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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Senators McKenney, and Raptakis

Date Introduced: March 01, 2024

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.02 and 34-36.1-3.06 of the General Laws in Chapter 34-
2 36.1 entitled "Condominium Law" are hereby amended to read as follows:

3 **34-36.1-1.02. Applicability.**

4 (a)(1) This chapter applies to all condominiums created within this state after July 1, 1982,
5 except that any condominium created within this state prior to July 1, 1982, may voluntarily accept
6 the provisions of this chapter in lieu of the provisions under which it was originally organized.
7 Acceptance shall be evidenced by an agreement in writing executed by and in behalf of the
8 condominium association and by all of the owners of all of the individual condominium units within
9 the condominium, in which agreement it is clearly stated that they all accept the provisions of this
10 chapter in lieu of those in the statute under which the condominium was organized and wish to be
11 governed in the future by the provisions of this chapter. The agreement shall be recorded in the
12 land evidence records of each and every town or city where all or any part of the land in the
13 condominium concerned may be located and shall become effective when first so recorded. The
14 acceptance shall only apply to the governance of the condominium concerned as to all matters
15 which are prospective or executory in nature; and nothing herein shall be deemed to abrogate,
16 amend, limit, effect, or impair the continued effectiveness, legality, or validity of all actions
17 lawfully taken by or in behalf of the condominium prior to the effective date of the acceptance,
18 including, but without limitation, the condominium declaration and all amendments thereto, the by-
19 laws of the condominium and/or of its association, all deeds, mortgages, leases and any further

1 documents affecting the titles or rights of unit owners, or of the condominium or the prior lawful
2 acts or deeds of any kind, of the condominium association, its officers, directors, or members.

3 (2) Sections 34-36.1-1.05 (separate titles and taxation), 34-36.1-1.06 (applicability of local
4 ordinances, regulations, and building codes), 34-36.1-1.07 (eminent domain), 34-36.1-2.03
5 (construction and validity of declaration and bylaws), 34-36.1-2.04 (description of units), 34-36.1-
6 3.02(a)(1) — (6) and (11) — (17) (powers of unit owners' association), [34-36.1-3.06\(c\) through](#)
7 [\(d\) \(bylaws\)](#), 34-36.1-3.11 (tort and contract liability), 34-36.1-3.16 (lien for assessments), 34-36.1-
8 3.18 (association records), 34-36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on
9 rights of action; attorney's fees), § 34-36.1-3.20 (enforcement of declaration, bylaws and rules),
10 and 34-36.1-1.03 (definitions), to the extent necessary in construing any of those sections, apply to
11 all condominiums created in this state before July 1, 1982; but those sections apply only with
12 respect to events and circumstances occurring after July 1, 1982 and do not invalidate existing
13 provisions of the declaration, bylaws, plats, or plans of those condominiums.

14 (3) A condominium created as an additional phase by amendment of a condominium
15 created prior to July 1, 1982, if the original declaration contemplated the amendment, shall be
16 deemed to be a condominium created prior to July 1, 1982; provided, however, the provisions of
17 subdivision (a)(2) shall apply as defined therein.

18 (4) Section 34-36.1-3.21 (foreclosure of condominium lien) applies, with respect to all
19 condominiums created in this state prior to June 19, 1991, only with respect to events and
20 circumstances occurring after June 18, 1991, does not invalidate existing provisions of the
21 declarations, bylaws, plats, or plans of those condominiums, and applies in all respects to all
22 condominiums created in this state after June 18, 1991.

23 (b) The provisions of the Condominium Ownership Act, chapter 36 of this title, do not
24 apply to condominiums created after July 1, 1982 and do not invalidate any amendment to the
25 declaration, bylaws, plats, and plans of any condominium created before July 1, 1982 if the
26 amendment would be permitted by this chapter. The amendment must be adopted in conformity
27 with the procedures and requirements specified by those instruments and by chapter 36 of this title.
28 If the amendment grants to any person any rights, powers, or privileges permitted by this chapter,
29 all correlative obligations, liabilities, and restrictions in this chapter also apply to that person.

30 (c) This chapter does not apply to condominiums or units located outside this state, but the
31 public offering statement provisions (§§ 34-36.1-4.02 — 34-36.1-4.07) apply to all contracts for
32 the disposition thereof signed in this state by any party unless exempt under § 34-36.1-4.01(b).

33 **34-36.1-3.06. Bylaws.**

34 (a) The bylaws of the association must provide for:

1 (1) The number of members of the executive board and the titles of the officers of the
2 association;

3 (2) Election by the executive board of a president, treasurer, secretary, and any other
4 officers of the association the bylaws specify;

5 (3) The qualifications, powers and duties, terms of office, and manner of electing and
6 removing executive board members and officers and filling vacancies;

7 (4) Which, if any, of its powers the executive board or officers may delegate to other
8 persons or to a managing agent;

9 (5) Which of its officers may prepare, execute, certify and record amendments to the
10 declaration on behalf of the association; and

11 (6) The method of amending the bylaws.

12 (b) Subject to the provisions of the declaration, the bylaws may provide for any other
13 matters the association deems necessary and appropriate.

14 (c) The bylaws of the association and rules referenced in the declaration or bylaws, and
15 any amendments thereof, shall be recorded in the municipal land evidence records in every
16 municipality in which any portion of the condominium is located.

17 (d) Bylaws and rules recorded subsequent to the recording of the declaration shall be
18 certified by two (2) members of the executive board.

19 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 require the recording of the bylaws and rules of the association in the land
- 2 evidence records of the city or town the condominium is located in and require amendments to the
- 3 original filings to be certified by two (2) members of the executive board.
- 4 This act would take effect upon passage.

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