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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY - LEVY
ON SALE ON EXECUTION

Introduced By: Representatives Jackson, Gallison, A Rice, and Edwards

Date Introduced: May 20, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-26-4.1 of the General Laws in Chapter 9-26 entitled "Levy and
2 Sale on Execution" is hereby amended to read as follows:

3 **9-26-4.1. Homestead estate exemption.** -- (a) In addition to the property exempt from
4 attachment as set forth in section 9-26-4, an estate of homestead to the extent of three hundred
5 thousand dollars (\$300,000) in the land and buildings may be acquired pursuant to this section by
6 an owner or owners of a home or one or all who rightfully possess the premise by lease or
7 otherwise, and who occupy or intend to occupy the home as a principal residence. The estate of
8 homestead provided pursuant to this section shall be automatic by operation of law, and without
9 any requirement or necessity for the filing of a declaration, a statement in a deed, or any other
10 documentation. The estate shall be exempt from the laws of attachment, levy on execution and
11 sale for payment of debts or legacies except in the following cases:

12 (1) Sale for taxes, sewer liens, water liens, lighting district assessments and fire district
13 assessments;

14 (2) For a debt contracted prior to the acquisition of the estate of homestead;

15 (3) For a debt contracted for the purchase of the home;

16 (4) Upon an order issued by the family court to enforce its judgment that a spouse pay a
17 certain amount weekly or otherwise for the support of a spouse or minor children;

18 (5) Where a building or buildings are situated on land not owned by the owner of a

1 homestead estate are attached, levied upon or sold for the ground rent of the lot upon which the
2 building or buildings are situated;

3 (6) for a debt due to, or a lien in favor of, the department of human services and/or the
4 state of Rhode Island for reimbursement of medical assistance, as provided for in section 40-8-15;

5 (7) For a debt heretofore or hereafter owing to a federally insured deposit taking
6 institution or a person regulated or licensed under title 19.

7 (b) For the purposes of this section, "owner of a home" includes a sole owner, joint
8 tenant, tenant by the entirety or tenant in common; provided, that only one owner may acquire an
9 estate of homestead in the home for the benefit of his or her family; and provided further, that an
10 estate of homestead may be acquired on only one principal residence for the benefit of a family.
11 For the purposes of this section, "family" includes either a parent and child or children, a husband
12 and wife and their children, if any, or a sole owner; provided further, for purposes of this section
13 "home" shall include mobile and manufactured homes as defined in section 31-44-1. The
14 provisions of this section shall not apply to any debt owing to a financial institution, or private
15 mortgages, or a mechanics' lien on the property comprising the estate as provided for under
16 chapter 28 of title 34. Notwithstanding any other provisions of law, it shall not be necessary to
17 record a declaration of homestead in order to take advantage of the homestead estate exemption.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would include mobile and manufactured homes under the homestead estate
- 2 exemption provided in the chapter of the general laws relative to levy and sale on execution.
- 3 This act would take effect upon passage.

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