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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL TENANT'S RIGHT TO LEGAL
REPRESENTATION ACT

Introduced By: Senators Mack, and Kallman

Date Introduced: March 27, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly hereby finds and declares that:

3 (1) Eviction proceedings have a profoundly disparate impact on low- to moderate-income
4 individuals. A recent study has shown that half of United States citizens are cost burdened by the
5 skyrocketing rents and increased risk to homelessness and given this disparate impact, it is
6 imperative that these individuals be provided legal representation in legal proceedings that put their
7 housing at risk.

8 (2) There is a fundamental human right to adequate housing accommodations. Safe, secure,
9 and accessible housing is essential to achieving equal access to all other fundamental needs.
10 Without housing, individuals and families too often cannot preserve family integrity, gain
11 employment or other income, or enjoy access to healthcare, proper nutrition, and education.

12 (3) Eviction proceedings and displacement as a result of evictions have a disparate impact
13 on low- to moderate-income individuals and particularly on low- to moderate-income people of
14 color, who are disproportionately the respondents in eviction proceedings.

15 (4) Representation of people who are at risk of losing their homes in legal proceedings
16 preserves access to housing and ensures compliance with laws protecting people's rights in such
17 proceedings. Abrupt, unwarranted, or unlawful evictions disrupt lives and livelihoods, force people
18 to find housing in a market with a severe shortage of affordable housing and often significantly

1 increases the risk of homelessness. The short- and long-term effects of housing instability are
2 devastating to individuals and families and can affect physical and mental health, employment and
3 education.

4 (5) Providing a right to legal representation to individuals who are most at risk of housing
5 instability not only protects individuals and families from these devastating effects, but also saves
6 public funds that would otherwise be spent on shelters and services to people experiencing
7 homelessness as well as the wide range of detrimental short- and long-term collateral consequences
8 of housing instability.

9 SECTION 2. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by
10 adding thereto the following chapter:

11 CHAPTER 18.3

12 RESIDENTIAL TENANT'S RIGHT TO LEGAL REPRESENTATION ACT

13 **34-18.3-1. Short title.**

14 This chapter shall be known and may be cited as the "Residential Tenant's Right to Legal
15 Representation Act".

16 **34-18.3-2. Definitions.**

17 As used in this chapter, the following words and terms shall have the following meanings
18 unless the context clearly indicates another or different meaning or intent:

19 (1) "Covered proceeding" means any action that triggers the right to representation under
20 this chapter, including, but not limited to, a five (5) day demand notice, a termination of tenancy
21 notice, a notice of noncompliance, a court summons, an eviction action, an administrative hearing
22 with a publicly subsidized source of housing, or an action for unsafe or unhealthy conditions and/or
23 pursuant to § 34-18-31.

24 (2) "Designated community organization" means a not-for-profit organization or
25 association having nonprofit status under §501(c)(3) of the United States Internal Revenue Code
26 that has the capacity to provide education in a program established under § 34-18.3-6. To the extent
27 practicable, such designated community organization shall maintain a practice of furnishing free
28 services; possess expertise and experience in community education and organizing, and ties to the
29 communities they serve; demonstrate expertise in recognizing and responding to the housing issues
30 facing low-income residents of the state; possess adequate expertise to provide consistent, high
31 quality supervision, oversight, training, evaluation, and strategic response to emerging or changing
32 needs in the communities served; and maintain reasonable workloads and working conditions for
33 their staff.

34 (3) "Designated legal organization" means a not-for-profit (charitable) organization or

1 association having tax deductible for contributions status under §501(c)(3) of the United States
2 Internal Revenue Code that has the capacity to provide comprehensive and effective legal services
3 for the program established under this chapter. To the extent practicable, such designated legal
4 organizations shall be organizations that maintain a practice of furnishing free or reduced cost legal
5 services to individuals; possess expertise in the areas of law for covered actions; have a
6 demonstrated history or practice with regard to the legal issues facing low-income residents of the
7 state; provide consistent, high quality supervision, oversight, training, evaluation, and strategic
8 response to emerging or changing needs in the communities served; and maintain reasonable
9 workloads and working conditions for their staff.

