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LC00761

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Senators Metts, Crowley, Jabour, Perry, and Doyle

Date Introduced: February 09, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing
2 Practices Act" is hereby amended by adding thereto the following sections:

3 **34-37-2.5. Right to equal housing opportunities -- Government assistance recipient**
4 **status.** – Whenever in this chapter there shall appear the words “marital status” there shall be
5 inserted immediately thereafter the words “government assistance recipient status.”

6 **34-37-2.6. Discrimination based on government assistance recipient status --**
7 **Exemption.** – Nothing in this title shall prohibit an owner of a housing accommodation from
8 refusing to rent to a person based on his or her government assistance recipient status if the
9 housing accommodation is three (3) units or less, one of which is occupied by the owner.

10 SECTION 2. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4, 34-37-4.3, 34-37-5.2, 34-37-
11 5.3 and 34-37-5.4 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing
12 Practices Act" are hereby amended to read as follows:

13 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and
14 Providence Plantations, hereinafter referred to as the state, many people are denied equal
15 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
16 because of discriminatory housing practices based upon race, color, religion, sex, sexual
17 orientation, gender identity or expression, marital status, government assistance recipient status,
18 country of ancestral origin, disability, age, familial status, or on the basis that a tenant or
19 applicant, or a member of the household, is or has been, or is threatened with being, the victim of

1 domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from
2 any court in the form of a restraining order for protection from domestic abuse. These practices
3 tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under
4 depressed living conditions in crowded, unsanitary, substandard, and unhealthful
5 accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile
6 delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public
7 safety, general welfare and good order of the entire state; and impose substantial burdens on the
8 public revenues for the abatement and relief of conditions so created. These discriminatory and
9 segregative housing practices are inimical to and subvert the basic principles upon which the
10 colony of Rhode Island and Providence Plantations was founded and upon which the state and the
11 United States were later established. Discrimination and segregation in housing tend to result in
12 segregation in our public schools and other public facilities, which is contrary to the policy of the
13 state and the constitution of the United States. Further, discrimination and segregation in housing
14 adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In
15 order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals
16 to equal opportunity in obtaining housing accommodations free of discrimination.

17 (b) It is hereby declared to be the policy of the state to assure to all individuals regardless
18 of race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
19 [government assistance recipient status](#), country of ancestral origin, or disability, age, familial
20 status, or those tenants or applicants, or members of a household, who are, or have been, or are
21 threatened with being, the victims of domestic abuse, or those tenants or applicants who have
22 obtained, or sought, or are seeking, relief from any court in the form of a restraining order for
23 protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful
24 accommodations anywhere within the state in order that the peace, health, safety, and general
25 welfare of all the inhabitants of the state may be protected and insured.

26 (c) The practice of discrimination in rental housing based on the potential or actual
27 tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of
28 the household, is or has been or is threatened with being, the victim of domestic abuse, or that the
29 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
30 restraining order for protection from domestic abuse is declared to be against public policy.

31 (d) This chapter shall be deemed an exercise of the police power of the state for the
32 protection of the public welfare, prosperity, health, and peace of the people of the state.

33 (e) Nothing in this section shall prevent a landlord from proceeding with eviction action
34 against a tenant who fails to comply with section 34-18-24(7).

1 **34-37-2. Right to equal housing opportunities -- Civil rights.** -- The right of all
2 individuals in the state to equal housing opportunities and regardless of race, color, religion, sex,
3 sexual orientation, gender identity or expression, marital status, [government assistance recipient](#)
4 [status](#), country of ancestral origin, disability, age, familial status, or regardless of the fact that a
5 tenant or applicant, or a member of the household, is or has been, or is threatened with being, the
6 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking,
7 relief from any court in the form of a restraining order for protection from domestic abuse, is
8 hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a
9 landlord from proceeding with eviction action against a tenant who fails to comply with section
10 34-18-24(7).

11 **34-37-3. Definitions.** -- When used in this chapter:

12 (1) "Age" means anyone over the age of eighteen (18).

13 (2) "Commission" means the Rhode Island commission for human rights created by
14 section 28-5-8.

15 (3) "Discriminate" includes segregate, separate, or otherwise differentiate between or
16 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
17 expression, marital status, [government assistance recipient status](#), country of ancestral origin,
18 disability, age, or familial status or because of the race, color, religion, sex, sexual orientation,
19 gender identity or expression, marital status, [government assistance recipient status](#), country of
20 ancestral origin, disability, age or familial status of any person with whom they are or may wish
21 to be associated.

