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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO PROPERTY -- HOMEOWNERS ASSOCIATION LAW

Introduced By: Representatives McNamara, and Ackerman

Date Introduced: March 11, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 36.2

4 RHODE ISLANDS HOMEOWNERS' ASSOCIATION LAW

5 **34-36.2-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Homeowner's  
7 Association Act"

8 **34-36.2-2. Legislative findings-purpose-applicability.**

9 (a) The general assembly finds that:

10 (1) Residential communities governed by homeowners' associations exercise substantial  
11 authority affecting property rights and financial obligations of homeowners;

12 (2) Uniform statutory standards are necessary to promote transparency, fairness, and  
13 accountability in association governance;

14 (3) Clear procedures governing meetings, financial management, elections, and dispute  
15 resolution reduce conflict and litigation.

16 (4) Alternative dispute resolution provides an efficient and cost-effective means of  
17 resolving disputes within common-interest communities.

18 (b) The purpose of this chapter is to:

19 (1) Establish minimum governance standards for homeowners' associations operating

1 within this state; and

2 (2) Protect the rights of association members while preserving the operational ability of  
3 associations to perform their functions.

4 (c) This chapter applies to homeowners' associations consisting of ten (10) or more  
5 separately owned parcels unless otherwise provided by law.

6 **34-36.2-3. Definitions.**

7 As used in this chapter, the following terms shall have the meanings set forth below:

8 (1) "Annual budget dues" means the recurring assessments levied pursuant to the  
9 association's adopted annual budget.

10 (2) "Assessment" means a share of the funds required for payment of common expenses,  
11 annual budget dues, or any assessment for expenses in excess of or different from annual budget  
12 dues and other operational expenses, including special assessments assessed against members from  
13 time to time.

14 (3) "Association" or "homeowners' association" means a Rhode Island corporation  
15 responsible for the operation of a residential community or mobile home subdivision in which  
16 membership is mandatory as a condition of parcel ownership and which is authorized to impose  
17 assessments that may become a lien if unpaid.

18 (4) "Board" or "board of directors" means the representative body responsible for  
19 administration of the association.

20 (5) "Common area" means all real property within a community owned or leased by an  
21 association or dedicated for use or maintenance by the association or its members, regardless of  
22 whether title has been conveyed to the association.

23 (6) "Common elements" means portions of association property excluding residential  
24 dwellings of which a member has title.

25 (7) "Declaration" or "declaration of covenants" means a recorded written instrument  
26 creating covenants running with the land and subjecting the land comprising the community to the  
27 jurisdiction and control of an association.

28 (8) "Developer" means a person or entity that creates the community served by the  
29 association or succeeds to the rights and liabilities of the creator, as evidenced in writing.

30 (9) "Governing documents" means the recorded declaration of covenants and all duly  
31 adopted amendments, supplements, exhibits, articles of incorporation, bylaws, and rules and  
32 regulations of the association.

33 (10) "Limited common element" means a portion of the common elements allocated by  
34 declaration or by operation for the exclusive use of one or more but fewer than all parcels or units.

1           (11) "Member" means a parcel owner or association representative obligated under the  
2 governing documents to pay assessments or association fees.

3           (12) "Parcel" means a platted or unplotted lot, tract, unit, or other subdivision of real  
4 property within a community that is capable of separate conveyance and subject to mandatory  
5 association membership.

6           (13) "Presuit mediation" means a dispute resolution process conducted by a neutral third-  
7 party mediator prior to filing civil litigation under this chapter.

8           (14) "Special assessment" means any assessment levied for expenses differing from annual  
9 dues, including capital improvement or replacement expenses.

10           (15) "Unit" means a physical portion of association property designated for separate  
11 ownership or occupancy.

12           (16) "Voting interest" means the voting rights distributed to members pursuant to the  
13 governing documents.

14           **34-36.2-4. Amendment of governing documents.**

15           (a) Governing documents may be amended only as provided by this chapter.

16           (b) Unless a greater vote is required, amendments shall require approval of:

17           (1) Members holding more than fifty percent (50%) of voting interests; and

18           (2) Not less than two-thirds (2/3) of the board; or

19           (3) Members in excess of sixty-six and two thirds percent (66 2/3%) of the voting interest  
20 in the association.