10 (4) "Director" means the director of the division of civil representation.

11 (5) "Division" means the division of civil representation.

12 (6) "Eligible individual" means an individual who is at risk of losing their housing
13 accommodation in an action for eviction or an administrative proceeding with a publicly subsidized
14 source of housing, and/or an individual seeking restoration or maintenance of essential services as
15 defined by §34-18-31, and/or is facing unsafe or unhealthy conditions in their rented home that
16 require court intervention to remedy. An individual becomes eligible when that individual:

17 (i) Becomes the subject of an eviction notice including a five (5) day demand notice, or a
18 termination of tenancy notice, or a notice of noncompliance, or a court summons;

19 (ii) Is a party in an eviction action;

20 (iii) Is a party in an administrative hearing with a publicly subsidized source of housing; or

21 (iv) Is a party to an action for unsafe or unhealthy conditions and/or pursuant to § 34-18-
22 31.

23 (7) "Eviction" means any action to evict an individual or otherwise terminate a tenancy, or
24 any other action that is likely to result in an individual losing their housing accommodation,
25 including any proceeding to terminate a housing subsidy, or an action brought by an eligible
26 individual based on the landlord's failure to maintain the premises in a fit and habitable condition,
27 or in response to an unlawful eviction, or in response to the unlawful actions of a landlord, as well
28 as any appeals from any such proceedings.

29 (8) "Housing accommodation" or "residence" means that part of any building or structure
30 or any part thereof, permanent or temporary, occupied or intended, arranged or designed to be used
31 or occupied, by one or more individuals as a home, dwelling unit or apartment, sleeping place,
32 boarding house, lodging house or hotel, and all essential services, privileges, furnishings, furniture
33 and facilities supplied in connection with its occupation.

34 (9) "Legal representation" means ongoing legal representation provided by a designated

1 legal organization to eligible individuals and the provision of legal advice, advocacy, and
2 assistance, including, but not be limited to: filing a notice of appearance, filing and preparation of
3 pleadings and motions on behalf of eligible individuals, court appearances on behalf of eligible
4 individuals, pre- and post-trial settlement conferences, and any other activities needed to provide
5 legal representation in a "covered proceeding."

6 (10) "Office" means the office of the department of housing.

7 **34-18.3-3. Right to legal representation in eviction proceedings.**

8 The civil right to full legal representation for eligible individuals in an eviction action is
9 hereby created.

10 **34-18.3-4. Division of civil representation.**

11 There is hereby established, in the department of housing, the division of civil
12 representation to create and implement a program to provide legal representation pursuant to § 34-
13 18.3-5. The division shall be headed by a director who shall be appointed by the governor, and shall
14 be subject to the advice and consent of the senate.

15 **34-18.3-5. Powers and duties of the division of civil representation.**

16 The director shall have the power and duty to:

17 (1) Establish a program to provide legal representation including entering into contracts
18 and agreements as may be necessary, in accordance with § 34-18.3-6;

19 (2) Prepare and submit to the governor, president of the senate, and speaker of the house
20 an annual financial audit of the program's activities, prepared by a certified public accountant
21 licensed in the state and carried out in accordance with generally accepted auditing standards; and
22 an annual report regarding the program created under § 34-18.3-6. Such report shall include, but
23 not be limited to, the following information regarding all individuals requesting services and all
24 individuals provided services, disaggregated by municipality; provided, however, that the
25 information shall not be required for every case where the individual refuses to provide the
26 information or the information is not reasonably ascertainable:

27 (i) The total number of people provided legal representation and the total number of people
28 requesting but not provided legal representation and the reasons why representation was not
29 provided;

30 (ii) The outcomes of the cases where legal representation was provided;

31 (iii) Gender, race, ethnicity, and age;

32 (iv) Postal code of residence;

33 (v) Household size;

34 (vi) Estimated length of tenancy;

