

2025 -- H 5902

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LC001914  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO PROPERTY -- ESTATES IN REAL PROPERTY

Introduced By: Representatives Ajello, Cotter, Tanzi, Alzate, Corvese, Potter, Shallcross  
Smith, McGaw, and Boylan

Date Introduced: February 28, 2025

Referred To: House Judiciary

(Lieutenant Governor)

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 34-4 of the General Laws entitled "Estates in Real Property" is  
2 hereby amended by adding thereto the following section:

3           **34-4-31. Prohibition of restrictive covenants related to grocery stores.**

4           (a) A covenant or restriction concerning the use of land designated as a retail establishment  
5 where fresh food is regularly and customarily sold in a bona fide manner for off-premises  
6 consumption including, but not limited to, grocery stores and supermarkets, shall be void and  
7 unenforceable, except under circumstances as set forth in subsection (b) of this section.

8           (b) The prohibition in this section shall not apply to covenants or restrictions on concerning  
9 the use of land if all of the following conditions are met:

10           (1) The land subject to restriction has been used by the seller within the six (6) months  
11 prior to the date of the agreement for the operation of a retail establishment for the sale of fresh  
12 food for off-premises consumption including, but not limited to, a grocery store or supermarket  
13 (hereafter known as the "discontinued site");

14           (2) The seller has identified and purchased land to be used for the operation of a new retail  
15 establishment for the sale of fresh food for off-premises consumption including, but not limited to,  
16 a grocery store or supermarket (hereafter known as the "relocated store");

17           (3) The relocated store is similar in size and scope of products sold when compared to the  
18 discontinued site;

19           (4) The relocated store is located within one-half (1/2) mile of the discontinued site;

1           (5) Relocation and commencement of operations of the relocated store at the new site  
2 occurs within one year following closure; and

3           (6) The restrictive covenant imposed on the discontinued site does not have a term in excess  
4 of eighteen months from the date of closure.

5           (c) The prohibitions set forth in this section do not apply to restrictive covenants or other  
6 agreements entered into prior to the effective date of this section.

7           (d) If any portion of this section is found by a court of competent jurisdiction to be  
8 unlawful, such finding shall not affect any other portion of this section not specifically so found.

9           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 -- ESTATES IN REAL PROPERTY

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- 1 This act would prohibit restrictive covenants related to grocery stores.
- 2 This act would take effect upon passage.

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