

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC.

SUPERIOR COURT

ADMINISTRATIVE ORDER NO. 2011-12

RE: R.I.G.L. § 34-18-52, PAYMENT OF RENT DURING PENDENCY OF APPEAL

An issue has arisen as to when a tenant is first obligated to make the payment required under § 34-18-52 in cases where the tenant previously had been obligated under the terms of the rental agreement to pay rent on a particular day of the month.

In light of the finality of any decision entering judgment under § 34-18-53, it is important for the Court to decide the issue with uniformity.

Accordingly, whenever payments are required under § 34-18-52, a tenant first becomes obligated to make such payments on the day of the month when he/she would next have been obligated to pay rent but for the eviction proceeding. For example, if the tenant previously was obligated to pay rent on the first of the month and an appeal becomes pending after the first of a month, the tenant would not be required to make a payment under § 34-18-52 until the first of the next month following the date when the appeal became pending.

No judgment should enter under § 34-18-53 unless and until a tenant fails to pay an amount equal to rent on the day of the month when rent would have been due if no eviction action were pending.

BY ORDER OF,

ALICE BRIDGET GIBNEY
PRESIDING JUSTICE

DATED: JULY 29, 2011