

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 146

EFFECTIVE ~~APPROVED~~ April 1, 2013


RESOVLED, That the Members of the Providence City Council
hereby Endorse and Urge Passage by the General Assembly of Senate Bill 0362
S – 5103, An Act Relating to Property – Residential Landlord and Tenant Act.

IN CITY COUNCIL

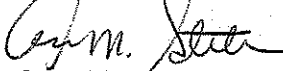
MAR 21 2013

READ AND PASSED


PRES.


CLERK

Effective without the
Mayor's Signature


Anna M. Stetson
City Clerk

2013 -- S 0362

LC01140

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT

Introduced By: Senators Pichardo, Jabour, Miller, and Crowley

Date Introduced: February 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-18-23 of the General Laws in Chapter 34-18 entitled
2 "Residential Landlord and Tenant Act" is hereby amended to read as follows:

3 **34-18-23. Limitation of liability upon sale or change of management.** -- (a) (1) A
4 landlord who conveys premises that include a dwelling unit subject to a rental agreement in a
5 good faith sale to a bona fide purchaser is relieved of liability under the rental agreement and this
6 chapter as to events occurring after written notice to the tenant of the conveyance. In no event
7 may the relief from liability predate the conveyance itself.

8 (2) Written notice, for purposes of this section, must include the name(s), address, and
9 telephone number of the person or persons purchasing the property and assuming liability. To be
10 effective, the written notice must also certify compliance with section 45-24.3-17 which prohibits
11 sale or lease of property until any outstanding housing code violations have been corrected or the
12 seller or lessor has provided to the buyer or lessee, as well as to the enforcing officer, all notices

1 an existing rental agreement, and the purchaser of property, or any successor in interest to a
2 mortgagor, takes title subject to the same rights and responsibilities toward the tenant which the
3 seller or mortgagor had.

4 SECTION 2. Chapter 34-18 of the General Laws entitled "Residential Landlord and
5 Tenant Act" is hereby amended by adding thereto the following section:

6 **34-18-38.2. Eviction of tenants at sufferance in foreclosed properties only for just**
7 **cause. – (a) Unless otherwise specified in this section, the terms defined in subsection (a) of**
8 **section 34-18-38.1 shall have the same meaning for purposes of this section.**

9 (b) As used in this section, the following words shall, unless the context clearly requires
10 otherwise, have the following meanings:

11 (1) "Just cause" means one of the following:

12 (i) The tenant at sufferance has failed to pay the reasonable rent, as long as the
13 foreclosing owner notified the tenant in writing of the amount of rent that was to be paid and to
14 whom it was to be paid;

15 (ii) The tenant at sufferance has materially violated an express or legally required
16 obligation or covenant of the tenancy;

17 (iii) The tenant at sufferance is committing a nuisance in the unit; is permitting a nuisance
18 to exist in the unit; is causing substantial damage to the unit or is creating a substantial
19 interference with the quiet enjoyment of other occupants;

20 (iv) The tenant is using or permitting the unit to be used for any illegal purpose;

21 (v) The tenant at sufferance has refused after written request or demand by the
22 foreclosing owner, to execute a written rental agreement at a reasonable rent and on such other
23 terms that are not inconsistent with this chapter;

24 (vi) The tenant at sufferance has refused the foreclosing owner reasonable access to the
25 unit for the purpose of making necessary repairs or improvements required by the laws of the
26 United States, the state of Rhode Island, or any subdivision thereof, or for the purpose of
27 inspection as permitted or required by agreement or by law or for the purpose of showing the unit

1 without removing the tenant at sufferance; or (C) Seeks to correct an illegal occupancy because
2 the premises has been cited by a state or local minimum housing code enforcement agency or
3 zoning officials and it is unfeasible to correct such illegal occupancy without removing the tenant
4 at sufferance; and, provided further, that nothing in this section shall limit the rights of a third-
5 party owner to evict a tenant at sufferance upon purchasing the unit from a foreclosing owner by
6 following the procedures for terminating a month to month tenancy set forth in section 34-18-37.

7 (2) "Reasonable rent" means the lesser of:

8 (i) The fair market value as established by the United States department of housing and
9 urban development pursuant to 42 U.S.C. (c) section 1437(o) as it exists or may be amended, for
10 a unit of comparable size in the area in which the housing accommodation is located; or

11 (ii) Any other amount agreed as rent between the tenant at sufferance and the foreclosing
12 mortgagee.

13 (3) "Tenant at sufferance" means any former owner-occupant of property who becomes a
14 tenant at sufferance as a result of foreclosure.

