

2024 -- S 2448

LC004523

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Ciccone, Burke, Britto, and F. Lombardi

Date Introduced: February 12, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-56 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 34-18-56. Notices and complaint forms.

4 (a) A notice in substantially the following language shall suffice for the purpose of giving
5 a tenant a five (5) day demand for payment of rent prior to commencement of an eviction pursuant
6 to § 34-18-35:

7 FIVE-DAY DEMAND NOTICE FOR NONPAYMENT OF RENT

8 R.I.G.L. 34-18-35

9 Date of Mailing: _____

10 TO: _____

11 (tenant)

12 _____

13 _____

14 You are now more than fifteen days in arrears for some or all of the rent owed under your
15 rental agreement. State law requires that you be sent this Notice of arrearage.

16 Unless you make payment of all rent in arrears within five days of the date this notice was
17 mailed to you, an eviction action may be instituted in court against you. You can prevent the
18 eviction by paying all rent owing within five days of the mailing of this notice.

19 If you believe you have a legal reason for not paying this rent, you will be able to present

1 that defense at the eviction hearing. The rent in arrears as of the above date is \$_____.

2 _____

3 (signature)

4 _____

5 _____

6 (name and address of land-
7 lord/owner)

8 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
9 addressed to the tenant, on the _____ day of _____, 20_____.

10 _____

11 (landlord or owner
12 signature)

13 (b) A notice in substantially the following language shall suffice for the purpose of giving
14 a tenant a notice of noncompliance with the rental agreement pursuant to § 34-18-36:

15 NOTICE OF NONCOMPLIANCE

16 R.I.G.L. 34-18-36

17 Date of Mailing: _____

18 TO: _____

19 (tenant)

20 _____

21 _____

22 (address)

23 You are in breach of your rental agreement, or of your legal duties under R.I.G.L. 34-18-
24 24, because you:

25 _____

26 _____

27 _____

28 (provide details)

29 To remedy this situation you must do the following within twenty days of the date of
30 mailing of this Notice:

31 _____

32 _____

33 _____

34 If you do not remedy this situation within twenty days, your rental agreement will terminate

1 without further notice on _____ (date, which must be not less than twenty-one days from the
2 date of mailing of this Notice). (NOTE: Under the law you lose this right to remedy your
3 noncompliance if this is the second notice on the same subject within the past six months.) After
4 that date an eviction case may begin in court, and you may be served with a complaint. You will
5 have the right to a hearing and to present any defenses you believe you have.

6 _____
7 (signature)

8 _____
9 _____
10 (name and address of land-lord/owner)

11 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
12 addressed to the tenant, on the _____ day of _____, 20____.

13 _____
14 (landlord or owner signature)

15 (c) A notice in substantially the following language shall suffice for the purpose of giving
16 a tenant notice of termination of tenancy pursuant to § 34-18-37:

17 NOTICE OF TERMINATION OF TENANCY

18 R.I.G.L. 34-18-37

19 Date of Mailing: _____

20 TO: _____

21 (tenant)

22 _____
23 _____

24 (address)

25 You are hereby directed to vacate and remove your property and personal possessions from
26 the premises located at _____ and deliver control of the
27 premises to the

28 (address of premises)

29 landlord/owner on the first day after the end of your current rental period, namely
30 _____.

31 (insert date)

32 This notice is given for the purpose of terminating your tenancy. You must continue to pay
33 rent as it becomes due until the date indicated above. If you fail to pay that rent, a nonpayment
34 eviction action may be instituted against you.

1 If you fail to vacate the premises by the date specified, an eviction may be instituted against
2 you without further notice. If you believe you have a defense to this termination, you will be able
3 to raise that defense at the court hearing.

4 _____
5 (signature)

6 _____
7 _____
8 (name and address of land-lord/owner)

9 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
10 addressed to the tenant, on the _____ day of _____, 20_____.

11 _____
12 (landlord or owner signature)

13 (d) A complaint in substantially the following language shall suffice for the purpose of
14 commencing an eviction action for nonpayment of rent pursuant to § 34-18-35:

15 State of Rhode Island
16 _____, Sc. DISTRICT
17 COURT
18 _____
19 DIVISION
20 PLAINTIFF DEFENDANT
21 _____
22 _____
23 _____
24 (Landlord's Name) (Tenant's Name)

25 V
26 _____
27 _____
28 _____
29 (address) (address of rental premises)

30 COMPLAINT FOR EVICTION
31 FOR NONPAYMENT OF RENT
32 R.I.G.L. 34-18-35

33 1. Plaintiff is the owner/landlord of the rental premises listed above, in which the Defendant
34 Tenant currently resides.

