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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Representative Brian C. Newberry

Date Introduced: February 15, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-33 of the General Laws in Chapter 34-18 entitled "Residential  
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-33. Fire or casualty damage.**

4 (a) If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent  
5 that enjoyment of the dwelling unit is substantially impaired, [unless the fire or casualty is the result](#)  
6 [of negligence or deliberate act of the tenant](#), the tenant may:

7 (1) Immediately vacate the premises and notify the landlord in writing within fourteen (14)  
8 days thereafter of his or her intention to terminate the rental agreement, in which case the rental  
9 agreement terminates as of the date of vacating; or

10 (2) If continued occupancy is lawful, vacate any part of the dwelling unit rendered unusable  
11 by the fire or casualty, in which case the tenants' liability for rent is reduced in proportion to the  
12 diminution in the fair rental value of the dwelling unit.

13 (b) If the rental agreement is terminated the landlord shall return all security recoverable  
14 under § 34-18-19 and all prepaid rent. Accounting for rent in the event of termination or  
15 apportionment shall be made as of the date of the fire or casualty.

16 (c) This section shall not be construed to limit the right of the landlord to recover in an  
17 action in tort damages resulting from a fire or other casualty damage caused either negligently or  
18 deliberately by the tenant.

1 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 -- RESIDENTIAL LANDLORD AND TENANT ACT

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- 1           This act would deny tenants relief afforded under this section when a unit or premises is
- 2   damaged by fire or other casualty if the fire or other casualty was caused by the negligence or
- 3   deliberate act of the tenant.
- 4           This act would take effect upon passage.

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