

2026 -- S 2899 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM LAW

Introduced By: Senators McKenney, Raptakis, Britto, Zurier, and Bissaillon

Date Introduced: March 04, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-36.1-1.02, 34-36.1-3.08 and 34-36.1-3.18 of the General Laws
2 in Chapter 34-36.1 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 2.19(b) (mortgage approval), 34-36.1-3.02(a)(1) — (6) and (11) — (17) (powers of unit owners’
7 association), 34-36.1-3.06(c) — (d) (bylaws), 34-36.1-3.08 (meetings and notice), 34-36.1-3.11
8 (tort and contract liability), 34-36.1-3.13(d) and (k) (unit owner responsibility for master policy
9 deductibles), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18 (association records), 34-36.1-4.09
10 (resale of units), and 34-36.1-4.17 (effect of violation on rights of action; attorney’s fees), § 34-
11 36.1-3.20 (enforcement of declaration, bylaws and rules), [34-36.1-3.22 \(financial audits for](#)
12 [condominium associations\)](#), and 34-36.1-1.03 (definitions), to the extent necessary in construing
13 any of those sections, apply to all condominiums created in this state before July 1, 1982; but those
14 sections apply only with respect to events and circumstances occurring after July 1, 1982, and do
15 not invalidate existing provisions of the declaration, bylaws, plats, or plans of those condominiums.

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

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

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

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

1 **34-36.1-3.08. ~~Meetings and notice~~ Meetings and notice, open guidance, minutes,**
2 **executive session.**

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

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

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

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

1 platforms. Where an annual or special meeting of the unit owners is held fully or partially by
2 electronic means pursuant to subsection (c) of this section and a quorum has been established, the
3 unit owners may vote on any action before the membership by electronic means including, but not
4 limited to, telephonic conferencing, video conferencing, or electronic voting platforms, or mail-in
5 ballot, as determined by the executive board. If the declaration or bylaws requires the signature of
6 unit owners for such voting or proxies, unit owners may electronically submit their signatures as
7 determined by the executive board.

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

17 (f) Regular and special meetings of the executive board shall be open to unit owners, except
18 for executive sessions convened to discuss privileged legal communications, personnel matters, or
19 delinquencies of specific owners. The executive board shall provide a reasonable opportunity for
20 owner comment, at the meeting, on agenda items prior to any vote.

21 (g) Notice. Not less than five (5) days prior to any regular meeting of the executive board
22 and no less than twenty-four (24) hours for special meetings, the executive board shall provide
23 owners with the date, time, agenda topics, and physical and/or remote access instructions by
24 reasonable means, including electronic notice where an owner has consented.

25 (h) Minutes. Minutes of executive board and unit owner meetings shall be recorded,
26 approved, and made available to owners within thirty (30) days after approval. Executive-session
27 minutes shall state the general topic and legal basis without privileged detail.

28 (i) Annual meeting. The annual meeting of unit owners shall include presentation of the
29 budget, (if there is no separate budget meeting otherwise held in that fiscal year), reserves status,
30 update on insurance coverages, and notice of any significant contracts entered into by the
31 association, with any advance materials made available not less than ten (10) days before the
32 meeting.

33 **34-36.1-3.18. Association records Association records - Access to records, timelines,**
34 **formats, penalties.**

1 (a) The association shall keep financial records sufficiently detailed to enable the
2 association to comply with § 34-36.1-4.09. All financial and other records shall be made reasonably
3 available for examination within thirty (30) days of a request by any unit owner and his or her
4 authorized agent.

5 (b) Records requested pursuant to this section shall include minutes, insurance policies,
6 bank statements, signed contracts, reserve and condition studies, results of any financial review or
7 audit, and paid vendor invoices.

8 SECTION 2. Chapter 34-36.1 of the General Laws entitled "Condominium Law" is hereby
9 amended by adding thereto the following section:

10 **34-36.1-3.22. Financial audits for condominium associations.**

11 (a) Applicability. Every condominium association organized under this chapter that
12 governs more than twenty (20) units shall be subject to the financial review requirements set forth
13 in this section.

14 (b) Financial review requirement. Each association subject to this section shall obtain an
15 independent financial review of the association's books, records, and accounts at least once every
16 five (5) fiscal years.

17 (c) Reviewer qualifications. The review shall be conducted by a certified public accountant
18 licensed in this state, who is independent of the association, its managing agent, and any officer or
19 employee of the association.

20 (d) Distribution of review. A copy of the completed review shall be:

21 (1) Provided to the executive board upon completion; and

22 (2) Made available to all unit owners upon request, and provided to any unit owner who
23 requests a copy in writing, subject to reasonable copying costs.

24 (e) Cost of review. The cost of the review shall be a common expense of the association.

25 (f) Financial review discrepancies. In the event the financial review report identifies any
26 inconsistencies, the executive board shall proceed to a full audit, which cost shall be a common
27 expense and complete in accordance with subsection (c) of this section and distributed pursuant to
28 subsection (d) of this section.

29 SECTION 3. 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 -- CONDOMINIUM LAW

- 1 This act would amend various sections of the condominium law to enhance transparency
- 2 and establish a condominium ombudsman.
- 3 This act would take effect upon passage.

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