- 1 (vii) Approximate household income;
- 2 (viii) Receipt of ongoing public assistance at the time such legal services were initiated;
- 3 (ix) Tenancy in housing operated by or subsidized through a federal, state or local rental
- 4 subsidy program;
- 5 (x) Legal services provided by type of legal issue;
- 6 (xi) Outcomes immediately following the provision of full legal representation, as
- 7 applicable and available, including, but not limited to, the number of:
- 8 (A) Judgments and stipulated agreements allowing individuals to remain in their residence;
- 9 (B) Judgments and stipulated agreements requiring individuals to be displaced from their
- 10 residence; and
- 11 (C) Instances where an attorney representing an income-eligible individual was discharged
- 12 or withdrew;
- 13 (xii) A list of landlords involved in eviction proceedings;
- 14 (xiii) Residential evictions conducted by sheriffs, disaggregated by municipality;
- 15 (xiv) A list of designated community organizations, the community in which such
- 16 organizations provide services, and the amount of funding provided to each;
- 17 (xv) The number of buildings in which outreach was conducted, the number of workshops
- 18 offered, the number of attendees at such workshops, the number of people referred to nonprofits
- 19 having status under § 501(c)(3) of the United States Internal Revenue Code, and the number of
- 20 trainings offered; and
- 21 (xvi) An evaluation of implementation challenges and recommendations for any future
- 22 programmatic improvements.
- 23 (3) Provide an annual estimate for the funding necessary for the operation of the program
- 24 created under § 34-18.3-6;
- 25 (4) Coordinate with other programs providing legal representation to ensure efficiency of
- 26 functions and to prevent duplication of work;
- 27 (5) Create a program providing outreach and education through designated community
- 28 organizations to spread awareness of the availability of legal representation. With the support of
- 29 the director and adequate funding, designated community organizations shall be responsible for
- 30 engaging and educating tenants of their rights in eviction proceedings, including, but not limited
- 31 to:
- 32 (i) Hosting trainings and other workshops for tenants;
- 33 (ii) Distributing written information to tenants;
- 34 (iii) Assisting tenants in forming and maintaining tenant associations; and

1 (iv) Referring tenants to designated legal organization and other activities to engage,
2 educate, or inform tenants of their rights in eviction proceedings. Engagement and education shall
3 be provided in diverse languages;

4 (6) Create and make available resources for individuals with regard to their rights in civil
5 legal matters regarding housing accommodations in the languages required by law and such
6 additional languages as may be necessary; and

7 (7) Promulgate any rules, regulations, and guidance necessary for the implementation of
8 the provisions of this chapter.

9 **34-18.3-6. Provision of legal representation and community education.**

10 In accordance with this chapter, the division shall develop programs to guarantee and
11 deliver:

12 (1) Legal representation to eligible individuals in covered proceedings throughout the state;
13 and

14 (2) Community outreach and education through one or more designated community
15 organizations regarding the programs created by this chapter.

16 (b) In creating the programs under subsection (a) of this section, the director shall consult
17 with the following:

18 (1) Tenants or representatives of tenants, and community groups representing low-income
19 or other at-risk members of the community;

20 (2) Legal and community-based organizations;

21 (3) Representatives of the judiciary;

22 (4) Representatives of a municipality operating or funding a program providing legal
23 representation, legal consultation, or community education and outreach or representatives of the
24 organizations involved in such programs; and

25 (5) Any other organizations or individuals as may be necessary as determined by the
26 director.

27 (c) The division shall post on its website information regarding the programs created under
28 this section including how individuals may find services available in their community.

29 (d) The division shall hold one or more hearings or listening sessions in each municipality
30 of the state on an annual basis to evaluate the programs created pursuant to this section and to
31 incorporate any necessary changes to such programs.

32 (e) The division is responsible for creating an informational pamphlet in both English and
33 other languages as required by law and regulation which describes the legal rights of tenants and
34 the right to legal representation established within this bill, and provides information on resources

1 [available to tenants.](#)

2 [\(f\) A sheriff or constable shall provide a copy of the pamphlet described under subsection](#)
3 [\(e\) of this section in addition to the process served on a tenant, an assignee, or a subtenant in all](#)
4 [covered proceedings.](#)

5 **34-18.3-7. Lease provisions.**

6 [Any lease or contract for rental of residential property shall provide notice of the tenant's](#)
7 [right to legal representation pursuant to this chapter. Lease provisions waiving the right to legal](#)
8 [representation or otherwise limiting the tenant's right to obtain legal representation shall be void](#)
9 [and unenforceable.](#)

