

2020 -- S 2565

LC004964

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Ciccone, Lombardo, and Lombardi

Date Introduced: February 25, 2020

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 _____

4 (signature)

5 _____

6 _____

7 _____

8 _____

9 (name and address of land-

10 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 _____, 19_____.

13 _____

14 _____

15 (landlord or owner

16 signature)

17 (b) A notice in substantially the following language shall suffice for the purpose of giving

18 a tenant a notice of noncompliance with the rental agreement pursuant to § 34-18-36:

19 NOTICE OF NONCOMPLIANCE

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

21 Date of Mailing: _____

22 TO: _____

23 (tenant)

24 _____

25 _____

26 (address)

27 You are in breach of your rental agreement, or of your legal duties under R.I.G.L. 34-18-

28 24, because you:

29 _____

30 _____

31 _____

32 (provide details)

33 To remedy this situation you must do the following within twenty days of the date of

34 mailing of this Notice:

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

(signature)

(name and address of land-

lord/owner)

I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice, addressed to the tenant, on the _____ day of _____, ~~19~~20_____.

(landlord or owner

signature)

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

NOTICE OF TERMINATION OF TENANCY

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

Date of Mailing: _____

TO: _____

(tenant)

(address)

1 You are hereby directed to vacate and remove your property and personal possessions from
2 the premises located at _____ and deliver control of the
3 premises to the

4 (address of premises)

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

7 (insert
8 date)

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

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

15 _____

16 _____

17 (signature)

18 _____

19 _____

20 _____

21 _____

22 (name and address of land-
23 lord/owner)

24 I certify that I placed in regular U.S. mail, first class postage prepaid, a copy of this Notice,
25 addressed to the tenant, on the _____ day of _____, ~~19~~20_____.

26 _____

27 _____

28 (landlord or owner
29 signature)

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

32 State of Rhode Island and Providence Plantations

33 _____, Sc.

DISTRICT

34 COURT

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(Name & address of
landlord/owner
or attorney for landlord)

Date complaint filed with clerk _____

(e) A complaint in substantially the following language shall suffice for the purpose of commencing an eviction action for noncompliance with the rental agreement pursuant to § 34-18-36, or an eviction action for unlawfully holding over after expiration or termination of the tenancy pursuant to § 34-18-38:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

_____, Sc. DISTRICT

COURT

DIVISION

PLAINTIFF DEFENDANT

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

V

(address) (address of rental

premises)

COMPLAINT FOR EVICTION
FOR REASON OTHER THAN
NONPAYMENT OF RENT

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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 rented 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 and Providence Plantations

_____, Sc.

DISTRICT

1 COURT

2 _____

3 DIVISION

4 PLAINTIFF

DEFENDANT

5 _____

6 _____

7 _____

8 (Name)

(Name)

9 V

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 (address)

(address of rental

20 premises)

21 LANDLORD-TENANT COMPLAINT

22 (NOT FOR USE IN EVICTIONS)

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

24 at. _____

25 (address of rental premises)

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

27 3. Plaintiff claims that defendant has breached the obligations of the rental agreement or

28 law in relation to this landlord-tenant relationship, as follows:

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30 _____

31 _____

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

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

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Date Complaint Filed

With Clerk: _____ (Signature of plaintiff or
plaintiff's attorney)

_____ (address)

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

STATE OF RHODE ISLAND

DISTRICT COURT

SU

MMONS

EVICTON-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

1 should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at 9:30 A.M.
2 on the hearing date, at the court address listed above. You should go to the hearing or you may lose
3 by default. If you think the case is "settled," you should still go to the hearing to make sure the
4 settlement is in the court record.

5 YOUR HEARING DATE IS: _____.

6 (Proof of Service on next page)

7 _____

8 PROOF OF SERVICE

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

11 _____ to the defendant personally; or

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

13 at the

14 _____ address listed below with a person of suitable age

15 then

16 _____ residing therein; or

17 _____ if none be found, by posting conspicuously on the

18 door

19 _____ to the defendant's dwelling unit.

20 ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:

21 _____

22 NAME OF PERSON OF SUITABLE AGE:

23 SERVICE DATE: _____

24 DEPUTY SHERIFF/CONSTABLE:

25 _____

26 CERTIFICATE OF SERVICE

27 I hereby certify that a copy of this Complaint and Summons was placed into regular U.S.

28 Mail, postage prepaid, on the _____ day of _____, ~~19~~20,

29 addressed to defendant at the following address:

30 _____.

31 _____

32 _____

33 (Signature of _____

34 Clerk)

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

4 State of Rhode Island

5 District Court

6 Summons

7 EVICTION FOR REASON OTHER THAN NONPAYMENT OF RENT

8 DIVISION COUNTY CIVIL ACTION-FILE NO.

9 Address of Court:

10 _____
11 _____
12 _____
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14 _____
15 _____
16 _____
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18 _____
19 _____

20 (name & address of plaintiff landlord)
21 tenant)

(name & address of defendant-

22 TO THE TENANT: You are served with an eviction complaint for noncompliance with
23 rental agreement (R.I.G.L. 34-18-36), or for unlawfully holding over after termination or expiration
24 of tenancy (R.I.G.L. 34-18-38). If you do nothing, you will lose by default and be evicted. If you
25 claim any defense, you must complete the enclosed ANSWER and file it with the Court Clerk
26 within TWENTY (20) days after you are served with this summons and complaint. You should also
27 mail a copy of the ANSWER to the landlord or the landlord's lawyer. If you file the enclosed
28 ANSWER, then you will receive another written notice telling you when the hearing will be. If you
29 have any questions, you may consult a lawyer. If you think the case is "settled" you should still file
30 the enclosed ANSWER or be sure that the written settlement is in the file at the Clerk's office.

31 (Proof of Service on next page)

32 _____
33 PROOF OF SERVICE

34 I hereby certify that I served a copy of the Complaint, Summons, and Answer form upon

1 the defendant(s) by delivering or leaving said papers in the following manner:

2 _____ to the defendant personally

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

5 _____ to an agent named below authorized by appointment or by law to receive service of
6 process

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

8 Address of dwelling or usual place of abode:

9 _____

10 Name of person of suitable age or of agent:

11 _____

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

14 Service Date: _____

15 Deputy Sheriff/Constable (circle one):

16 _____

17 _

18 (signature)

19 CERTIFICATE OF SERVICE

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

23 Affiant _____

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

26 State of Rhode Island
27 District Court
28 Summons

29 _____

30 _____

31 DIVISION COUNTY CIVIL ACTION-

32 FILE NO.

33 _____

34 _____

1 _____

2 PLAINTIFF

PLAINTIFF'S

3 ATTORNEY

4
5 _____

6 ADDRESS

7 _____

vs

8 DEFENDANT

9
10 _____

11 DEFENDANT'S ADDRESS

12 _____

13
14 _____

15 TO THE ABOVE-NAMED DEFENDANT:

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

21 _____

22
23 _____

24 DATE

CLERK

25 _____

26
27 _____

28 SEAL OF THE DISTRICT COURT

DATE

29 RECEIVED

30 _____

31 PROOF OF SERVICE

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

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- 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.

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 and Providence Plantations

_____, Sc.

DISTRICT

COURT

DIVISION

PLAINTIFF

DEFENDANT

(Landlord's Name)

(Tenant's Name)

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(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 on me.

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

I have other defenses as follow:

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

COUNTERCLAIM

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

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

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

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 options 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, 2021.

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