

RESOLUTION OF THE CITY COUNCIL

No. 350

EFFECTIVE ~~APPROVED~~ June 15, 1998

RESOLVED, That the Providence City Council hereby opposes
passage by the General Assembly of House Bill 98H-8279, entitled "An Act
Relating to Property-Condominium Ownership", in substantially the form attached.

IN CITY COUNCIL
JUN 4 1998
READ AND PASSED

Ernest V. Fargnoli
PRES.

Michael R. Clement
CLERK

A true copy,
Attest:

Michael R. Clement
Michael R. Clement,
City Clerk

THE COMMITTEE ON

State Legislation

Recommends

Barbara A. Goss

Clerk

5/19/98

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LC01755

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

98-H 8279

JANUARY SESSION, A.D. 1998

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM OWNERSHIP

98-H 8279

Introduced By: Reps. Menard, Crowley, McGowan,
Munsch and Montanaro

Date Introduced: February 3, 1998

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 34-36.1 of the General Laws entitled "Condominium Law" is
2 hereby amended by adding thereto the following section:

3 ARTICLE V

4 RELATIONSHIP WITH GOVERNMENTAL AGENCIES

5 34-36.1-5.01. Municipal services. -- (a) Except as provided for in subsection (c) of this
6 section, every municipality shall provide the following services to residential condominium
7 associations, whether owner occupied or rental, and regardless of the number of units in the
8 building, or buildings, comprising the condominium in the same fashion as the municipality
9 provides those services to single family residences:

10 (1) Collection of recyclable materials and garbage in receptacles provided by the
11 association if not customarily provided to property owners and/or residents by the municipality
12 or its agent.

13 (b) The association shall be required to waive liability of the municipality if requested to
14 do so, to enable municipal vehicles to operate on private roads and streets within the
15 condominium property.

16 (c) In lieu of providing some or all of the services set forth in subsection (a)(1), a
17 municipality shall reimburse the association in an amount equal to the costs incurred by the
18 association for providing those services, at the cost of the lowest bid of a minimum of three (3)

1 bids obtained by either the association or the municipality.

2 (1) Where a municipality elects to reimburse as here provided for, the municipality shall
3 reimburse quarterly upon submission to the municipality by the association of an accounting of
4 its costs incurred for those services for the preceding quarter.

5 **SECTION 2.** Section 34-36.1-1.02 of the General Laws in Chapter 34-36.1 entitled
6 "Condominium Law" is hereby amended to read as follows:

7 ARTICLE I

8 GENERAL PROVISIONS

9 **34-36.1-1.02. Applicability.** -- (a)(1) This chapter applies to all condominiums created
10 within this state after July 1, 1982, except that any condominium created within this state prior to
11 July 1, 1982, may voluntarily accept the provisions of this chapter in lieu of the provisions under
12 which it was originally organized. Such acceptance shall be evidenced by an agreement in
13 writing executed by and in behalf of the condominium association and by all of the owners of all
14 of the individual condominium units within the condominium, in which agreement it is clearly
15 stated that they all accept the provisions of this chapter in lieu of those in the statute under which
16 the condominium was organized and wish to be governed in the future by the provisions of this
17 chapter. Said agreement shall be recorded in the land evidence records of each and every town or
18 city where all or any part of the land in the condominium concerned may be located and shall
19 become effective when first so recorded. Any Such acceptance shall only apply to the
20 governance of the condominium concerned as to all matters which are prospective or executory
21 in nature; and nothing herein shall be deemed to abrogate, amend, limit, effect, or impair the
22 continued effectiveness, legality, or validity of all actions lawfully taken by or on behalf of the
23 condominium prior to the effective date of the acceptance, including, but without limitation, the
24 condominium declaration and all amendments thereto, the by-laws of the condominium and/or of
25 its association, all deeds, mortgages, leases and any further documents affecting the titles or
26 rights of unit owners, or of the condominium or the prior lawful acts or deeds of any kind, of the
27 condominium association, its officers, directors, or members.

28 (2) Sections 34-36.1-1.05 (separate titles and taxation), 34-36.1-1.06 (applicability of
29 local ordinances, regulations, and building codes), 34-36.1-1.07 (eminent domain), 34-36.1-2.03
30 (construction and validity of declaration and bylaws), 34-36.1-2.04 (description of units), 34-
31 36.1-3.02(a)(1) -- (6) and (11) -- (17) (powers of unit owners' association), 34-36.1-3.11 (tort and
32 contract liability), 34-36.1-3.16 (lien for assessments), 34-36.1-3.18 (association records), 34-

1 36.1-4.09 (resale of units), and 34-36.1-4.17 (effect of violation on rights of action; attorney's
2 fees), 34-36.1-3.20 (enforcement of declaration, bylaws and rules), and 34-36.1-1.03
3 (definitions), and 34-36.1-5.01 (relationship with governmental entities), to the extent necessary
4 in construing any of those sections, apply to all condominiums created in this state before July 1,
5 1982; but those sections apply only with respect to events and circumstances occurring after July
6 1, 1982 and do not invalidate existing provisions of the declaration, bylaws, plats, or plans of
7 those condominiums.

8 (3) A condominium created as an additional phase by amendment of a condominium
9 created prior to July 1, 1982, if the original declaration contemplated the amendment, shall be
10 deemed to be a condominium created prior to July 1, 1982; provided, however, the provisions of
11 subdivision (a)(2) shall apply as defined therein.

12 (4) Section 34-36.1-3.21 (foreclosure of condominium lien) applies, with respect to all
13 condominiums created in this state prior to June 19, 1991, only with respect to events and
14 circumstances occurring after June 18, 1991, does not invalidate existing provisions of the
15 declarations, bylaws, plats, or plans of those condominiums, and applies in all respects to all
16 condominiums created in this state after June 18, 1991.

17 (b) The provisions of the Condominium Ownership Act, chapter 36 of this title, do not
18 apply to condominiums created after July 1, 1982 and do not invalidate any amendment to the
19 declaration, bylaws, plats, and plans of any condominium created before July 1, 1982 if the
20 amendment would be permitted by this chapter. The amendment must be adopted in conformity
21 with the procedures and requirements specified by those instruments and by chapter 36 of this
22 title. If the amendment grants to any person any rights, powers, or privileges permitted by this
23 chapter, all correlative obligations, liabilities, and restrictions in this chapter also apply to that
24 person.

25 (c) This chapter does not apply to condominiums or units located outside this state, but
26 the public offering statement provisions (sections 34-36.1-4.02 -- 34-36.1-4.07) apply to all
27 contracts for the disposition thereof signed in this state by any party unless exempt under section
28 34-36.1-4.01(b).

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

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98-H 8279

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO PROPERTY -- CONDOMINIUM OWNERSHIP

1 This act would require municipalities to provide those services that provides to single
2 family residence to condominiums or in the alternative to reimburse condominiums the cost of
3 said services.

4 This act would take effect upon passage.

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