

2021 -- H 5257 AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Williams, Knight, Morales, Biah, Giraldo, Speakman, Henries, Potter, Barros, and Batista

Date Introduced: January 29, 2021

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

4 **34-37-1. Finding and declaration of policy.**

5 (a) In the State of Rhode Island ~~and Providence Plantations~~, hereinafter referred to as the
6 state, many people are denied equal opportunity in obtaining housing accommodations and are
7 forced to live in circumscribed areas because of discriminatory housing practices based upon race,
8 color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source
9 of income, military status as a veteran with an honorable discharge or an honorable or general
10 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability,
11 age, familial status, or on the basis that a tenant or applicant or a member of the household is, or
12 has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant
13 has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
14 protection from domestic abuse. These practices tend unjustly to condemn large groups of
15 inhabitants to dwell in segregated districts or under depressed living conditions in crowded,
16 unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup
17 tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger
18 the public health; jeopardize the public safety, general welfare, and good order of the entire state;
19 and impose substantial burdens on the public revenues for the abatement and relief of conditions

1 so created. These discriminatory and segregative housing practices are inimical to and subvert the
2 basic principles upon which the colony of Rhode Island ~~and Providence Plantations~~ was founded
3 and upon which the state and the United States were later established. Discrimination and
4 segregation in housing tend to result in segregation in our public schools and other public facilities,
5 which is contrary to the policy of the state and the constitution of the United States. Further,
6 discrimination and segregation in housing adversely affect urban renewal programs and the growth,
7 progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary
8 to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations
9 free of discrimination.

10 (b) It is hereby declared to be the policy of the state to assure to all individuals regardless
11 of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful
12 source of income, military status as a veteran with an honorable discharge or an honorable or
13 general administrative discharge, servicemember in the armed forces, country of ancestral origin,
14 or disability, age, familial status, housing status, or those tenants or applicants or members of a
15 household who are, or have been, or are threatened with being the victims of domestic abuse, or
16 those tenants or applicants who have obtained, or sought, or are seeking relief from any court in
17 the form of a restraining order for protection from domestic abuse, equal opportunity to live in
18 decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the
19 peace, health, safety, and general welfare of all the inhabitants of the state may be protected and
20 ensured.

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

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

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

31 **34-37-2. Right to equal housing opportunities -- Civil rights.**

32 The right of all individuals in the state to equal housing opportunities regardless of race,
33 color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source
34 of income, military status as a veteran with an honorable discharge or an honorable or general

1 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability,
2 age, familial status, or regardless of the fact that a tenant or applicant or a member of the household
3 is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or
4 applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining
5 order for protection from domestic abuse, is hereby recognized as, and declared to be, a civil right.
6 Nothing in this section shall prevent a landlord from proceeding with eviction action against a
7 tenant who fails to comply with § 34-18-24(7).

8 **34-37-3. Definitions.**

9 When used in this chapter:

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

11 (2) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard, Merchant
12 Marines, or Air Force of the United States and the Rhode Island National Guard.

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

15 (4) "Disability" means a disability as defined in § 42-87-1.

16 Provided, further, that the term "disability" does not include current, illegal use of, or
17 addiction to, a controlled substance, as defined in 21 U.S.C. § 802.

18 (5) "Discriminate" includes segregate, separate, or otherwise differentiate between or
19 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
20 expression, marital status, lawful source of income, military status as a veteran with an honorable
21 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
22 country of ancestral origin, disability, age, housing status, or familial status or because of the race,
23 color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source
24 of income, military status as a veteran with an honorable discharge or an honorable or general
25 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability,
26 age, housing status, or familial status of any person with whom they are, or may wish to be,
27 associated.

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

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

33 (A) A parent or another person having legal custody of the individual or individuals; or
34 (B) The designee of the parent or other person having the custody, with the written

1 permission of the parent or other person, provided that, if the individual is not a relative or legal
2 dependent of the designee, that the individual shall have been domiciled with the designee for at
3 least six (6) months.

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

7 (8) The terms, as used regarding persons with disabilities, "auxiliary aids and services",
8 "reasonable accommodation", and "reasonable modifications" have the same meaning as those
9 terms are defined in § 42-87-1.1.

10 (9) The term "gender identity or expression" includes a person's actual or perceived gender,
11 as well as a person's gender identity, gender-related self image, gender-related appearance, or
12 gender-related expression; whether or not that gender identity, gender-related self image, gender-
13 related appearance, or gender-related expression is different from that traditionally associated with
14 the person's sex at birth.

