

=====
LC006037
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- MAINTENANCE OF PRIVATE EASEMENTS AND RIGHTS-
OF-WAY

Introduced By: Representatives Shallcross Smith, McGaw, and Chippendale

Date Introduced: May 03, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-9.1-2 of the General Laws in Chapter 34-9.1 entitled
2 "Maintenance of Private Easements and Rights-Of-Way" is hereby amended to read as follows:

3 **34-9.1-2. Maintenance of private easement and rights-of-way.**

4 (a) In the absence of an enforceable, written agreement to the contrary, the owner of any
5 residential real property that benefits from an easement or right-of-way, the purpose of which is to
6 provide access to the residential real property, shall be responsible for the cost of maintaining the
7 easement or right-of-way in good repair and the cost of repairing or restoring any damaged portion
8 of the easement or right-of-way. The maintenance shall include, but not be limited to, the removal
9 of snow from the easement or right-of-way.

10 (b) In the absence of an enforceable, written agreement, the cost of maintaining and
11 repairing or restoring the easement or right-of-way shall be shared by each owner of a benefited
12 property in proportion to the benefit received by each property; ~~provided, that the market value or~~
13 ~~assessed valuation of each such property shall not be taken into consideration in the calculation of~~
14 ~~benefit received,~~ and based on the city or town real estate appraisal of each such real property.

15 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, any owner of
16 a benefited property or any owner of a burdened property who directly or indirectly damages any
17 portion of the easement or right-of way shall be solely responsible for repairing or restoring the
18 portion damaged by that owner, inclusive of any and all vehicles that are working for or with the

1 [property owners or renters of such property.](#)

2 (d) If any owner of a benefited or burdened property refuses to repair or restore a damaged
3 portion of an easement or right-of-way in accordance with this section, or fails, after a demand in
4 writing, to pay the owner's proportion of the cost of maintaining or repairing or restoring the
5 easement or right-of-way in accordance with subsection (b), an action for specific performance or
6 contribution may be brought in the superior court against the owner by other owners of benefited
7 or burdened properties, either jointly or severally.

8 (e) In the event of any conflict between the provisions of this section and an agreement
9 described in subsections (a) or (b) of this section, the terms of the agreement shall control.

10 SECTION 2. This act shall take effect upon passage.

=====
LC006037
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- MAINTENANCE OF PRIVATE EASEMENTS AND RIGHTS-
OF-WAY

1 This act would provide that in the absence of a written agreement pertaining to the costs of
2 maintaining and repairing an easement or right-of-way, the real estate appraisal from the city or
3 town shall be taken into consideration when determining each property owner's share of costs to
4 maintain and/or repair. This act would further provide that any owner or renter of property who
5 directly or indirectly damages any portion of the easement or right-of-way shall be responsible for
6 any costs associated with repairing the damage caused by any vehicle working for or with that
7 owner or renter.

8 This act would take effect upon passage.

=====
LC006037
=====