NONPAYMENT OF RENT

R.I.G.L. 34-18-36

R.I.G.L. 34-18-38

1. Plaintiff Landlord(s) owns the rental premises listed above, in which the Defendant Tenant(s) resides.

2. CHECK ONE:

____ Defendant breached the tenant's obligations under the rental agreement or § 34-18-24 as set forth in the attached copy of the notice of noncompliance which was mailed to the defendant. Defendant has not cured or remedied the breach. (Plaintiff must attach copy of required notice of noncompliance.)

____ Defendant has remained in possession of the rented premises following the period set forth in the attached notice of termination of tenancy which was mailed to defendant. (Plaintiff must attach copy of required termination notice.)

____ Defendant breached the tenants' obligations under § 34-18-24(8), (9) or (10).

3. Plaintiff seeks judgment for possession of the premises plus judgment in the amount of

for _____

(explain basis for money claim)

Plaintiff seeks costs and fees (if applicable).

(Signature of Landlord/Owner or Attorney)

Date complaint filed with clerk _____

(f) A complaint in substantially the following language, or in similar language, shall be sufficient for use by landlords or by tenants to bring any claims or causes of action other than eviction actions:

NOT FOR EVICTION

State of Rhode Island

_____, Sc.

DISTRICT

COURT

1 DIVISION

2 PLAINTIFF

DEFENDANT

3 _____

4 (Name)

(Name)

5 V

6 _____

7 _____

8 _____

9 (address)

(address of rental
premises)

11 LANDLORD-TENANT COMPLAINT

12 (NOT FOR USE IN EVICTIONS)

13 1. Plaintiff is the ____ Tenant ____ Landlord/Owner of the rental premises

14 at. _____

15 (address of rental premises)

16 2. Defendant is the ____ Tenant ____ Landlord/Owner.

17 3. Plaintiff claims that defendant has breached the obligations of the rental agreement or
18 law in relation to this landlord-tenant relationship, as follows:

19 _____

20 _____

21 _____

22 (brief description of claim, attach extra sheet, if necessary)

23 4. Plaintiff seeks the following judgment or relief from the Court:

24 _____

25 _____

26 _____

27 Date Complaint Filed _____

28 With Clerk: _____

(Signature of plaintiff or plaintiff's attorney)

30 _____

31 (address)

32 (g) The summons in an action for eviction for nonpayment of rent pursuant to § 34-18-35
33 shall be in substantially the following form:

34 STATE OF RHODE ISLAND

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DISTRICT

COURT

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MMONS

EVICTION-NONPAYMENT OF RENT
DIVISION COUNTY CIVIL ACTION-FILE NO.

Address of Court:

(name & address of plaintiff landlord)

(name & address of defendant-tenant)

TO THE TENANT: You are served with an eviction complaint for nonpayment of rent. If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk at or before the hearing date. You should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at ~~9:30~~ 9:00 A.M. on the hearing date, at the court address listed above. You should go to the hearing or you may lose by default. If you think the case is "settled," you should still go to the hearing to make sure the settlement is in the court record.

YOUR HEARING DATE IS: _____.

(Proof of Service on next page)

PROOF OF SERVICE

I hereby certify that I served a copy of the Complaint and Summons & Answer upon the defendant(s) by delivering or leaving said papers in the following manner:

_____ to the defendant personally; or

_____ at his or her dwelling unit or usual place of abode

at the

address listed below with a person of suitable age

then

residing therein; or

_____ if none be found, by posting conspicuously on the

door

to the defendant's dwelling unit.

ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:

1 NAME OF PERSON OF SUITABLE AGE:

2 SERVICE DATE:

3

4 DEPUTY

SHERIFF/CONSTABLE:

5

6

7 CERTIFICATE OF SERVICE

8

I hereby certify that a copy of this Complaint and Summons was placed into regular U.S. Mail, postage prepaid, on the _____ day of _____, 20____, addressed to defendant at the following address:

11

_____.

12

13

(Signature of _____ Clerk)

14

(h) The summons in an action for eviction for noncompliance with the rental agreement pursuant to § 34-18-36, or for unlawfully holding over after termination or expiration of tenancy pursuant to § 34-18-38, shall be in substantially the following form:

17

State of Rhode Island

18

District

Court

19

Summons

20

EVICITION FOR REASON OTHER THAN NONPAYMENT OF RENT

21

DIVISION

COUNTY

CIVIL ACTION-

22

FILE NO. _____

23

Address of Court:

24

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V

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(name & address of plaintiff landlord)

(name & address of defendant-tenant)

29

TO THE TENANT: You are served with an eviction complaint for noncompliance with rental agreement (R.I.G.L. 34-18-36), or for unlawfully holding over after termination or expiration of tenancy (R.I.G.L. 34-18-38). If you do nothing, you will lose by default and be evicted. If you claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk within TWENTY (20) days after you are served with this summons and complaint. You should also mail a copy of the ANSWER to the landlord or the landlord's lawyer. If you file the enclosed

1 ANSWER, then you will receive another written notice telling you when the hearing will be. If you
2 have any questions, you may consult a lawyer. If you think the case is "settled" you should still file
3 the enclosed ANSWER or be sure that the written settlement is in the file at the Clerk's office.

