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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 -- TRESPASS AND VANDALISM -- RESIDENTIAL
LANDLORD TENANT ACT

Introduced By: Representatives Baginski, Read, J. Brien, Lima, and Corvese

Date Introduced: February 28, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-44-26 of the General Laws in Chapter 11-44 entitled "Trespass
2 and Vandalism" is hereby amended to read as follows:

3 **11-44-26. Willful trespass — Remaining on land after warning — Exemption for**
4 **tenants holding over.**

5 (a) Every person who willfully trespasses [including squatters as defined in §34-18-11](#) or,
6 having no legitimate purpose for his or her presence, remains upon the land of another or upon the
7 premises or curtilage of the domicile of any person legally entitled to the possession of that
8 domicile, after having been forbidden to do so by the owner of the land or the owner's duly
9 authorized agent or a person legally entitled to the possession of the premises, shall be punished by
10 a fine not exceeding one thousand dollars (\$1,000), or imprisonment for a term not exceeding one
11 year, or both.

12 (b) This section shall not apply to tenants or occupants of residential premises who, having
13 rightfully entered the premises at the commencement of the tenancy or occupancy, remain after
14 that tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord
15 of the premises may recover possession only through appropriate civil proceedings.

16 (c) Where the provisions of The Domestic Violence Prevention Act, chapter 29 of title 12,
17 are applicable, the penalties for violation of this section shall also include the penalties as provided
18 in § 12-29-5.

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

3 **34-18-11. Definitions.**

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

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

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

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

14 (4) "Dwelling unit" means a structure or part of a structure that is designed or intended to
15 be used as a home, residence, or sleeping place by one or more persons;

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (15) "Roomer" means a tenant occupying a dwelling unit which consists of any room or
14 group of rooms forming a single habitable unit used or intended to be used for living and sleeping,
15 but not for cooking or eating purposes;

16 (16) "Security deposit" means a sum of money given by a tenant to a landlord at the outset
17 of the tenancy or shortly thereafter, as a deposit against physical damages to the tenant's dwelling
18 unit during said tenancy;

19 (17) "Squatter" means a person occupying a dwelling unit or other structure who is not a
20 party to a rental agreement, not a periodic tenant or is not authorized by the property owner,
21 landlord or tenant to occupy the dwelling unit or structure. "Squatter" is not a tenant, including a
22 tenant who holds over in a periodic tenancy as described in chapter 18 of title 34.

23 (18) "Squatting" means the act of being a squatter as defined in this section.

24 ~~(17)~~(19) "Tenant" means a person entitled under a rental agreement to occupy a dwelling
25 unit to the exclusion of others;

26 ~~(18)~~(20) "Transitional housing facility" means a facility which, for a period not to exceed
27 two (2) years, provides its residents with appropriate social services for the purpose of fostering
28 independence, self sufficiency, and eventual transition to a permanent living arrangement;

29 ~~(19)~~(21) "Willful" means that the act was performed intentionally, knowingly and
30 purposely, not accidentally or inadvertently and without justifiable excuse.

31 SECTION 3. Chapter 11-44 of the General Laws entitled "Trespass and Vandalism" is
32 hereby amended by adding thereto the following section:

33 **11-44-29.1. Squatting on residential property.**

34 A person found guilty of squatting within this state shall be guilty of a misdemeanor and,

1 upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or
2 imprisonment for a term not exceeding one year, or both.

3 SECTION 4. Chapter 34-18 of the General Laws entitled "Residential Landlord and Tenant
4 Act" is hereby amended by adding thereto the following section:

5 **34-18-62. Property owner or landlord's remedy and restitution for squatters.**

6 (a) A squatter is not a tenant and shall not be afforded the rights and protections set forth
7 in this chapter. In addition, a landlord or property owner shall not be required to commence eviction
8 proceedings, or a similar procedure pursuant to the provisions of this chapter.

9 (b) A landlord or property owner may seek the assistance of a police officer, to remove and
10 arrest a squatter and cause them to be prosecuted for the criminal offense of trespass pursuant to §
11 11-44-29.1.

12 (c) This section does not preclude any other remedy available to a landlord or property
13 owner under general or public law of this state.

14 SECTION 5. 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 -- TRESPASS AND VANDALISM -- RESIDENTIAL
LANDLORD TENANT ACT

1 This act would define squatter as a person occupying a dwelling unit who is not a party to
2 a rental agreement, not a periodic tenant or is not authorized by the property owner, landlord or
3 tenant to occupy the dwelling unit or structure. A person found guilty of squatting would be guilty
4 of a misdemeanor and punished by a fine not exceeding one thousand dollars (\$1,000), or
5 imprisonment for a term not exceeding one year, or both. The act would also provide certain
6 remedies for a property owner or landlord including seeking police assistance to remove and arrest
7 a squatter.

8 This act would take effect upon passage.

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