

2025 -- H 5156 SUBSTITUTE A

LC000637/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Representatives Serpa, Corvese, Ackerman, Read, Phillips, and Fellela

Date Introduced: January 24, 2025

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.2 and 34-36.1-3.8 of the General Laws in Chapter 34-36.1
2 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

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

(2) Sections 34-36.1-1.05 (separate titles and taxation), 34-36.1-1.06 (applicability of local ordinances, regulations, and building codes), 34-36.1-1.07 (eminent domain), 34-36.1-2.03 (construction and validity of declaration and bylaws), 34-36.1-2.04 (description of units), 34-36.1-3.02(a)(1) — (6) and (11) — (17) (powers of unit owners' association), 34-36.1-3.06(c) — (d) (bylaws), [34-36.1-3.08 \(meetings and notice\)](#), 34-36.1-3.11 (tort and contract liability), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18 (association records), 34-36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on rights of action; attorney's fees), § 34-36.1-3.20 (enforcement of declaration, bylaws and rules), and 34-36.1-1.03 (definitions), to the extent necessary in construing any of those sections, apply to all condominiums created in this state before July 1, 1982; but those sections apply only with respect to events and circumstances occurring after July 1, 1982, and do not invalidate existing provisions of the declaration, bylaws, plats, or plans of those condominiums.

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

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

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

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

34-36.1-3.08. ~~Meetings~~ Meetings and notice.

1 (a) A meeting of the association must be held at least once each year. Special meetings of
2 the association may be called by the president, a majority of the executive board or by unit owners
3 having twenty percent (20%), or any lower percentage specified in the bylaws, of the votes in the
4 association. Special meetings requested by unit owners of at least twenty percent (20%), or any
5 lower percentage specified in the bylaws, of the votes in the association must be called by the
6 executive board if the stated purpose is to propose an amendment of the declaration or bylaws,
7 reject the budget, remove a director or officer and elect a replacement, or for any other purpose of
8 which the unit owners are entitled to vote, except for the general election of board members which
9 is to take place at the annual meeting. Not less than ten (10) nor more than sixty (60) days in
10 advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to
11 be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to
12 any other mailing address designated in writing by the unit owner.

13 (b) The notice of any meeting must state the time and place of the meeting and the items
14 on the agenda, including the general nature of any proposed amendment to the declaration or
15 bylaws, any budget changes, and any proposal to remove a director or officer.

16 (c) Notwithstanding any provisions in the declaration or bylaws to the contrary, the
17 association may conduct regular or special meetings of the executive board and annual or special
18 meetings of the unit owners by electronic means so that physical presence is not required. All
19 association meetings that take place in a physical location shall be in the county where the
20 condominium is located. All association meetings may be held fully or partially by telephonic or
21 video conference or other interactive electronic communication process as determined by the
22 executive board; provided, however, that all participants shall be able to simultaneously
23 communicate with each other during the meeting. Presence by such electronic means shall satisfy
24 any quorum and voting requirements in the association's governing documents as well as the
25 requirements of §§ 34-36.1-3.09 and 34-36.1-3.10. Where participation by electronic means is
26 provided for, the notice of any meeting shall, in addition to the requirements of subsection (b) of
27 this section, also identify the remote platform being used and provide the necessary access
28 information to all unit owners to participate.

29 (d) Where a regular or special meeting of the executive board is held fully or partially by
30 electronic means pursuant to subsection (c) of this section and a quorum has been established, the
31 executive board may vote on any action properly before the board by electronic means including,
32 but not limited to, email, telephonic conferencing, video conferencing, and electronic voting
33 platforms. Where an annual or special meeting of the unit owners is held fully or partially by
34 electronic means pursuant to subsection (c) of this section and a quorum has been established, the

1 unit owners may vote on any action before the membership by electronic means including, but not
2 limited to, telephonic conferencing, video conferencing, or electronic voting platforms, or mail-in
3 ballot, as determined by the executive board. If the declaration or bylaws requires the signature of
4 unit owners for such voting or proxies, unit owners may electronically submit their signatures as
5 determined by the executive board.

6 (e) Notwithstanding subsection (a) of this section and any provisions in the declaration or
7 bylaws to the contrary, notice of any meeting may alternatively, or additionally, be provided
8 electronically to a unit owner's email address if such email address has been designated in writing
9 by the unit owner along with written consent to receive meeting notices from the association
10 electronically. Any meeting notice may also be provided alternatively, or additionally, by posting
11 the notice to a secure website or portal of the association or of the association's agent, if the unit
12 owner has consented in writing to receive meeting notices from the association via electronic
13 posting. Unit owners may opt out of electronic delivery or electronic posting of meeting notices at
14 any time by written revocation submitted to the association.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PROPERTY -- CONDOMINIUM LAW

1 This act would provide that the “meetings” requirements from § 34-36.1-3.08 be applicable
2 to condominiums created before July 1, 1982, and would permit remote participation in
3 condominium meetings.

4 This act would take effect upon passage.

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