22 (4) (i) "Familial status" means one or more individuals who have not attained the age of
23 eighteen (18) years being domiciled with:

24 (A) A parent or another person having legal custody of the individual or individuals; or

25 (B) The designee of the parent or other person having the custody, with the written
26 permission of the parent or other person provided that if the individual is not a relative or legal
27 dependent of the designee, that the individual shall have been domiciled with the designee for at
28 least six (6) months.

29 (ii) The protections afforded against discrimination on the basis of familial status shall
30 apply to any person who is pregnant or is in the process of securing legal custody of any
31 individual who has not attained the age of eighteen (18) years.

32 (5) "Disability" means a disability as defined in section 42-87-1. Provided further that
33 the term "disability" does not include current, illegal use of or addiction to a controlled substance,
34 as defined in 21 U.S.C. section 802.

1 (6) The terms, as used regarding persons with disabilities, “auxiliary aids and services,”
2 “reasonable accommodation,” and “reasonable modifications” have the same meaning as those
3 terms are defined in section 42-87-1.1.

4 (7) "Housing accommodation" includes any building or structure or portion of any
5 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is
6 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
7 residence of one or more persons.

8 (8) [Deleted by P.L. 1997, ch. 150, section 8.]

9 ~~(9)(40)~~ "Otherwise qualified" includes any person with a disability who with respect to
10 the rental of property, personally or with assistance arranged by the person with a disability, is
11 capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

12 ~~(10)(41)~~ "Owner" includes any person having the right to sell, rent, lease, or manage a
13 housing accommodation.

14 ~~(11)(42)~~ "Person" includes one or more individuals, partnerships, associations,
15 organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts,
16 receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate
17 salespersons as defined in chapter 20.5 of title 5.

18 ~~(12)(45)~~ "Senior citizen" means a person sixty-two (62) years of age or older.

19 ~~(13)(46)~~ The term "sexual orientation" means having or being perceived as having an
20 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
21 describe the status of persons and does not render lawful any conduct prohibited by the criminal
22 laws of this state nor impose any duty on a religious organization. This definition does not confer
23 legislative approval of said status, but is intended to assure the basic human rights of persons to
24 hold and convey property and to give and obtain credit, regardless of such status.

25 ~~(14)(47)~~ The term "gender identity or expression" includes a person's actual or perceived
26 gender, as well as a person's gender identity, gender-related self image, gender-related
27 appearance, or gender-related expression; whether or not that gender identity, gender-related self
28 image, gender-related appearance, or gender-related expression is different from that traditionally
29 associated with the person's sex at birth.

30 ~~(15)(48)~~ The term "domestic abuse" for the purposes of this chapter shall have the same
31 meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set
32 forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with
33 minor children.

34 ~~(16)(49)~~ The term "victim" means a family or household member and all other persons

1 contained within the definition of those terms as defined in section 12-29-2.

2 (17) The term “government assistance recipient status” means being the recipient of
3 federal, state or local public assistance, including medical assistance, or the recipient of federal,
4 state or local housing subsidies, including section 8, and other rental assistance or rental
5 supplements, or who is subject to the requirements of any public assistance, rental assistance or
6 housing subsidy program.

7 **34-37-4. Unlawful housing practices.** -- (a) No owner having the right to sell, rent,
8 lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any
9 of these shall, directly or indirectly, make or cause to be made any written or oral inquiry
10 concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital
11 status, government assistance recipient status, country of ancestral origin or disability, age,
12 familial status nor make any written or oral inquiry concerning whether a tenant or applicant, or a
13 member of the household, is or has been, or is threatened with being, the victim of domestic
14 abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any
15 court in the form of a restraining order for protection from domestic abuse, of any prospective
16 purchaser, occupant, or tenant of the housing accommodation; or shall, directly or indirectly,
17 refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing
18 accommodation because of the race, color, religion, sex, sexual orientation, gender identity or
19 expression, marital status, government assistance recipient status, country of ancestral origin,
20 disability, age, or familial status of the individual or the race, color, religion, sex, sexual
21 orientation, gender identity or expression, marital status, government assistance recipient status,
22 country of ancestral origin or disability, age, or familial status of any person with whom the
23 individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a
24 member of the household, is or has been, or is threatened with being, the victim of domestic
25 abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court
26 in the form of a restraining order for protection from domestic abuse. Nor shall an owner having
27 the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-
28 3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the
29 sale, rental, or lease of the housing accommodation which indicates any preference, limitation,
30 specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender
31 identity or expression, marital status, government assistance recipient status, country of ancestral
32 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
33 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
34 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a

1 restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate
2 against any individual because of his or her race, color, religion, sex, sexual orientation, gender
3 identity or expression, marital status, [government assistance recipient status](#), country of ancestral
4 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
5 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
6 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
7 restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the
8 sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in
9 connection with it. Nothing in this subsection shall be construed to prohibit any oral or written
10 inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

