

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 LaMountain, Britto, and Euer

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-18-35, 34-18-36 and 34-18-38 of the General Laws in Chapter  
2 34-18 entitled "Residential Landlord and Tenant Act" are hereby amended to read as follows:

3 **34-18-35. Eviction for nonpayment of rent.**

4 (a) If any part of the stipulated rent is due and in arrears for fifteen (15) days, the landlord  
5 shall send a written notice, in a form substantially similar to that provided in § 34-18-56(a),  
6 specifying the amount of the rent which is fifteen (15) days in arrears, making demand for the rent,  
7 and notifying the tenant that unless he or she cures the breach within five (5) days of the date of  
8 mailing of the notice, the rental agreement shall terminate, and the landlord shall commence an  
9 eviction action in the appropriate district court or housing court.

10 (b) If the tenant fails to cure his or her breach by paying the stipulated rent in arrears within  
11 five (5) days of the date of mailing of the notice, the landlord may commence an eviction action  
12 against the tenant, which shall be filed no earlier than the sixth (6th) day after mailing of the written  
13 demand notice. The action shall be commenced by filing a "Complaint for Eviction for  
14 Nonpayment of Rent" in the appropriate court in the form provided in § 34-18-56(d).

15 (c) The summons for eviction for nonpayment of rent shall specify the date for hearing and  
16 be in the form provided in § 34-18-56(g). The summons shall specify that the defendant may file  
17 and serve his or her answer prior to or at the time of hearing, and that if he or she fails to answer or  
18 appear at the hearing, he or she shall be defaulted.

19 (d) If the defendant files his or her answer and commences discovery prior to the hearing,

1 and it appears, for good cause shown, that the defendant will not be able to conduct his or her  
2 defense without the benefit of discovery, the court may continue the hearing to allow a reasonable  
3 time for the completion of discovery. In the case of such a continuance, the court may, in its  
4 discretion, order interim rent, or other remedy, to be paid to preserve the status quo pending hearing.  
5 Except as provided in this chapter, the landlord may recover possession and actual damages. In  
6 cases where the tenant had received a demand notice pursuant to subsection (a) within the six (6)  
7 months immediately preceding the filing of the action, and the tenant's nonpayment was willful,  
8 the landlord may also recover a reasonable attorney's fee.

9 (e) The tenant shall have the right to cure his or her failure to pay rent by tendering the full  
10 amount of rent prior to commencement of suit. If the tenant has not received a notice pursuant to  
11 subsection (a) of this section within the six (6) months immediately preceding the filing of the  
12 action, the tenant shall have the right to cure his or her failure to pay rent after commencement of  
13 suit by tendering the full amount of rent in arrears, together with court costs, at the time of hearing.

14 (f) Any person who is a first-time defendant in an eviction proceeding under this section  
15 may file a motion for the expungement of all documents related to and the record of eviction five  
16 (5) years after the date of judgment entered by the court. The petitioner shall provide proof that any  
17 monetary judgement entered against them has been satisfied. Any such motion shall be filed in the  
18 court in which the eviction took place. If the person appealed to the superior court, the motion shall  
19 be filed in the superior court in which the eviction proceedings were heard and any order of  
20 expungement would also be effective in the district court. The court, in its discretion, shall have  
21 the authority to accept, consider and grant a motion to expunge prior to the five (5) year period. If  
22 the motion is granted, the court shall have all complaints, answers and any other pleading or  
23 discovery filed with the court in the eviction proceeding sealed and all references to the eviction  
24 shall be removed from the court's public portal.

25 **34-18-36. Eviction for noncompliance with rental agreement.**

26 (a) Except as provided in this chapter, if there is a material noncompliance by the tenant  
27 with the rental agreement or a noncompliance with § 34-18-24 materially affecting health and  
28 safety, the landlord shall deliver a written demand notice to the tenant, in a form substantially  
29 similar to that provided in § 34-18-56(b), specifying:

30 (1) The acts and/or omissions constituting the breach of the rental agreement or of § 34-  
31 18-24;

32 (2) The acts, repairs, or payment of damages, which are necessary to remedy the breach;  
33 and

34 (3) That unless the breach is remedied within twenty (20) days of mailing of the notice the

1 rental agreement shall terminate upon a specified date, which shall not be less than twenty-one (21)  
2 days after the mailing of the notice.