21           (c) No bylaw or declaration shall be revised or amended by reference to its title or number  
22 only and proposals to amend existing bylaws or declarations shall contain the full text of the bylaws  
23 or declaration to be amended; new words shall be inserted in the text underlined, and words to be  
24 deleted shall be lined through with hyphens. However, if the proposed change is so extensive, it is  
25 not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead  
26 a notation shall be inserted immediately preceding the proposed amendment in substantially the  
27 following language: "Substantial rewording of bylaw or declaration. See bylaw or declaration for  
28 present text"

29           (d) Nonmaterial errors of omission in the bylaws and declaration process will not invalidate  
30 an otherwise properly promulgated amendment.

31           (e) Every amendment to the declaration must be recorded in every municipality in which  
32 any portion of the association is located and is effective only upon recordation. An amendment  
33 shall be indexed in the grantee's index in the name of the homeowner's association and of the  
34 grantor's index in the name of the parties executing the amendment.

1 (g) Amendments to the declaration required by this chapter to be recorded by the  
2 association shall be prepared, executed, recorded, and certified on behalf of the association by any  
3 officer of the association designated for that purpose or, in the absence of designation, by the  
4 president of the association.

5 **34-36.2-5. Association powers and duties-board governance.**

6 (a) Directors and officers owe a fiduciary duty to members.

7 (b) Meetings of the board shall be open to members except for executive sessions involving  
8 litigation, personnel matters, or attorney-client privileged communications.

9 (c) The board of directors shall retain a copy of the homeowner's association law, and any  
10 amendments to the chapter promulgated each year.

11 (d) Notice of board meetings shall be provided at least fourteen (14) days in advance unless  
12 emergency circumstances exist. Members of the board of administration may use email as a means  
13 of communication but may not cast a vote on an association matter via email. A meeting of the  
14 board of directors of an association occurs whenever a quorum of the board gathers to conduct  
15 association business. Meetings of the board must be open to all members, except for meetings  
16 between the board and its attorney with respect to proposed or pending litigation where the contents  
17 of the discussion would otherwise be governed by the attorney-client privilege.

18 (e) Members have the right to attend all meetings of the board. The right to attend such  
19 meetings includes the right to speak at such meetings with reference to all designated agenda items.  
20 The association may adopt written reasonable rules expanding the right of members to speak and  
21 governing the frequency, duration, and other manner of member statements, which rules must be  
22 consistent with this section and may include a sign-up sheet or other form of registration for  
23 members wishing to speak. Notwithstanding any other law to the contrary, meetings between the  
24 board or a committee and the association's attorney to discuss proposed or pending litigation or  
25 meetings of the board held for the purpose of discussing personnel matters are not required to be  
26 open to the members other than directors.

27 (f) The bylaws shall provide the following for giving notice to parcel owners and members  
28 of all board meetings:

29 (1) Notices of all board meetings must specifically identify agenda items for the meetings  
30 and must be posted in a conspicuous place in the community at least forty-eight (48) hours in  
31 advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a  
32 conspicuous place in the community, notice of each board meeting must be mailed or delivered to  
33 each member at least seven (7) days before the meeting, except in an emergency. Notwithstanding  
34 this general notice requirement, for communities with more than one hundred (100) members, the

1 association bylaws may provide for a reasonable alternative to posting or mailing of notice for each  
2 board meeting, including publication of notice, provision of a schedule of board meetings, or the  
3 conspicuous posting. In addition to any of the authorized means of providing notice of a meeting  
4 of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting  
5 notice and the agenda on the association's website or an application that can be downloaded on a  
6 mobile device for at least the minimum period of time for which a notice of a meeting is also  
7 required to be physically posted on the association property. Any rule adopted must, in addition to  
8 other matters, include a requirement that the association send an electronic notice to members  
9 whose email addresses are included in the association's official records in the same manner as is  
10 required for a notice of a meeting of the members. A member must consent in writing to receiving  
11 notice by electronic transmission.

12 (2) An assessment may not be levied at a board meeting unless the notice of the meeting  
13 includes a statement that assessments will be considered and the nature of the assessments. Written  
14 notice of any meeting at which special assessments will be considered or at which amendments to  
15 rules regarding parcel use will be considered must be mailed, delivered, or electronically  
16 transmitted to the members and parcel owners and posted conspicuously on the property or  
17 broadcast on closed-circuit cable television not less than fourteen (14) days before the meeting.

18 (3) Directors may not vote by proxy or by secret ballot at board meetings, except that secret  
19 ballots may be used in the election of officers.