15 (10) "Housing accommodation" includes any building or structure, or portion of any
16 building or structure, or any parcel of land, developed or undeveloped, that is occupied or is
17 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
18 residence of one or more persons.

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

22 (12) "Owner" includes any person having the right to sell, rent, lease, or manage a housing
23 accommodation.

24 (13) "Person" includes one or more individuals, partnerships, associations, organizations,
25 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal
26 representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as
27 defined in chapter 20.5 of title 5.

28 (14) "Senior citizen" means a person sixty-two (62) years of age or older.

29 (15) The term "sexual orientation" means having, or being perceived as having, an
30 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
31 describe the status of persons and does not render lawful any conduct prohibited by the criminal
32 laws of this state nor impose any duty on a religious organization. This definition does not confer
33 legislative approval of said status, but is intended to ensure the basic human rights of persons to
34 hold and convey property and to give and obtain credit, regardless of such status.

(16) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in § 12-29-2.

(17) The term "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

6 (18) The term "lawful source of income" means and includes any income, benefit, or
7 subsidy derived from child support; alimony; Social Security; Supplemental Security Income; any
8 other federal, state, or local public assistance program, including, but not limited to, medical or
9 veterans assistance; any federal, state, or local rental assistance or housing subsidy program,
10 including Section 8 Housing Choice Vouchers as authorized by 42 U.S.C. § 1437; and any
11 requirement associated with such public assistance, rental assistance, or housing subsidy program.

34-37-4. Unlawful housing practices.

(a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, shall, directly or indirectly, make, or cause to be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source of income, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the

1 form of a restraining order for protection from domestic abuse. Nor shall an owner having the right
2 to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of
3 any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of
4 the housing accommodation that indicates any preference, limitation, specification, or
5 discrimination based upon race, color, religion, sex, sexual orientation, gender identity or
6 expression, marital status, lawful source of income, military status as a veteran with an honorable
7 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
8 country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant
9 or a member of the household is, or has been, or is threatened with being the victim of domestic
10 abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in
11 the form of a restraining order for protection from domestic abuse, or shall, directly or indirectly,
12 discriminate against any individual because of his or her race, color, religion, sex, sexual
13 orientation, gender identity or expression, marital status, lawful source of income, military status
14 as a veteran with an honorable discharge or an honorable or general administrative discharge,
15 servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or
16 on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened
17 with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or
18 is seeking relief from any court in the form of a restraining order for protection from domestic
19 abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing
20 accommodation or in the furnishing of facilities or services in connection with it. ~~Nothing in this~~
21 ~~subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective~~
22 ~~purchaser or tenant is over the age of eighteen (18).~~

23 Nothing in this section shall be construed to prohibit any oral or written inquiry as to
24 whether the prospective purchaser or tenant is eighteen (18) years of age or older, or to confirm the
25 source, amount and expected duration of the lawful source of income of the prospective purchaser
26 or tenant to determine whether the prospective purchaser or tenant meets the nondiscriminatory
27 standards and preferences or terms, conditions, limitations or specifications permitted under
28 subsection (c) of this section.

29 (b) No person to whom application is made for a loan or other form of financial assistance
30 for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
31 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be made
32 any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender
33 identity or expression, marital status, military status as a veteran with an honorable discharge or an
34 honorable or general administrative discharge, servicemember in the armed forces, country of

1 ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether
2 a tenant or applicant or a member of the household is, or has been, or is threatened with being the
3 victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking
4 relief from any court in the form of a restraining order for protection from domestic abuse, of any
5 individual seeking the financial assistance, or of existing or prospective occupants or tenants of the
6 housing accommodation; nor shall any person to whom the application is made in the manner
7 provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the
8 obtaining or use of any financial assistance against any applicant because of the race, color, religion,
9 sex, sexual orientation, gender identity or expression, marital status, military status as a veteran
10 with an honorable discharge or an honorable or general administrative discharge, servicemember
11 in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that
12 a tenant or applicant or a member of the household is, or has been, or is threatened with being the
13 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief
14 from any court in the form of a restraining order for protection from domestic abuse, of the applicant
15 or of the existing or prospective occupants or tenants. Nothing in this subsection shall be construed
16 to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

