

Navigating Challenges for Residential and Commercial Landlords in Rhode Island

Services

Real Estate Law

- Landlord/Tenant Law

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Being a landlord, whether for residential or commercial properties, can be rewarding—but it also comes with challenges. Lease violations, nonpayment of rent, property damage, and the need to initiate evictions are common issues that landlords face. Addressing these matters quickly and legally is crucial to protecting your investment and ensuring your property is managed effectively.

Common Issues for Landlords

1. Lease Violations

Lease agreements establish the terms of tenancy, but tenants don't always comply. Common violations include:

- Subleasing without permission
- Unauthorized pets or occupants
- Engaging in illegal activities

Promptly addressing lease violations helps maintain the integrity of the rental property and minimizes disputes with other tenants.

2. Nonpayment of Rent

Failure to pay rent is one of the most frequent issues landlords encounter. Rhode Island law requires landlords to follow specific procedures to address nonpayment, including providing proper notice before initiating an eviction.

3. Property Damage

Excessive damage to a rental unit beyond normal wear and tear can be costly. While a security deposit may help cover some costs, landlords may need to pursue additional damages if the repair costs exceed the deposit.

4. Delayed Evictions

Delaying action when a tenant violates their lease or fails to pay rent can lead to greater financial losses and more significant property damage. Initiating the eviction process promptly when necessary is essential to mitigating these risks.

Types of Required Notices to Pursue Termination of a Tenant

Termination of a tenancy requires special legal notices that vary depending on the situation. The

legal notice informs the tenant they must either resolve the issue (e.g., pay overdue rent) or vacate the property. It is the first step in the eviction process and must meet specific requirements under Rhode Island law to be valid.

- **Nonpayment of Rent:** A *5-Day Rent Demand for Non-Payment of Rent* notice is required. It can only be issued **15 days after rent is overdue** and gives the tenant a chance to pay before eviction proceedings begin.
- **Lease Violations or Termination of Tenancy:** A *20-Day Notice of Termination of Tenancy for Non-Compliance* is typically required, depending on the lease terms and the violation. If it's the **first notice in six months**, the tenant has the right to cure the issue. If it's the **second notice in six months**, they do **not** have that right.
- **Tenancy at Will (no lease or expired lease):** A *30-Day Notice of Termination of Tenancy for Non-Payment* is typically required.
- **Subsidized Tenancy:** A *30-Day Notice of Termination of Tenancy* is required for all federally subsidized tenancies (e.g., Section 8).

If the tenant does not comply, the landlord can proceed with filing for eviction in court.

The Eviction Process in Rhode Island

Eviction proceedings vary by situation but generally involve the following steps:

1. Serving the Notice

The landlord must properly serve the tenant with the legal notice, giving them an opportunity to resolve the issue or vacate.

2. Filing a Complaint

If the tenant fails to comply, the landlord files a complaint with the district court to begin formal eviction proceedings.

3. Court Hearing

Both parties appear in court to present evidence. The landlord should bring:

- The lease agreement
- Proof of notice to quit
- Evidence of unpaid rent, property damage, or lease violations

4. Judgment and Execution

If the court rules in favor of the landlord, it issues a **Judgment for Possession** and may award **monetary damages**. To enforce this, the landlord must obtain a **Writ of Execution** authorizing law enforcement to remove the tenant.

Pursuing Monetary Damages

Landlords can seek compensation for:

- Unpaid rent
- Repair costs beyond the security deposit

- Legal fees (if allowed by lease or law)

Proper documentation is essential for recovering these damages successfully.

The Benefits of Legal Counsel

Rhode Island's eviction process involves strict procedural requirements. Working with experienced legal counsel ensures you remain in compliance and avoid costly missteps.

How Cohen Cleary, P.C. Can Help:

- Drafting and properly serving legal notices
- Filing and managing eviction complaints
- Representing landlords at hearings
- Pursuing monetary damages
- Advising on leases and prevention strategies

Our attorneys have extensive experience representing residential and commercial landlords and helping them stay compliant with Rhode Island landlord-tenant law.

Contact Cohen Cleary, P.C. for a Complimentary Case Consultation

If you're dealing with tenant issues such as lease violations, nonpayment of rent, or property damage, Cohen Cleary, P.C. is here to help. Our experienced attorneys provide personalized legal guidance to resolve disputes and navigate the eviction process efficiently.

Call us today at [\(508\) 880-6677](tel:5088806677) to schedule a [complimentary case consultation](#).

Let us help you protect your property and achieve the best possible outcome.