
29 of the premises, whether money, services, property, or produce of the land;

30 (14) "Rental agreement" means all agreements, written or oral, and valid rules and
31 regulations adopted under § 34-18-25 embodying the terms and conditions concerning the use and
32 occupancy of a dwelling unit and premises, and also includes any terms required by law;

33 (15) ["Rental application fee" means fees that are collected by landlords to process a rental](#)
34 [application.](#)

1 (16) “Roomer” means a tenant occupying a dwelling unit which consists of any room or
2 group of rooms forming a single habitable unit used or intended to be used for living and sleeping,
3 but not for cooking or eating purposes;

4 ~~(16)~~(17) “Security deposit” means a sum of money given by a tenant to a landlord at the
5 outset of the tenancy or shortly thereafter, as a deposit against physical damages to the tenant’s
6 dwelling unit during said tenancy;

7 ~~(17)~~(18) “Tenant” means a person entitled under a rental agreement to occupy a dwelling
8 unit to the exclusion of others;

9 ~~(18)~~(19) “Transitional housing facility” means a facility which, for a period not to exceed
10 two (2) years, provides its residents with appropriate social services for the purpose of fostering
11 independence, self sufficiency, and eventual transition to a permanent living arrangement;

12 ~~(19)~~(20) “Willful” means that the act was performed intentionally, knowingly and
13 purposely, not accidentally or inadvertently and without justifiable excuse.

14 SECTION 3. 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 prohibit a landlord from charging a rental application fee in excess of ten
- 2 percent (10%) of one month's periodic rent.
- 3 This act would take effect upon passage.

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