10 **34-18.3-8. Severability.**

11 [If any clause, sentence, paragraph, section, or part of this chapter or its application to any](#)
12 [individual or circumstance, is, for any reason, adjudged by a court of competent jurisdiction to be](#)
13 [invalid, that judgment shall not affect, impair, or invalidate the remainder of this chapter or its](#)
14 [application to other individuals or circumstances; provided, however, that judgment shall be](#)
15 [confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the](#)
16 [controversy in which that judgment shall have been rendered.](#)

17 SECTION 3. Section 34-18-56 of the General Laws in Chapter 34-18 entitled "Residential
18 Landlord and Tenant Act" is hereby amended to read as follows:

19 **34-18-56. Notices and complaint forms.**

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

23 FIVE-DAY DEMAND NOTICE FOR NONPAYMENT OF RENT

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

25 Date of Mailing: _____

26 TO: _____

27 (tenant)

28 _____

29 _____

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

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

1 If you believe you have a legal reason for not paying this rent, you will be able to present
2 that defense at the eviction hearing. [You may be entitled to legal representation through a](#)
3 [designated legal organization. Contact the Rhode Island Department of Housing, Division of Civil](#)
4 [Representation.](#) The rent in arrears as of the above date is \$_____.

5 _____

6 (signature)

7 _____

8 _____

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

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

12 _____

13 (landlord or owner signature)

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

16 NOTICE OF NONCOMPLIANCE

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

18 Date of Mailing: _____

19 TO: _____

20 (tenant)

21 _____

22 _____

23 (address)

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

26 _____

27 _____

28 _____

29 (provide details)

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

32 _____

33 _____

34 _____

1 If you do not remedy this situation within twenty days, your rental agreement will terminate
2 without further notice on _____ (date, which must be not less than twenty-one days from the
3 date of mailing of this Notice). (NOTE: Under the law you lose this right to remedy your
4 noncompliance if this is the second notice on the same subject within the past six months.) After
5 that date an eviction case may begin in court, and you may be served with a complaint. You will
6 have the right to a hearing and to present any defenses you believe you have. [You may be entitled](#)
7 [to legal representation through a designated legal organization. Contact the Rhode Island](#)
8 [Department of Housing, Division of Civil Representation.](#)

9 _____

10 (signature)

11 _____

12 _____

13 (name and address of land-lord/owner)

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

16 _____

17 (landlord or owner signature)

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

20 NOTICE OF TERMINATION OF TENANCY

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

22 Date of Mailing: _____

23 TO: _____

24 (tenant)

25 _____

26 _____

27 (address)

28 You are hereby directed to vacate and remove your property and personal possessions from the
29 premises located at _____ and deliver control of the premises
30 to the

31 (address of premises)

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

34 (insert date)

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

4 If you fail to vacate the premises by the date specified, an eviction may be instituted against
5 you without further notice. If you believe you have a defense to this termination, you will be able
6 to raise that defense at the court hearing. [You may be entitled to legal representation through a
7 designated legal organization. Contact the Rhode Island Department of Housing, Division of Civil
8 Representation.](#)

9 _____

10 (signature)

11 _____

12 _____

13 (name and address of land-lord/owner)

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

16 _____

17 (landlord or owner signature)

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

20 State of Rhode Island

21 _____, Sc.

22 DISTRICT COURT
23 _____ DIVISION

24 PLAINTIFF

25 _____

26 (Landlord's Name)

DEFENDANT

(Tenant's Name)

27 V

28 _____

29 _____

30 _____

31 (address)

(address of rental premises)

32 COMPLAINT FOR EVICTION

33 FOR NONPAYMENT OF RENT

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

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

3 2. Defendant is more than fifteen days in arrears in rental payments due to the plaintiff from
4 the defendant. The rent is \$_____ per _____, and the amount in arrears is \$_____
5 as of the _____ day of _____, 20____.
6 (month)

7 3. Plaintiff has served the five-day demand notice as required by law, and a copy of that
8 notice is attached to this complaint. The notice was mailed to the defendant on the _____ day
9 of _____, 20____.