20 (g) If twenty percent (20%) of the total voting interests petition the board to address an  
21 item of business, the board shall at its next regular board meeting or at a special meeting of the  
22 board, but not later than sixty (60) days after the receipt of the petition, take the petitioned item up  
23 on an agenda. The board shall give all members notice of the meeting at which the petitioned item  
24 shall be addressed in accordance with the fourteen (14) day notice requirement pursuant to  
25 subsection (f)(2) of this section. Each member shall have the right to speak for at least three (3)  
26 minutes on each matter placed on the agenda by petition; provided that, the member signs the sign-  
27 up sheet, if one is provided, or submits a written request to speak prior to the meeting. Other than  
28 addressing the petitioned item at the meeting, the board is not obligated to take any other action  
29 requested by the petition.

30 **34-36.2-6. Members' meetings.**

31 (a) Annual meeting. The annual member's meeting shall be held on the date, at the place  
32 located upon the association property and at the time determined by the board of directors from  
33 time to time; provided that, there shall be an annual meeting every calendar year and to the extent  
34 possible, no later than thirteen (13) months after the last preceding annual meeting. The purpose of

1 the meeting shall be, except as provided herein to the contrary, to elect board of directors and to  
2 transact any other business authorized to be transacted by the members, or as stated in the notice  
3 of the meeting sent to association members in advance thereof.

4 (1) Board of directors organization meeting. Immediately following the annual meeting of  
5 the election of officers, the new board shall have an organizational meeting to elect officers.

6 (b) Special meetings. Special members meetings shall be held at such places as provided  
7 herein for annual meetings and may be called by the president or by majority of the board of  
8 directors of the association, and must be called by the president or secretary upon receipt of a  
9 written request form from a majority of the members of the association or upon receipt of a written  
10 application of ten percent (10%) of the voting interests to the board or such other percentage as  
11 may be required. The business conducted at a special meeting shall be limited to that stated in the  
12 notice of the meeting. Special meetings may also be called by association members in the manner  
13 provided.

14 **34-36.2-7. Member owner complaints.**

15 In the event that a unit owner shall file with the board of directors a written complaint  
16 delivered by the United States first class mail, return receipt requested, the board shall, within thirty  
17 (30) days of receipt of complaint, respond in writing to the member owner filing such complaint.  
18 Such response shall either:

19 (1) set forth a substantive response to the complaint; or

20 (2) notify the member owner that a legal opinion has been requested. In the event the board  
21 of directors shall request a legal opinion, the board of directors shall, within sixty (60) days after  
22 its receipt of the complaint, provide in writing a substantive response to the member owner.

23 **34-36.2-8. Minutes.**

24 (a) Minutes of all meetings of the members of an association and of the board of directors  
25 of an association must be maintained in written form or in another form that can be converted into  
26 written form within a reasonable time. A vote or abstention from voting on each matter voted upon  
27 for each director present at a board meeting must be recorded in the minutes.

28 (b) Official records. The association shall maintain the following items, when applicable,  
29 for at least seven (7) years, unless the governing documents of the association require a longer  
30 period of time, which constitute the official records of the association:

31 (1) Copies of any plans, specifications, permits, and warranties related to improvements  
32 constructed on the common areas or other property that the association is obligated to maintain,  
33 repair, or replace.

34 (2) A copy of the bylaws of the association and of each amendment to the bylaws.

1 (3) A copy of the articles of incorporation of the association and of each amendment  
2 thereto.

3 (4) A copy of the declaration of covenants and a copy of each amendment thereto.

4 (5) A copy of the current rules of the homeowners' association.

5 (6) The minutes of all meetings of the board of directors and of the members.

6 (7) All of the association's insurance policies or a copy thereof.

7 (8) A current copy of all contracts to which the association is a party including, without  
8 limitation, any management agreement, lease, or other contract under which the association has  
9 any obligation or responsibility. Bids received by the association for work to be performed are  
10 considered official records and must be kept for a period of one year.

11 (9) The financial and accounting records of the association, kept according to good  
12 accounting practices. The financial and accounting records must include all tax returns, financial  
13 statements, and financial reports of the association.

14 (10) Ballots, sign-in sheets, voting proxies, and all other papers and electronic records  
15 relating to voting by parcel owners, which must be maintained for at least 1 year after the date of  
16 the election, vote, or meeting including the following:

17 (i) The articles of incorporation of association and each amendment thereto;

18 (ii) The recorded bylaws of the association and each amendment thereto;

19 (iii) The declaration of covenants and a copy of each amendment thereto;

20 (iv) The current rules of the association; and

21 (v) The annual budget and any proposed budget to be considered at the annual meeting.