11 (b) No person to whom application is made for a loan or other form of financial
12 assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
13 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be
14 made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
15 gender identity or expression, marital status, [government assistance recipient status](#), country of
16 ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether
17 a tenant or applicant, or a member of the household, is or has been, or is threatened with being,
18 the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is
19 seeking, relief from any court in the form of a restraining order for protection from domestic
20 abuse, of any individual seeking the financial assistance, or of existing or prospective occupants
21 or tenants of the housing accommodation; nor shall any person to whom the application is made
22 in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges
23 relating to the obtaining or use of any financial assistance against any applicant because of the
24 race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
25 [government assistance recipient status](#), country of ancestral origin, disability, age, familial status,
26 or on the basis that a tenant or applicant, or a member of the household, is or has been, or is
27 threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained,
28 or sought, or is seeking, relief from any court in the form of a restraining order for protection
29 from domestic abuse, of the applicant or of the existing or prospective occupants or tenants.
30 Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether
31 the applicant is over the age of eighteen (18).

32 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit
33 the exercise of the privilege of every person and the agent of any person having the right to sell,
34 rent, lease, or manage a housing accommodation to establish standards and preferences and set

1 terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or
2 in the furnishing of facilities or services in connection therewith which do not discriminate on the
3 basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital
4 status, [government assistance recipient status](#), country of ancestral origin, disability, age, familial
5 status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or
6 is threatened with being, the victim of domestic abuse, or that the tenant or applicant has
7 obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
8 protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof
9 or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital
10 status, [government assistance recipient status](#), country of ancestral origin, disability, age, or
11 familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is
12 or may wish to be associated. Nothing contained in this section shall be construed in any manner
13 to prohibit or limit the exercise of the privilege of every person and the agent of any person
14 making loans for or offering financial assistance in the acquisition, construction, rehabilitation,
15 repair, or maintenance of housing accommodations to set standards and preferences, terms,
16 conditions, limitations, or specifications for the granting of loans or financial assistance which do
17 not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or
18 expression, marital status, [government assistance recipient status](#), country of ancestral origin,
19 disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
20 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
21 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
22 restraining order for protection from domestic abuse, of the applicant for the loan or financial
23 assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing
24 accommodation.

25 (d) An owner may not refuse to allow a person with a disability to make, at his or her
26 expense, reasonable modifications of existing premises occupied or to be occupied by the person
27 if the modifications may be necessary to afford the person full enjoyment of the premises, except
28 that, in the case of a rental, the owner may where it is reasonable to do so condition permission
29 for a modification on the renter agreeing to restore the interior of the premises to the condition
30 that existed before the modification, reasonable wear and tear excepted. Where it is necessary in
31 order to ensure with reasonable certainty that funds will be available to pay for the restorations at
32 the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision
33 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a
34 reasonable amount of money not to exceed the cost of the restorations. The interest in the account

1 shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from section
2 34-18-19(a) but will be subject to section 34-18-19(b) -- (f).

3 (e) (1) An owner may not refuse to make reasonable accommodations in rules, policies,
4 practices, or services, when those accommodations may be necessary to afford an occupant with a
5 disability equal opportunity to use and enjoy a dwelling.

6 (2) Every person with a disability who has a guide dog or other personal assistive
7 animal, or who obtains a guide dog or other personal assistive animal, shall be entitled to full and
8 equal access to all housing accommodations provided for in this section, and shall not be required
9 to pay extra compensation for the guide dog or other personal assistive animal, but shall be liable
10 for any damage done to the premises by a guide dog or other personal assistive animal. For the
11 purposes of this subsection a "personal assistive animal" is an animal specifically trained by a
12 certified animal training program to assist a person with a disability to perform independent living
13 tasks.

14 (f) Any housing accommodation of four (4) units or more constructed for first occupancy
15 after March 13, 1991 shall be designed and constructed in such a manner that:

16 (1) The public use and common use portions of the dwellings are readily accessible to
17 and usable by persons with disabilities;

18 (2) All the doors designed to allow passage into and within all premises within the
19 dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

20 (3) All premises within the dwellings contain the following features of adaptive design:

21 (i) Accessible route into and through the dwelling;

22 (ii) Light switches, electrical outlets, thermostats, and other environmental controls in
23 accessible locations;

24 (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

25 (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
26 about the space. To the extent that any state or local building codes, statutes or ordinances are
27 inconsistent with this section, they are hereby repealed. The state building code standards
28 committee is hereby directed to adopt rules and regulations consistent with this section as soon as
29 possible, but no later than September 30, 1990.