10 4. Defendant has not paid the rent in arrears or offered the full amount in arrears, either
11 before or after the demand notice. Defendant remains in possession of the rental premises.

12 WHEREFORE, Plaintiff requests that this Court grant a judgment for possession of the
13 premises (eviction of the tenant) and for back rent in the amount of \$_____, plus costs.

14 _____

15 (Name & address of landlord/owner

16 or attorney for landlord)

17 _____

18 Date complaint filed with clerk _____

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

23 STATE OF RHODE ISLAND

24 _____, Sc.

DISTRICT COURT

25 _____

_____ DIVISION

26 PLAINTIFF

DEFENDANT

27 _____

28 (Landlord's Name)

(Tenant's Name)

29 V

30 _____

31 _____

32 (address)

(address of rental premises)

33 COMPLAINT FOR EVICTION

34 FOR REASON OTHER THAN

1 NONPAYMENT OF RENT

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

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

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

6 2. CHECK ONE:

7 ____ Defendant breached the tenant's obligations under the rental agreement or § 34-18-
8 24 as set forth in the attached copy of the notice of noncompliance which was mailed to the
9 defendant. Defendant has not cured or remedied the breach. (Plaintiff must attach copy of required
10 notice of noncompliance.)

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

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

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

16 _____
17 for _____
18 _____
19 _____
20 _____

21 (explain basis for money claim)

22 Plaintiff seeks costs and fees (if applicable).

23 _____

24 (Signature of Landlord/Owner or
25 Attorney)

26 _____

27 Date complaint filed with clerk _____

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

31 NOT FOR EVICTION

32 State of Rhode Island

33 _____, Sc.

DISTRICT COURT

34 _____

_____ DIVISION

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PLAINTIFF

DEFENDANT

(Name)

(Name)

V

(address)

(address of rental premises)

LANDLORD-TENANT COMPLAINT

(NOT FOR USE IN EVICTIONS)

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

at. _____

(address of rental premises)

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

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

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

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

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 SUMMONS
EVICTION-NONPAYMENT OF RENT

1 DIVISION COUNTY CIVIL ACTION-FILE NO.

2 Address of Court:

3 _____
4 _____
5 _____

6 (name & address of plaintiff landlord) (name & address of defendant-tenant)

7 TO THE TENANT: You are served with an eviction complaint for nonpayment of rent. If
8 you do nothing, you will lose by default and be evicted. If you claim any defense, you must
9 complete the enclosed ANSWER and file it with the Court Clerk at or before the hearing date. You
10 should also mail a copy to the landlord or the landlord's lawyer. Your hearing will be at 9:30 A.M.
11 on the hearing date, at the court address listed above. You should go to the hearing or you may lose
12 by default. If you think the case is "settled," you should still go to the hearing to make sure the
13 settlement is in the court record. [You may be entitled to legal representation through a designated](#)
14 [legal organization. Contact the Rhode Island Department of Housing, Division of Civil](#)
15 [Representation.](#)

16 YOUR HEARING DATE IS: _____.

17 (Proof of Service on next page)

18 _____

19 PROOF OF SERVICE

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

22 _____ to the defendant personally; or
23 _____ at his or her dwelling unit or usual place of abode at the address listed
24 below with a person of suitable age then residing therein; or
25 _____ if none be found, by posting conspicuously on the door to the defendant's
26 dwelling unit.

27 ADDRESS OF DWELLING OR USUAL PLACE OF ABODE:

28 _____
29 _____

30 NAME OF PERSON OF SUITABLE AGE:

31

32

33 SERVICE DATE:

34 _____

1 DEPUTY SHERIFF/CONSTABLE:

2 _____
3 _____

4 CERTIFICATE OF SERVICE

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

8 _____
9 _____

10 (Signature of _____ Clerk)

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

14 State of Rhode Island

15 District Court

16 Summons

17 EVICTION FOR REASON OTHER THAN NONPAYMENT OF RENT

18 DIVISION COUNTY CIVIL ACTION-FILE NO.

19 Address of Court:
20 _____

21 V
22 _____

23 _____
24 (name & address of plaintiff landlord) (name & address of defendant- tenant)