22 (c) Inspection and copying of records. Unless otherwise provided by law or the governing  
23 documents of the association, the official records must be maintained within this state for at least  
24 seven (7) years and be made available to a member for inspection or photocopying.

25 **34-36.2-9. Assessments.**

26 (a) Annual budget. The association shall prepare an annual budget or annual dues that sets  
27 out the annual operating expenses. The budget must reflect the estimated revenues and expenses  
28 for that year and the estimated surplus or deficit as of the end of the current year.

29 (b) Reserves. The association shall have the power to adopt a budget that include reserves  
30 for capital expenditures and deferred maintenance. Additionally, the association may create a  
31 reserve account for a shortfall of the annual budget amount to cover year end invoice payments and  
32 other payments such as payroll.

33 (1) Funds collected for each capital expenditure improvement or replacement shall  
34 establish a separate reserve account.

1           (2) An association is deemed to have provided for reserve accounts upon the affirmative  
2 approval of a majority of the total voting interests of the association. Such approval may be obtained  
3 by vote of the members at a duly called meeting of the membership or by the written consent of a  
4 majority of the total voting interests of the association. The approval action of the membership  
5 must state that reserve accounts shall be provided for in the budget and must designate the  
6 components for which the reserve accounts are to be established. Upon approval by the  
7 membership, the board of directors shall include the required reserve accounts in the budget in the  
8 next fiscal year following the approval and each year thereafter. Once established as provided in  
9 this subsection, the reserve accounts must be funded or maintained or have their funding waived in  
10 the manner provided in section (b)(4) of this section.

11           (3) The amount to be reserved in any account established shall be computed by means of a  
12 formula that is based upon estimated remaining useful life and estimated replacement cost or  
13 deferred maintenance expense of each reserve item. The association may adjust replacement  
14 reserve assessments annually to take into account any changes in estimates of cost or useful life of  
15 a reserve item.

16           (4) After one or more reserve accounts are established, the membership of the association,  
17 upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less  
18 reserves than required by this section. If a meeting of the parcel owners has been called to determine  
19 whether to waive or reduce the funding of reserves and such result is not achieved or a quorum is  
20 not present, the reserves as included in the budget go into effect, pursuant to this subsection to  
21 wave or reduce reserves is applicable only to one budget year.

22           (c) Special assessments.

23           (1) Whenever in the judgment of the board of directors, the common elements, or any part  
24 thereof, shall require capital additions, alterations or improvements (as distinguished from  
25 maintenance, repairs and replacements) costing in excess of fifteen thousand dollars (\$15,000) in  
26 the aggregate in any calendar year, the association may proceed with such additions, alterations or  
27 improvements only if the making of such additions, alterations or improvements shall have been  
28 approved by a majority of the voting interest of the members represented at a meeting at which a  
29 quorum is attained. Any such additions, alterations or improvements to such common elements, or  
30 any part thereof, costing of the aggregate fifteen thousand dollars (\$15,000) or less in a calendar  
31 year may be made by the board of directors without approval of the members.

32           **34-36.2-10. Recall of directors.**

33           (a) Notwithstanding of any provision to the contrary contained in the governing documents,  
34 any member of the board of directors may be recalled and removed from office with or without

1 cause by a majority of the total voting interests.

2 (b) If a vacancy occurs on the board as a result of a recall and less than a majority of the  
3 board of directors are removed, the vacancy may be filled by the affirmative vote of a majority of  
4 the remaining directors, notwithstanding any provision to the contrary contained in this subsection  
5 or in the association documents. If vacancies occur on the board as a result of a recall and a majority  
6 or more of the board directors are removed, the vacancies shall be filled by members voting in  
7 favor of the recall; if removal is at a meeting, any vacancies shall be filled by the members at the  
8 meeting. If the recall occurred by agreement in writing or by written ballot, members may vote for  
9 replacement directors in the same instrument in accordance with procedural rules adopted by the  
10 division, which rules need not be consistent with this subsection.

11 **34-36.2-11. Compensation prohibited.**

12 A director, officer, or committee member of the association may not receive any salary or  
13 compensation from the association for the performance of duties as a director, officer, or committee  
14 member and may not in any other way benefit financially from service to the association.