3 (b) Unless it is a violation of § 34-18-24(8), (9), or (10), if the tenant adequately remedies  
4 the breach before the date specified in the notice, the rental agreement shall not terminate. If the  
5 breach is not remedied, the landlord may commence an eviction action, which shall be filed no  
6 earlier than the first day following the termination date specified in the written demand notice. The  
7 action shall be initiated by filing a “Complaint for Eviction for Reason Other Than for Nonpayment  
8 of Rent” in the appropriate court according to the form in § 34-18-56(e).

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

14 (d) Except as provided in this chapter, the landlord may recover possession, actual damages  
15 and obtain injunctive relief for noncompliance by the tenant with the rental agreement or § 34-18-  
16 24. If the tenant’s noncompliance is willful, the landlord may recover reasonable attorney’s fees.

17 (e) If substantially the same act or omission which constituted a prior noncompliance, of  
18 which good faith notice was given, recurs within six (6) months, the landlord may terminate the  
19 rental agreement upon at least twenty (20) days’ written notice, specifying the breach and the date  
20 of termination of the rental agreement. No allowance of time to remedy noncompliance shall be  
21 required.

22 (f) If the tenant has violated § 34-18-24(8), (9), or (10), or if the tenant (i) is a seasonal  
23 tenant occupying the premises pursuant to a written lease agreement which commences no earlier  
24 than May 1st of the occupation year and expires no later than October 15th of the occupation year,  
25 or commences no earlier than September 1st and expires no later than June 1st of the next  
26 subsequent year, with no right of renewal or extension beyond the above dates; and (ii) has been  
27 charged with violating a municipal ordinance or has otherwise violated the terms of the rental  
28 agreement pertaining to legal occupancy or excessive noise or other disturbance of the peace, the  
29 landlord shall not be required to send a notice of noncompliance to the tenant and may immediately  
30 file a complaint for eviction in a form substantially similar to that provided in § 34-18-56(e) and  
31 seek the relief set forth in subsection (d).

32 (g) Any person who is a first-time defendant in an eviction proceeding under this section  
33 may file a motion for the expungement of all documents related to and the record of eviction five  
34 (5) years after the date of judgment entered by the court. The petitioner shall provide proof that any

1 monetary judgement entered against them has been satisfied. Any such motion shall be filed in the  
2 court in which the eviction took place. If the person appealed to the superior court, the motion shall  
3 be filed in the superior court in which the eviction proceedings were heard and any order of  
4 expungement would also be effective in the district court. The court, in its discretion, shall have  
5 the authority to accept, consider and grant a motion to expunge prior to the five (5) year period. If  
6 the motion is granted, the court shall have all complaints, answers and any other pleading or  
7 discovery filed with the court in the eviction proceeding sealed and all references to the eviction  
8 shall be removed from the court's public portal.

9 **34-18-38. Eviction for unlawfully holding over after termination or expiration of**  
10 **tenancy.**

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

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

22 (c) If the tenant's holdover is willful and not in good faith, the landlord may also recover,  
23 in addition to possession, an amount not more than three (3) months' periodic rent or threefold the  
24 actual damages sustained by him or her, whichever is greater, and reasonable attorney's fees. If the  
25 landlord consents to the tenant's occupancy, the parties may agree to a definite term. If no term is  
26 specified, the term shall be week-to-week if the tenant pays on a week-to-week basis, and in all  
27 other cases, month-to-month.

28 (d) Any person who is a first-time defendant in an eviction proceeding under this section  
29 may file a motion for the expungement of all documents related to and the record of eviction five  
30 (5) years after the date of judgment entered by the court. The petitioner shall provide proof that any  
31 monetary judgement entered against them has been satisfied. Any such motion shall be filed in the  
32 court in which the eviction took place. If the person appealed to the superior court, the motion shall  
33 be filed in the superior court in which the eviction proceedings were heard and any order of  
34 expungement would also be effective in the district court. The court, in its discretion, shall have

1 [the authority to accept, consider and grant a motion to expunge prior to the five \(5\) year period. If](#)  
2 [the motion is granted, the court shall have all complaints, answers and any other pleading or](#)  
3 [discovery filed with the court in the eviction proceeding, sealed and all references to the eviction](#)  
4 [shall be removed from the court's public portal.](#)

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

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LC002362  
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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 allow a person who is a first-time defendant in an eviction proceeding to  
2 file a motion for the expungement of all documents related to and the record of eviction five (5)  
3 years after the date of judgment entered by the court.

4           This act would take effect upon passage.

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