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

2 (Proof of Service on next page)

3 _____
4 [PROOF OF SERVICE](#)

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

7 _____ to the defendant personally

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

10 _____ to an agent named below authorized by appointment or by law to receive service of
11 process

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

13 Address of dwelling or usual place of abode:

14 _____

15 Name of person of suitable age or of agent:

16 _____

17 Service Date: _____

18 Deputy Sheriff/Constable (circle one):

19 _____

20 (signature)

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

23 State of Rhode Island

24 District Court Summons

25 _____

26 DIVISION COUNTY

CIVIL ACTION-FILE NO.

27 _____

28 PLAINTIFF

PLAINTIFF'S ATTORNEY

29 _____

30 ADDRESS

31 _____ [vs](#)

32 DEFENDANT

33 _____

34 DEFENDANT'S ADDRESS

1 _____

2 TO THE ABOVE-NAMED DEFENDANT:

3 You are hereby summoned and required to serve upon the plaintiff's attorney, whose name
4 and address appears above, an answer to the complaint which is herewith served upon you. Your
5 answer must be made within 20 days after service of this summons, excluding the date of service.
6 The original must be filed in writing with this court. If you fail to do so, judgment by default will
7 be taken against you for the relief demanded in the complaint. [You may be entitled to legal
8 representation through a designated legal organization. Contact the Rhode Island Department of
9 Housing, Division of Civil Representation.](#)

10 _____

11 DATE

CLERK

12 _____

13 SEAL OF THE DISTRICT COURT

DATE RECEIVED

14 _____

15 PROOF OF SERVICE

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

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

26 _____

27 Address of Dwelling or Usual Place of Abode

28 _____

29 Name of Authorized Agent or Person of Suitable Age

30 _____

31 Date

Deputy Sheriff/Constable

32 _____

33 SERVICE FEE \$_____

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

1 State of Rhode Island

2 _____, Sc.

DISTRICT COURT

3 _____

_____ DIVISION

4 PLAINTIFF

DEFENDANT

5 _____

6 (Landlord's Name)

(Tenant's Name)

7 V

8 _____

9 _____

10 (address)

(address of rental premises)

11 INSTRUCTIONS TO THE DEFENDANT

12 Listed below are several possible defenses to the eviction action your landlord has filed
13 against you. If one or more of these defenses apply to your case, check the appropriate box(es). If
14 space is provided, write in facts in support of that defense. Use additional paper if necessary. Some
15 of these defenses are technical, and there may be others not listed here. You may consult a lawyer
16 and seek representation before filling out this Answer. [You may be entitled to legal representation
17 through a designated legal organization. Contact the Rhode Island Department of Housing, Division
18 of Civil Representation.](#)

19 [TENANT'S ANSWER](#)

20 The complaint against me is untrue or fails to state the following facts:

21 I offered rent, but my landlord refused it. I am still able and willing to pay the rent.

22 I have a defense for nonpayment because the landlord has failed to maintain the premises
23 in a fit and habitable condition.

24 My rent has not been paid, but I have a legally justifiable defense for not paying:

25 I have a written lease which does not expire until:

26 I have not received the required notice from the landlord before this complaint was served
27 on me.

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

30 I have other defenses as follow:

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

33 [COUNTERCLAIM](#)

34 Instructions: If you believe you are entitled to be awarded damages or money for any reason

1 from your landlord, you may fill out the statement below:

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

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

4 _____
5 _____

6 Name of Defendant (or attorney)

Signature of Defendant

7 _____

8 Address

9 _____

10 Telephone number

11 _____

12 SECTION 4. This act shall take effect upon passage.

=====
LC005806
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PROPERTY -- RESIDENTIAL TENANT'S RIGHT TO LEGAL
REPRESENTATION ACT

1 This act would create the division of civil representation within the department of housing
2 and require a designated legal organization to provide legal representation to all tenants who qualify
3 in eviction proceedings. The act would also provide that notice of a tenant's right to legal
4 representation be included in all residential landlord/tenant complaint forms and that any attempt
5 to waive that right in a lease would be void.

6 This act would take effect upon passage.

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LC005806
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