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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Serpa, Corvese, Caldwell, Ackerman, Potter, Azzinaro,
and Read

Date Introduced: February 13, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-37-4 of the General Laws in Chapter 34-37 entitled "Rhode Island
2 Fair Housing Practices Act" is hereby amended to read as follows:

3 **34-37-4. Unlawful housing practices.**

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

1 or expression, marital status, lawful source of income, military status as a veteran with an honorable
2 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
3 country of ancestral origin or disability, age, or familial status of any person with whom the
4 individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a
5 member of the household, is or has been, or is threatened with being, the victim of domestic abuse,
6 or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the
7 form of a restraining order for protection from domestic abuse. Nor shall an owner having the right
8 to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3, or an agent of any
9 of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the
10 housing accommodation that indicates any preference, limitation, specification, or discrimination
11 based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital
12 status, lawful source of income, military status as a veteran with an honorable discharge or an
13 honorable or general administrative discharge, servicemember in the armed forces, country of
14 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member
15 of the household is, or has been, or is threatened with being the victim of domestic abuse, or that
16 the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a
17 restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate
18 against any individual because of his or her race, color, religion, sex, sexual orientation, gender
19 identity or expression, marital status, lawful source of income, military status as a veteran with an
20 honorable discharge or an honorable or general administrative discharge, servicemember in the
21 armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant
22 or applicant or a member of the household is, or has been, or is threatened with being the victim of
23 domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any
24 court in the form of a restraining order for protection from domestic abuse, in the terms, conditions,
25 or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of
26 facilities or services in connection with it. Nor shall an owner having the right to sell, rent, lease,
27 or manage a housing accommodation as defined in § 34-37-3, or an agent of any of these, directly
28 or indirectly, misrepresent the availability of a housing accommodation or delay the processing of
29 applications relating to the sale, rental, or lease of the housing accommodation based upon an
30 individual's race, color, religion, sex, sexual orientation, gender identity or expression, marital
31 status, lawful source of income, military status as a veteran with an honorable discharge or an
32 honorable or general administrative discharge, servicemember in the armed forces, country of
33 ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member
34 of the household is, or has been, or is threatened with being the victim of domestic abuse, or that

1 the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a
2 restraining order for protection from domestic abuse.

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

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

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

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

30 (d) An owner may not refuse to allow a person with a disability to make, at his or her
31 expense, reasonable modifications of existing premises occupied or to be occupied by the person if
32 the modifications may be necessary to afford the person full enjoyment of the premises, except that,
33 in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a
34 modification on the renter agreeing to restore the interior of the premises to the condition that

1 existed before the modification, reasonable wear and tear excepted. Where it is necessary in order
2 to ensure with reasonable certainty that funds will be available to pay for the restorations at the end
3 of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring
4 that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable
5 amount of money not to exceed the cost of the restorations. The interest in the account shall accrue
6 to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will
7 be subject to § 34-18-19(b) through (f) inclusive.

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

11 (2) Every person with a disability who has a ~~guide dog or other personal assistive~~ service
12 animal, or who obtains a ~~guide dog or other personal assistive~~ service animal, shall be entitled to
13 full and equal access to all housing accommodations provided for in this section and shall not be
14 required to pay extra compensation for the ~~guide dog or other personal assistive~~ service animal but
15 shall be liable for any damage done to the premises by a ~~guide dog or other personal assistive~~
16 service animal. For the purposes of this subsection, a “~~personal assistive~~ service animal” is a dog
17 that has been individually trained to do work or perform tasks for an individual with a disability.
18 These task(s) performed by the dog must be directly related to the person’s disability ~~an animal~~
19 ~~specifically trained by a certified animal training program to assist a person with a disability to~~
20 ~~perform independent living tasks.~~

21 (3)(i) A tenant with a disability or disability-related need for an emotional support animal
22 may request and be approved by a landlord to keep an emotional support animal as a reasonable
23 accommodation in housing. For the purpose of this section, “emotional support animal” means a
24 dog or cat that provides emotional, cognitive, or other similar support to an individual with a
25 disability, and does not need to be trained or certified. Any animal not a dog or cat, shall not be
26 considered an emotional support animal for the purpose of this section.

27 (ii) Unless otherwise prohibited by federal law, rule, or regulation, a landlord may deny a
28 reasonable accommodation request for an emotional support animal if the animal poses a direct
29 threat to the safety or health of others or poses a direct threat of physical damage to the property
30 that cannot be reduced or eliminated by another reasonable accommodation, or if allowing the
31 animal to be kept on premises would result in the cancelation of the property insurance or a
32 substantial increase of the insurance premiums.

33 (iii) If a tenant’s disability-related need for an emotional support animal is not readily
34 apparent, the landlord may request supporting documentation that reasonably supports the tenant’s

1 need for the particular emotional support animal. Supporting documentation may consist of
2 documentation from a healthcare practitioner who has personal knowledge of the tenant's disability
3 and is acting within the scope of the practitioner's practice, and identifies the particular assistance
4 or therapeutic value provided by the requested animal.

5 (iv) Subject to the provisions of subsection (e)(3)(ii) of this section no landlord shall
6 prohibit the keeping of an emotional support animal on the rented premises if:

7 (A) The documentation supporting the tenant's need for the emotional support animal
8 comes from a Rhode Island licensed healthcare practitioner; and

9 (B) The healthcare practitioner has a physical office located within the State of Rhode
10 Island; and

11 (C) The healthcare practitioner has provided a clinical evaluation of the individual
12 regarding the need for the emotional support animal; and

13 (D) The healthcare practitioner has established a patient-practitioner relationship for at
14 least thirty (30) days prior to providing the documentation requested regarding the individuals need
15 for an emotional support animal; and

16 (E) The healthcare practitioner has made a written affirmation of the supporting
17 documentation in this subsection under the pains and penalties of perjury.

18 (v) A tenant with a disability-related need for an emotional support animal is liable for any
19 damage done to the premises or to another person on the premises by the tenant's emotional support
20 animal.

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

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

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

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

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

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

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

32 (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
33 about the space. To the extent that any state or local building codes, statutes, or ordinances are
34 inconsistent with this section, they are hereby repealed. The state building code standards

1 committee is hereby directed to adopt rules and regulations consistent with this section as soon as
2 possible, but no later than September 30, 1990.

3 (g) Compliance with the appropriate requirements of the state building code 14
4 “accessibility for individuals with disabilities for residential use groups” suffices to satisfy the
5 requirements of subsection (f) [of this section](#).

6 (h) As used in subsection (f) [of this section](#), the term “housing accommodation of four (4)
7 units or more” means:

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

10 (2) Ground floor units in other buildings consisting of four (4) or more units.

11 (i) Nothing in subsection (f) [of this section](#) shall be construed to limit any law, statute, or
12 regulation that requires a greater degree of accessibility to persons with disabilities.

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

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

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

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

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

1 SECTION 2. 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 allow a tenant with a disability that needs an emotional support animal to
2 request and be approved by a landlord to keep that emotional support animal as a reasonable
3 accommodation in housing. The landlord would have the option to request supportive information
4 to support the tenant's need for the emotional support animal.

5 This act would take effect upon passage.

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