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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PROPERTY -- FAIR HOUSING PRACTICES

Introduced By: Representatives Williams, Shekarchi, Vella-Wilkinson, and Barros

Date Introduced: January 17, 2019

Referred To: House Judiciary

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

1 relief of conditions so created. These discriminatory and segregative housing practices are
2 inimical to and subvert the basic principles upon which the colony of Rhode Island and
3 Providence Plantations was founded and upon which the state and the United States were later
4 established. Discrimination and segregation in housing tend to result in segregation in our public
5 schools and other public facilities, which is contrary to the policy of the state and the constitution
6 of the United States. Further, discrimination and segregation in housing adversely affect urban
7 renewal programs and the growth, progress, and prosperity of the state. In order to aid in the
8 correction of these evils, it is necessary to safeguard the right of all individuals to equal
9 opportunity in obtaining housing accommodations 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,
12 [lawful source of income](#), military status as a veteran with an honorable discharge or an honorable
13 or general administrative discharge, servicemember in the armed forces, country of ancestral
14 origin, or disability, age, familial status, housing status, or those tenants or applicants or members
15 of a household who are, or have been, or are threatened with being the victims of domestic abuse,
16 or those tenants or applicants who have obtained, or sought, or are seeking relief from any court
17 in 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,
2 disability, age, familial status, or regardless of the fact that a tenant or applicant or a member of
3 the household is, or has been, or is threatened with being the victim of domestic abuse, or that the
4 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
5 restraining order for protection from domestic abuse, is hereby recognized as, and declared to be,
6 a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action
7 against a 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
22 forces, country of ancestral origin, disability, age, housing status, or familial status or because of
23 the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
24 [lawful source of income](#), military status as a veteran with an honorable discharge or an honorable
25 or general administrative discharge, servicemember in the armed forces, country of ancestral
26 origin, disability, age, housing status, or familial status of any person with whom they are, or may
27 wish to be, associated.

28 (6) The term "domestic abuse" for the purposes of this chapter shall have the same
29 meaning as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in §
30 12-29-2, 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
6 individual 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
11 gender, as well as a person's gender identity, gender-related self image, gender-related
12 appearance, or gender-related expression; whether or not that gender identity, gender-related self
13 image, gender-related appearance, or gender-related expression is different from that traditionally
14 associated with 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
21 capable 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
23 housing accommodation.

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

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

3 (17) The term "housing status" means the status of having or not having a fixed or regular
4 residence, including the status of living on the streets or in a homeless shelter or similar
5 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.

12 **34-37-4. Unlawful housing practices.**

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

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

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

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

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

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

1 whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated.
2 Nothing contained in this section shall be construed in any manner to prohibit or limit the
3 exercise of the privilege of every person and the agent of any person making loans for, or offering
4 financial assistance in, the acquisition, construction, rehabilitation, repair, or maintenance of
5 housing accommodations to set standards and preferences, terms, conditions, limitations, or
6 specifications for the granting of loans or financial assistance that do not discriminate on the basis
7 of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
8 military status as a veteran with an honorable discharge or an honorable or general administrative
9 discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial
10 status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is
11 threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or
12 sought, or is seeking relief from any court in the form of a restraining order for protection from
13 domestic abuse, of the applicant for the loan or financial assistance or of any existing or
14 prospective owner, lessee, tenant, or occupant of the housing accommodation. If a landlord
15 requires that a prospective or current tenant have a certain minimum level of income, the standard
16 for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant,
17 taking into account the value of any federal, state, or local rental assistance or housing subsidy.

18 (d) An owner may not refuse to allow a person with a disability to make, at his or her
19 expense, reasonable modifications of existing premises occupied or to be occupied by the person
20 if the modifications may be necessary to afford the person full enjoyment of the premises, except
21 that, in the case of a rental, the owner may, where it is reasonable to do so, condition permission
22 for a modification on the renter agreeing to restore the interior of the premises to the condition
23 that existed before the modification, reasonable wear and tear excepted. Where it is necessary in
24 order to ensure with reasonable certainty that funds will be available to pay for the restorations at
25 the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision
26 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a
27 reasonable amount of money not to exceed the cost of the restorations. The interest in the account
28 shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-
29 19(a) but will be subject to § 34-18-19(b) ~~— through~~ (f) inclusive.

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

33 (2) Every person with a disability who has a guide dog or other personal assistive animal,
34 or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal

1 access to all housing accommodations provided for in this section and shall not be required to pay
2 extra compensation for the guide dog or other personal assistive animal but shall be liable for any
3 damage done to the premises by a guide dog or other personal assistive animal. For the purposes
4 of this subsection, a "personal assistive animal" is an animal specifically trained by a certified
5 animal training program to assist a person with a disability to perform independent living tasks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **34-37-5.3. Fostering of segregated housing prohibited.**

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

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

29 **34-37-4.6. Discrimination based on lawful source of income - Exemption.**

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

33 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 -- FAIR HOUSING PRACTICES

1 This act would prohibit discrimination in housing against those persons who have a
2 lawful source of income.

3 This act would take effect upon passage.

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