15 **34-36.2-12. Notice of meetings.**

16 The bylaws shall provide for giving notice to members of all member meetings, and if they  
17 do not do so shall be deemed to provide the following: The association shall give all parcel owners  
18 and members actual notice of all membership meetings, which shall be mailed, delivered, or  
19 electronically transmitted to the members not less than fourteen (14) days prior to the meeting.  
20 Evidence of compliance with this fourteen (14) day notice shall be made by an affidavit executed  
21 by the person providing the notice and filed upon execution among the official records of the  
22 association. In addition to mailing, delivering, or electronically transmitting the notice of any  
23 meeting, the association may, by reasonable rule, adopt a procedure for conspicuously posting and  
24 repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system  
25 serving the association. When broadcast notice is provided, the notice and agenda must be  
26 broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader  
27 to observe the notice and read and comprehend the entire content of the notice and the agenda.

28 **34-36.2-13. Right to speak.**

29 Members and parcel owners have the right to attend all membership meetings and to speak  
30 at any meeting with reference to all items opened for discussion or included on the agenda.  
31 Notwithstanding any provision to the contrary in the governing documents or any rules adopted by  
32 the board or by the membership, a member and a parcel owner have the right to speak for at least  
33 three (3) minutes on any item. The association may adopt written reasonable rules governing the  
34 frequency, duration, and other manner of member and parcel owner statements, which rules must

1 be consistent with this subsection.

2 **34-36.2-14. Proxy voting.**

3 The members have the right, unless otherwise provided in this section or in the governing  
4 documents, to vote in person or by proxy. To be valid, a proxy must be dated, must state the date,  
5 time, and place of the meeting for which it was given, and must be signed by the authorized person  
6 who executed the proxy. A proxy is effective only for the specific meeting for which it was  
7 originally given, as the meeting may lawfully be adjourned and reconvened from time to time, and  
8 automatically expires ninety (90) days after the date of the meeting for which it was originally  
9 given. A proxy is revocable at any time at the pleasure of the person who executes it. If the proxy  
10 form expressly so provides, any proxy holder may appoint, in writing, a substitute to act in his or  
11 her place.

12 **34-36.2-15. Elections and board vacancies.**

13 (a) Elections of directors must be conducted in accordance with the procedures set forth in  
14 the governing documents of the association. Except as provided below:

15 (1) All members of the association are eligible to serve on the board of directors, and a  
16 member may nominate himself or herself as a candidate for the board at a meeting where the  
17 election is to be held; provided however, that if the election process allows candidates to be  
18 nominated in advance of the meeting, the association is not required to allow nominations at the  
19 meeting. An election is not required unless more candidates are nominated than vacancies exist. If  
20 an election is not required because there are either an equal number or fewer qualified candidates  
21 than vacancies exist, and if nominations from the floor are not required pursuant to this section or  
22 the bylaws, write-in nominations are not permitted and such qualified candidates shall commence  
23 service on the board of directors, regardless of whether a quorum is attained at the annual meeting.  
24 Except as otherwise provided in the governing documents, boards of directors must be elected by  
25 a plurality of the votes cast by eligible voters.

26 (2) If the governing documents permit voting by secret ballot by members who are not in  
27 attendance at a meeting of the members for the election of directors, such ballots must be placed in  
28 an inner envelope with no identifying markings and mailed or delivered to the association in an  
29 outer envelope bearing identifying information reflecting the name of the member, the lot, parcel,  
30 or unit for which the vote is being cast, and the signature of the member casting that ballot. If the  
31 eligibility of the member to vote is confirmed and no other ballot has been submitted for that lot or  
32 parcel, the inner envelope shall be removed from the outer envelope bearing the identification  
33 information, placed with the ballots which were personally cast, and opened when the ballots are  
34 counted. Any vote by ballot received after the closing of the balloting shall not be considered. Any

1 challenge to the election process must be commenced within sixty (60) days after the election  
2 results are announced.

3 **34-36.2-16. Alternative dispute resolution-mediation-nonbinding arbitration.**

4 (a) The filing of any petition for arbitration or the serving of a demand for presuit mediation  
5 as provided for in this section shall toll the applicable statute of limitations.