15 (c) Notwithstanding any law to the contrary, a foreclosing owner shall not evict a tenant
16 at sufferance except for just cause or unless a binding purchase and sale agreement has been
17 executed for a bona fide third party to purchase the housing accommodation from a foreclosing
18 owner and the foreclosing owner has disclosed to the third-party purchaser that said purchaser
19 may be responsible for evicting the current occupants of the housing accommodation after the
20 sale occurs.

21 (d) Within thirty (30) days of the foreclosure, the foreclosing owner shall deliver to the
22 tenant at sufferance a written notice stating the names, addresses, telephone numbers and
23 telephone contact information of the foreclosing owner, the building manager or other
24 representative of the foreclosing owner responsible for the management of such building and
25 entering into a written rental agreement at a reasonable rent and on such other terms permitted by
26 this section, stating the amount of reasonable rent to be paid and the address to which rental
27 payments shall be sent. This requirement shall be satisfied if the foreclosing owner or someone

1 (1) A foreclosing owner shall not evict a tenant at sufferance for the following actions
2 that constitute just cause until thirty (30) days after the notice required by subsection (d) of this
3 section is posted and delivered:

4 (i) The tenant at sufferance has failed to pay the reasonable rent, as long as the
5 foreclosing owner notified the tenant at sufferance in writing of the amount of reasonable rent
6 that was to be paid and to whom it was to be paid;

7 (ii) The tenant at sufferance has materially violated an express or legally required
8 obligation or covenant of the tenancy;

9 (iii) The tenancy at sufferance has refused, after written request or demand by the
10 foreclosing owner, to execute a written rental agreement at a reasonable rent and on such terms
11 that are not inconsistent with this section; and

12 (iv) The foreclosing owner: (A) Seeks to permanently board up or demolish the premises
13 because the premises has been cited by a state or local minimum housing code enforcement
14 agency for substantial violations affecting the health and safety of tenants and it is economically
15 unfeasible for the foreclosing owner to eliminate the violations; or (B) Seeks to comply with a
16 state or local minimum housing code enforcement agency that has cited the premises for
17 substantial violations affecting the health and safety of tenants and it is unfeasible to so comply
18 without removing the tenant at sufferance; or (C) Seeks to correct an illegal occupancy because
19 the premises has been cited by a state or local minimum housing code enforcement agency or
20 zoning officials and it is unfeasible to correct such illegal occupancy without removing the tenant
21 at sufferance.

22 (2) A foreclosing owner shall not evict a tenant at sufferance for the following actions
23 that constitute just cause until the notice required by subsection (d) is posted and delivered:

24 (i) The tenant at sufferance is committing a nuisance in the unit; is permitting a nuisance
25 to exist in the unit; is causing substantial damage to the unit or is creating a substantial
26 interference with the quiet enjoyment of other occupants;

27 (ii) The tenant at sufferance is using or permitting the unit to be used for any illegal

1 subsection (e) of this section:

2 (1) For evictions brought pursuant to paragraph (e)(1)(i), the foreclosing owner shall
3 follow section 34-18-35;

4 (2) For evictions brought pursuant to paragraph (e)(1)(ii) or subdivision (e)(2), the
5 foreclosing owner shall follow section 34-18-36; and

6 (3) For evictions brought pursuant to paragraphs (e)(1)(iii) or (e)(1)(iv) or for evictions
7 brought where a binding purchase and sale agreement has been executed for a bona fide third
8 party to purchase the housing accommodation from a foreclosing owner, the foreclosing owner
9 shall follow the procedures for terminating a month to month tenancy set forth in section 34-18-
10 37.

11 SECTION 3. Section 34-18.1-1 of the General Laws in Chapter 34-18.1 entitled
12 "Commercial Leasing and Other Estates" is hereby amended to read as follows:

13 **34-18.1-1. Purpose. --** This chapter shall apply to all commercial properties and other
14 estates, excluding residential properties governed by the Residential Landlord and Tenant Act,
15 chapter 18 of this title.

16 This chapter shall apply to all commercial properties and other estates, excluding
17 residential properties governed by the Residential Landlord and Tenant Act, chapter 18 of this
18 title.

19 This chapter shall not apply to the continued occupancy of property by any former owner
20 occupant of property who becomes a tenant at sufferance as a result of a foreclosure of any
21 mortgage on the property by sale of the property pursuant to a power of sale in a mortgage, as
22 described in section 34-11-22; said continued occupancy to be governed by chapter 18 of this
23 title.

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

=====
LC01140
=====