17 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit
18 the exercise of the privilege of every person and the agent of any person having the right to sell,
19 rent, lease, or manage a housing accommodation to establish standards and preferences and set
20 terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or
21 in the furnishing of facilities or services in connection therewith that do not discriminate on the
22 basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital
23 status, lawful source of income, military status as a veteran with an honorable discharge or an
24 honorable or general administrative discharge, servicemember in the armed forces, country of
25 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member
26 of the household is, or has been, or is threatened with being the victim of domestic abuse, or that
27 the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a
28 restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant,
29 or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or
30 expression, marital status, lawful source of income, military status as a veteran with an honorable
31 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
32 country of ancestral origin, disability, age, or familial status of any person with whom the
33 prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing
34 contained in this section shall be construed in any manner to prohibit or limit the exercise of the

1 privilege of every person and the agent of any person making loans for, or offering financial
2 assistance in, the acquisition, construction, rehabilitation, repair, or maintenance of housing
3 accommodations to set standards and preferences, terms, conditions, limitations, or specifications
4 for the granting of loans or financial assistance that do not discriminate on the basis of the race,
5 color, religion, sex, sexual orientation, gender identity or expression, marital status, military status
6 as a veteran with an honorable discharge or an honorable or general administrative discharge,
7 servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or
8 on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened
9 with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or
10 is seeking relief from any court in the form of a restraining order for protection from domestic
11 abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner,
12 lessee, tenant, or occupant of the housing accommodation. If a landlord requires that a prospective
13 or current tenant have a certain minimum level of income, the standard for assessing eligibility
14 shall be based only on the portion of the rent to be paid by the tenant, taking into account the value
15 of any federal, state, or local rental assistance or housing subsidy.

16 (d) An owner may not refuse to allow a person with a disability to make, at his or her
17 expense, reasonable modifications of existing premises occupied or to be occupied by the person if
18 the modifications may be necessary to afford the person full enjoyment of the premises, except that,
19 in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a
20 modification on the renter agreeing to restore the interior of the premises to the condition that
21 existed before the modification, reasonable wear and tear excepted. Where it is necessary in order
22 to ensure with reasonable certainty that funds will be available to pay for the restorations at the end
23 of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring
24 that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable
25 amount of money not to exceed the cost of the restorations. The interest in the account shall accrue
26 to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will
27 be subject to § 34-18-19(b) – through (f) inclusive.

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

31 (2) Every person with a disability who has a guide dog or other personal assistive animal,
32 or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal
33 access to all housing accommodations provided for in this section and shall not be required to pay
34 extra compensation for the guide dog or other personal assistive animal but shall be liable for any

1 damage done to the premises by a guide dog or other personal assistive animal. For the purposes
2 of this subsection, a "personal assistive animal" is an animal specifically trained by a certified
3 animal training program to assist a person with a disability to perform independent living tasks.

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

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

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

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

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

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

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

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

20 (g) Compliance with the appropriate requirements of the state building code 14
21 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the
22 requirements of subsection (f).

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

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

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

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

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

33 (k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee,
34 sublessee, or assignee from advertising or selecting a person of the same or opposite gender to rent,

1 lease, or share the housing unit that the owner, lessee, sublessee, or assignee will occupy with the
2 person selected.

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

7 (m) No owner; person defined in § 34-37-3(13); person to whom application is made for a
8 loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or
9 maintenance of any housing accommodation, whether secured or unsecured; no financial
10 organization governed by the provisions of title 19 or any other credit-granting commercial
11 institution; or respondent under this chapter; or any agent of these shall discriminate in any manner
12 against any individual because he or she has opposed any practice forbidden by this chapter, or
13 because he or she has made a charge, testified, or assisted in any manner in any investigation,
14 proceeding, or hearing under this chapter.

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

17 **34-37-5.3. Fostering of segregated housing prohibited.**

18 It shall be an unlawful discriminatory housing practice to for profit induce, or attempt to
19 induce, any person to sell or rent any dwelling by representations regarding the entry or prospective
20 entry into the neighborhood of a person or persons of a particular race, color, religion, marital
21 status, lawful source of income, military status as a veteran with an honorable discharge or an
22 honorable or general administrative discharge, servicemember in the armed forces, country of
23 ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial
24 status.

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

27 **34-37-4.6. Discrimination based on lawful source of income - Exemption.**

28 Nothing in this chapter shall prohibit an owner of a housing accommodation from refusing
29 to rent to a person based on their lawful source of income if the housing accommodation is three
30 (3) units or less, one of which is occupied by the owner.

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

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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 have a lawful
- 2 source of income.
- 3 This act would take effect upon passage.

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