4 (Proof of Service on next page)

5 _____
6 PROOF OF SERVICE

7 I hereby certify that I served a copy of the Complaint, Summons, and Answer form upon
8 the defendant(s) by delivering or leaving said papers in the following manner:

9 _____ to the defendant personally

10 _____ at his/her dwelling unit or usual place of abode at the address listed below, with a
11 person of suitable age then residing therein

12 _____ to an agent named below authorized by appointment or by law to receive service of
13 process

14 _____ further notice as required by law was given as noted below

15 Address of dwelling or usual place of abode:

16 _____

17 Name of person of suitable age or of agent:

18 _____

19 If none can be found, by posting conspicuously on the door to the defendant's dwelling unit
20 or usual place of abode.

21 Service Date: _____

22 Deputy Sheriff/Constable (circle one):

23 _____

24 _____

(signature)

26 CERTIFICATE OF SERVICE

27 I hereby certify that, on the ... day of ..., 20..., I mailed a copy of this Summons, and
28 Complaint for Eviction for Reason Other than Nonpayment of Rent, blank Answer forms, and
29 Language Assistance Notice addressed to the Defendant/Tenant, at the address listed above.

30 Affiant _____

31 (i) The summons in an action relating to any claims by tenants, or by landlords other than
32 for eviction, shall be in substantially the following form:

33 State of Rhode Island

34 District Court Summons _____

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DIVISION COUNTY CIVIL ACTION-FILE NO.

PLAINTIFF PLAINTIFF'S ATTORNEY

ADDRESS

DEFENDANT

DEFENDANT'S ADDRESS

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon the plaintiff's attorney, whose name and address appears above, an answer to the complaint which is herewith served upon you. Your answer must be made within 20 days after service of this summons, excluding the date of service. The original must be filed in writing with this court. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

DATE CLERK

SEAL OF THE DISTRICT COURT DATE

RECEIVED

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this summons and a copy of the complaint received herewith upon the above-named defendant by delivering or leaving said papers in the following manner:

- to the defendant personally.
- at his dwelling house or usual place of abode at the address entered below, with a person of suitable age and discretion then residing therewith.
- to an agent named below authorized by appointment or by law to receive service of process.
- Further notice as required by statute was given as noted on the reverse side.

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Address of Dwelling or Usual Place of Abode

Name of Authorized Agent or Person of Suitable Age

Date _____ Deputy Sheriff/Constable _____

SERVICE FEE \$_____

(j) The blank answer served in eviction actions shall be in substantially the following form:

State of Rhode Island
_____, Sc. DISTRICT COURT
_____ DIVISION
PLAINTIFF DEFENDANT

(Landlord's Name) (Tenant's Name)
V

(address) (address of rental premises)

INSTRUCTIONS TO THE DEFENDANT

Listed below are several possible defenses to the eviction action your landlord has filed against you. If one or more of these defenses apply to your case, check the appropriate box(es). If space is provided, write in facts in support of that defense. Use additional paper if necessary. Some of these defenses are technical, and there may be others not listed here. You may consult a lawyer and seek representation before filling out this Answer.

TENANT'S ANSWER

The complaint against me is untrue or fails to state the following facts:
I offered rent, but my landlord refused it. I am still able and willing to pay the rent.
I have a defense for nonpayment because the landlord has failed to maintain the premises in a fit and habitable condition.
My rent has not been paid, but I have a legally justifiable defense for not paying:
I have a written lease which does not expire until:
I have not received the required notice from the landlord before this complaint was served

1 on me.

2 The landlord is trying to evict me because I have exercised my legal rights by calling code
3 enforcement officials, or by taking the following protected action:

4 I have other defenses as follow:

5 WHEREFORE: Because of the defense(s) indicated above, I ask the court to grant a
6 judgment in my favor and not order me to be evicted.

7 COUNTERCLAIM

8 Instructions: If you believe you are entitled to be awarded damages or money for any reason
9 from your landlord, you may fill out the statement below:

10 I hereby sue my landlord for the amount of \$_____.

11 I believe I am entitled to receive an award of this amount because

12 _____

13 _____

14 _____

15 _____

16 Name of Defendant (or attorney)

Signature of Defendant

17 _____

18 Address

19 _____

20 Telephone number

21 _____

22 SECTION 2. This act shall take effect on January 1, 2025.

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LC004523
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

1 This act would modify the summons for eviction for reasons other than nonpayment of rent
2 with the district court, to add a certificate of service section, and provide the option to post the
3 summons and complaint conspicuously on the door of the defendant/tenant's dwelling.

4 This act would take effect on January 1, 2025.

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LC004523
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