

2022 -- S 2857 SUBSTITUTE A

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LC005650/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Archambault, McCaffrey, Coyne, F Lombardi, and Euer

Date Introduced: April 05, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-10 of the General Laws in Chapter 34-18 entitled "Residential
2 Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-10. Service of process for actions pursuant to chapter.**

4 (a)(1) In actions for nonpayment of rent, the summons for eviction for nonpayment of rent
5 shall be in the form provided in § 34-18-56(g). At the time of filing of the complaint, the clerk shall
6 ~~mark enter~~ the date of hearing upon the summons, ~~which shall be the ninth (9th) day after filing of~~
7 ~~the complaint, or the first court day following the ninth (9th) day,~~ which shall be fourteen (14) to
8 twenty-four (24) days after filing of the complaint. For the purposes of this section only, the time
9 of filing of the complaint shall be the date upon which the clerk assigns a case number to the action
10 and the filing fee is paid to the clerk. On the same day that the complaint is filed, the plaintiff's
11 attorney or, if pro se, the plaintiff, or if more than one, the person filing the complaint shall mail a
12 copy of the summons and complaint with the date of the hearing and a blank answer form as
13 provided in § 34-18-56(j) by first class mail, to the defendant, shall complete the proof of service
14 on a copy of the original summons and file the completed proof of service in the appropriate court.
15 ~~The clerk shall note on the docket the mailing date of the summons and complaint, and shall~~
16 ~~complete the proof of service on the original summons.~~ The plaintiff shall deliver the original
17 summons and a copy thereof, together with a copy of the complaint and a blank answer form to the
18 division of sheriffs or any constable of the county in which the appropriate court is located. The
19 officer receiving the copies shall serve them by:

1 (i) Handing them to the defendant; or
2 (ii) Serving them at the defendant's dwelling unit to a person of suitable age and discretion
3 then residing therein; or

4 (iii) If none be found, by posting them conspicuously on the door to defendant's dwelling
5 unit.

6 (2) The deputy sheriff or constable serving the summons and complaint shall make proof
7 of service on the original summons and shall file it with the clerk of the appropriate court at or
8 before the time of the hearing. The proof of service shall show the manner and the day, hour, and
9 place of service, and shall show that the defendant was served no less than five (5) days before the
10 hearing.

11 (b) In all actions pursuant to this chapter other than for nonpayment of rent, the procedure
12 shall be as follows:

13 (1) The summons for eviction actions pursuant to §§ 34-18-36 and 34-18-38 shall be in the
14 form provided in § 34-18-56(h). A blank answer, in the form provided in § 34-18-56(j) shall be
15 served together with this summons.

16 (2) The summons in all other actions pursuant to this chapter shall be in the form provided
17 in § 34-18-56(i). Service shall be made pursuant to Rule 4 of the district court civil rules, or other
18 appropriate rule of court.

19 (c) If a landlord or tenant is not a resident of this state or is a corporation not authorized to
20 do business in this state and engages in any conduct in this state governed by this chapter, or
21 engages in a transaction subject to this chapter, he or she may designate an agent upon whom
22 service of process may be made in this state. The agent shall be a resident of this state or a
23 corporation authorized to do business in this state. The designation shall be in writing and filed
24 with the secretary of state. If no designation is made and filed or if the process cannot be served in
25 this state upon the designated agent, process may be served upon the secretary of state, but service
26 upon the secretary of state is not effective unless the plaintiff or petitioner forthwith mails a copy
27 of the process and pleading by registered or certified mail to the defendant or respondent at his or
28 her last reasonably ascertainable address. An affidavit of compliance with this subsection shall be
29 filed with the clerk of the court on or before the return day of the process, if any, or within any
30 further time the court allows.

31 ~~(d) If at time of hearing it appears that the clerk failed to provide mail service as required~~
32 ~~by subsection (a), or that the mailed service was undeliverable, service shall nevertheless be~~
33 ~~deemed complete if proof of service reflects that service was accomplished in accordance with~~
34 ~~subsection (a)(1)(i) or (ii) of this section. If mailed service was defective and the tenant was~~

1 ~~prejudiced by shorter notice of the hearing, the tenant may seek the benefits of § 34-18-35(d) for~~
2 ~~late filing of discovery, if justice requires.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would allow the district court to designate the date of the hearing in eviction
2 matters filed under the residential landlord and tenant act to be scheduled fourteen (14) to twenty-
3 four (24) days after filing of the complaint.

4 This act would take effect upon passage.

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