6 (b) Disputes between an association and a parcel owner regarding use of or changes to the  
7 parcel or the common areas and other covenant enforcement disputes, disputes regarding  
8 amendments to the association documents, disputes regarding meetings of the board and  
9 committees appointed by the board, membership meetings not including election meetings, and  
10 access to the official records of the association shall be the subject of a demand for presuit  
11 mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation  
12 proceedings must be conducted in accordance with the applicable Rhode Island rules of civil  
13 procedure, and these proceedings are privileged and confidential to the same extent as court-  
14 ordered mediation. Disputes subject to presuit mediation under this section shall not include the  
15 collection of any assessment, fine, or other financial obligation, including attorneys' fees and costs,  
16 claimed to be due or any action to enforce a prior mediation settlement agreement between the  
17 parties. Furthermore, in any dispute subject to presuit mediation under this section where  
18 emergency relief is required, a motion for temporary injunctive relief may be filed with the court  
19 without first complying with the presuit mediation requirements of this section. After any issues  
20 regarding emergency or temporary relief are resolved, the court may either refer the parties to a  
21 mediation program administered by the courts or require mediation under this section. An arbitrator  
22 or judge may not consider any information or evidence arising from the presuit mediation  
23 proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation  
24 session or to enforce a mediated settlement agreement. Persons who are not parties to the dispute  
25 may not attend the presuit mediation conference without the consent of all parties, except for  
26 counsel for the parties and a corporate representative designated by the association. When  
27 mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes  
28 of notice and participation. An aggrieved party shall serve on the responding party a written demand  
29 to participate in presuit mediation in substantially the following form:

30 “Offer to participate in presuit mediation

31 The alleged aggrieved party, hereby demands that, as the responding party, engage in  
32 mandatory presuit mediation in connection with the following disputes, which by statute are of a  
33 type that are subject to presuit mediation:

34 (List specific nature of the dispute or disputes to be mediated and the authority supporting

1 a finding of a violation as to each dispute.)

2 This demand to resolve the dispute through presuit mediation is required before a lawsuit  
3 can be filed concerning the dispute. Pursuant to the statute, the parties are required to engage in  
4 presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute  
5 without court action, and the aggrieved party demands that you likewise agree to this process. If  
6 you fail to participate in the mediation process, suit may be brought against you without further  
7 warning.

8 The process of mediation involves a supervised negotiation process in which a trained,  
9 neutral third-party mediator meets with both parties and assists them in exploring possible  
10 opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation,  
11 you are not bound in any way to change your position. Furthermore, the mediator has no authority  
12 to make any decisions in this matter or to determine who is right or wrong and merely acts as a  
13 facilitator to ensure that each party understands the position of the other party and that all options  
14 for reasonable settlement are fully explored.

15 If an agreement is reached, it shall be reduced to writing and becomes a binding and  
16 enforceable commitment of the parties. A resolution of one or more disputes in this fashion avoids  
17 the need to litigate these issues in court. The failure to reach an agreement, or the failure of a party  
18 to participate in the process, results in the mediator declaring an impasse in the mediation, after  
19 which the aggrieved party may proceed to court on all outstanding, unsettled disputes.

20 The aggrieved party has selected and hereby lists five (5) certified mediators who we  
21 believe to be neutral and qualified to mediate the dispute. You have the right to select any one of  
22 these mediators. The fact that one party may be familiar with one or more of the listed mediators  
23 does not mean that the mediator cannot act as a neutral and impartial facilitator. Any mediator who  
24 cannot act in this capacity is required ethically to decline to accept engagement. The mediators that  
25 we suggest, and their current hourly rates, are as follows:

26 (List the names, addresses, telephone numbers, and hourly rates of the mediators. Other  
27 pertinent information about the background of the mediators may be included as an attachment.)

28 You may contact the offices of these mediators to confirm that the listed mediators will be  
29 neutral and will not show any favoritism toward either party. The Rhode Island supreme court can  
30 provide you a list of certified mediators.

31 Unless otherwise agreed by the parties, the parties share the costs of presuit mediation  
32 equally, including the fee charged by the mediator.

33 **34-36.2-17. Compliance.**

34 Compliance with the provisions of this chapter shall be enforced one year after passage of

1 [the act.](#)

2 **34-36.2-18. Severability clause.**

3 [If any provisions of this chapter or its application to any person or circumstance is held](#)  
4 [invalid, the invalidity does not affect other provisions or applications of this chapter which can be](#)  
5 [given effect without the invalid provision or application, and to this end the provisions of this](#)  
6 [chapter are severable.](#)

7 SECTION 2. 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 -- HOMEOWNERS ASSOCIATION LAW

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- 1           This act would create the homeowners association law to provide operational procedures
- 2   for residential communities subject to the management of a homeowner association.
- 3           This act would take effect upon passage.

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