

**RHODE ISLAND GOVERNMENT REGISTER ADVANCE NOTICE OF  
PROPOSED RULEMAKING**

Office of the Attorney General

**Title of Rule:** Guidelines to Prevent Retaliatory Evictions

**Rule Identifier:** 110 R.I. Code R. 30-00-4.1

**Rulemaking Action:** Advance Notice of Proposed Rulemaking

**Important Dates:**

Date of Public Notice: October 29, 2021

End of Public Comment: December 13, 2021

**Authority for this Rulemaking:** R.I. Gen. Laws § 23-24.6-23(c)(4)

**Summary of Rulemaking Action:**

Chapter 24 of Title 23 of the Rhode Island General Laws, enacted in 1991, established a comprehensive program to reduce exposure to lead and prevent childhood lead poisoning. Pursuant to this program, the Attorney General has created and maintained an Office of Lead Advocate to ensure statewide compliance.

Section 23-24.6-23(c)(4) of the Rhode Island General Laws tasks the Attorney General with promulgating rules and regulations to prevent retaliatory actions by property owners against tenants on the basis of complaints or notices of violations related to lead hazards or poisoning. Specifically, the law directs the Attorney General:

To establish guidelines to prevent retaliatory actions by property owners against tenants on the basis of complaints or notices of violations arising from this chapter and chapter 128.1 of title 42, or based on the presence of a pregnant woman or child under age six (6) who in any manner seeks to enforce their right to housing in which lead hazards have been corrected in accordance with this chapter or chapter 128.1 of title 42. These guidelines shall define retaliatory actions, including, but not limited to, arbitrary termination of tenancy or other form of constructive eviction, arbitrary refusal to renew a lease, or arbitrary and unreasonable increase in rent or decrease in services to which the tenant is entitled, for all tenants, whether or not they have leases or are tenants at will. It shall be unlawful to take retaliatory actions against tenants arising from enforcement of the provisions of this chapter or chapter 128.1 of title 42; this prohibition

against retaliatory actions applies whether or not the tenant has a lease. Damages and remedies for retaliatory actions under this paragraph shall be as provided for in chapter 18 of title 34.

The Office of the Attorney General last promulgated regulations pursuant to this authority in 2004. These regulations were codified at 110 R.I. Code R. 30-00-4.1. Accordingly, the Attorney General is issuing this Advance Notice of Proposed Rulemaking to gather relevant information and input from the public, in advance of the promulgation of a proposed amended rule.

**Additional Information and Comments:**

All interested parties are invited to submit written comments concerning this rulemaking until December 13, 2021, by email or mail to the appropriate parties at the address listed below:

Rhode Island Office of the Attorney General  
Office of Lead Advocate  
180 South Main Street  
Providence, Rhode Island 02903  
civilrights@riag.ri.gov