30 (g) Compliance with the appropriate requirements of the State Building Code 14
31 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the
32 requirements of subsection (f).

33 (h) As used in subsection (f), the term "housing accommodation of four (4) units or
34 more" means:

1 (1) Buildings consisting of four (4) or more units if those buildings have one or more
2 elevators; and

3 (2) Ground floor units in other buildings consisting of four (4) or more units;

4 (i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation
5 which requires a greater degree of accessibility to persons with disabilities.

6 (j) Nothing in this section requires that a dwelling be made available to an individual
7 whose tenancy would constitute a direct threat to the health or safety of other individuals or
8 whose tenancy would result in substantial physical damage to the property of others.

9 (k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee,
10 sublessee, or assignee from advertising or selecting a person of the same or opposite gender to
11 rent, lease, or share the housing unit which the owner, lessee, sublessee, or assignee will occupy
12 with the person selected.

13 (l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by
14 this section to be an unlawful housing practice, or obstruct or prevent any person from complying
15 with the provisions of this chapter or any order issued thereunder, or attempt directly or indirectly
16 to commit any act declared by this section to be an unlawful housing practice.

17 (m) No owner, person defined in section 34-37-3(12), person to whom application is
18 made for a loan or other form of financial assistance for the acquisition, construction,
19 rehabilitation, repair, or maintenance of any housing accommodation, whether secured or
20 unsecured, no financial organization governed by the provisions of title 19 or any other credit
21 granting commercial institution, or respondent under this chapter or any agent of these shall
22 discriminate in any manner against any individual because he or she has opposed any practice
23 forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any
24 manner in any investigation, proceeding, or hearing under this chapter.

25 (n) Nothing in this section shall prevent a landlord from proceeding with eviction action
26 against a tenant who fails to comply with section 34-18-24(7)(n).

27 **34-37-4.3. Discrimination in granting credit or loans prohibited.** -- No financial
28 organization governed by the provisions of title 19 or any other credit granting commercial
29 institution may discriminate in the granting or extension of any form of loan or credit, or the
30 privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex,
31 marital status, [government assistance recipient status](#), race or color, religion or country of
32 ancestral origin, disability or age or familial status, sexual orientation, or gender identity or
33 expression, and the form of loan and credit shall not be limited to those concerned with housing
34 accommodations, and the commission shall prevent any violation hereof in the same manner as it

1 is to prevent unlawful housing practices under the provisions of this chapter.

2 **34-37-5.2. Discrimination in brokerage services.** -- It shall be unlawful to deny any
3 person who meets licensing and other non-discriminatory requirements which are also applied to
4 other applicants and members access to or membership or participation in any real estate listing
5 service, real estate brokers' organization, or other service, organization, or facility relating to the
6 business of selling, leasing, or renting a housing accommodation, or to discriminate against him
7 or her in the terms or conditions of the access, membership, or participation, on account of race,
8 color, religion, sex, sexual orientation, gender identity or expression, marital status, [government](#)
9 [assistance recipient status](#), country of ancestral origin, disability, age, or familial status.

10 **34-37-5.3. Fostering of segregated housing prohibited.** -- It shall be an unlawful
11 discriminatory housing practice to for profit induce or attempt to induce any person to sell or rent
12 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
13 a person or persons of a particular race, color, religion, marital status, [government assistance](#)
14 [recipient status](#), country of ancestral origin, sex, sexual orientation, gender identity or expression,
15 age, disability, or familial status.

16 **34-37-5.4. Discrimination in residential real estate related transactions.** -- (a) It shall
17 be unlawful for any person or other entity whose business includes engaging in residential real
18 estate related transactions to discriminate against any person in making available a transaction, or
19 in the terms and conditions of the transaction, because of race, color, religion, marital status,
20 [government assistance recipient status](#), country of ancestral origin, sex, sexual orientation, gender
21 identity or expression, age, disability, or familial status.

22 (b) As used in this section, the term "residential real estate related transaction" means
23 any of the following:

24 (1) The making or purchasing of loans or providing other financial assistance:

25 (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

26 (ii) Secured by residential real estate.

27 (2) The selling, brokering, or appraising of residential real property.

28 (c) Nothing in this chapter prohibits a person engaged in the business of furnishing
29 appraisals of real property to take into consideration factors other than race, color, religion,
30 marital status, country of ancestral origin, sex, sexual orientation, gender identity or expression,
31 age, disability, or familial status.

32 SECTION 3. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

1 This act would prohibit discrimination in housing against those persons who are
2 recipients of government assistance.

3 This act would take effect upon passage.

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LC00761
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