

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

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A N A C T

RELATING TO FAIR HOUSING PRACTICES ACT

Introduced By: Senators Sosnowski, Roney, Roberts, and Izzo

Date Introduced: January 29, 2002

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 section:

3 **34-37-2.4. Right to equal housing opportunities -- Victims of domestic violence**
4 **status. -- It shall be unlawful and against public policy to discriminate against a tenant or**
5 **applicant for housing solely on the basis that said tenant or applicant is a victim of domestic**
6 **violence.**

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

10 **34-37-1. Finding and declaration of policy. --** (a) In the State of Rhode Island and
11 Providence Plantations, hereinafter referred to as the state, many people are denied equal
12 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
13 because of discriminatory housing practices based upon race, color, religion, sex, sexual
14 orientation, gender identity or expression, marital status, country of ancestral origin, disability,
15 age, ~~or~~ familial status, or on the basis that a tenant or applicant, or a member of the household, is
16 or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or
17 applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining
18 order for protection from domestic abuse. These practices tend unjustly to condemn large groups
19 of inhabitants to dwell in segregated districts or under depressed living conditions in crowded,

1 unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup
2 tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard;
3 endanger the public health; jeopardize the public safety, general welfare and good order of the
4 entire state; and impose substantial burdens on the public revenues for the abatement and relief of
5 conditions so created. These discriminatory and segregative housing practices are inimical to and
6 subvert the basic principles upon which the colony of Rhode Island and Providence Plantations
7 was founded and upon which the state and the United States were later established.
8 Discrimination and segregation in housing tend to result in segregation in our public schools and
9 other public facilities, which is contrary to the policy of the state and the constitution of the
10 United States. Further, discrimination and segregation in housing adversely affect urban renewal
11 programs and the growth, progress, and prosperity of the state. In order to aid in the correction of
12 these evils, it is necessary to safeguard the right of all individuals to equal opportunity in
13 obtaining housing accommodations free of discrimination.

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

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

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

30 (e) Nothing in this section shall prevent a landlord from proceeding with eviction action
31 against a tenant who fails or refuses to take reasonable steps to prevent disturbances of other
32 residents or neighbors as set forth in section 34-18-24(7).

33 **34-37-2. Right to equal housing opportunities -- Civil rights.** -- The right of all
34 individuals in the state to equal housing opportunities and regardless of race, color, religion, sex,

1 sexual orientation, gender identity or expression, marital status, country of ancestral origin,
2 disability, age, ~~or~~ familial status, or regardless of the fact that a tenant or applicant, or a member
3 of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that
4 the 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 or refuses to take reasonable steps to prevent disturbances of other
8 residents or neighbors as set forth in section 34-18-24(7).

9 **34-37-3. Definitions.** – When used in this chapter:

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

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

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

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

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

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

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

29 (5) (i) "Disability" means any person who:

30 (A) Has a physical or mental impairment which substantially limits one (1) or more
31 major life activities,

32 (B) Has a record of such an impairment, or

33 (C) Is regarded as having such an impairment, and

34 (D) Is otherwise qualified;

1 (ii) Provided, however, that whether a person has a disability shall be determined without
2 regard to the availability or use of mitigating measures, such as reasonable accommodations,
3 prosthetic devices, medications or auxiliary aids;

4 (iii) Provided further that the term "disability" does not include current, illegal use of or
5 addiction to a controlled substance, as defined in 21 U.S.C. section 802.

6 (6) "Has a record of an impairment" means has a history of, or has been misclassified as
7 having, a mental or physical impairment that substantially limits one or more major life activities.

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

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

13 (9) "Major life activities" means functions such as caring for one's self, performing
14 manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

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

18 (11) "Owner" includes any person having the right to sell, rent, lease, or manage a
19 housing accommodation.

20 (12) "Person" includes one or more individuals, partnerships, associations, organizations,
21 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers,
22 legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons
23 as defined in chapter 20.5 of title 5.

24 (13) "Physical or mental impairment" means any physiological disorder or condition,
25 cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body
26 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech
27 organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and
28 endocrine; or any mental or psychological disorder, such as mental retardation, organic brain
29 syndrome, emotional or mental illness, and specific learning disabilities.

30 (14) "Regarded as having an impairment" means having a physical or mental impairment
31 that does not substantially limit major life activities but that is treated as constituting a limitation;
32 has a physical or mental impairment that substantially limits major life activities only as a result
33 of the attitudes of those toward the impairment; or has none of the impairments but is treated as
34 having an impairment.

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

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

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

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

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

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

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

21 (b) No person to whom application is made for a loan or other form of financial
22 assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
23 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be
24 made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
25 gender identity or expression, marital status, country of ancestral origin, disability, age, ~~or~~
26 familial status, or any written or oral inquiry into whether a tenant or applicant, or a member of
27 the household, is or has been, or is threatened with being, the victim of domestic abuse, or
28 whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the
29 form of a restraining order for protection from domestic abuse, of any individual seeking the
30 financial assistance, or of existing or prospective occupants or tenants of the housing
31 accommodation; nor shall any person to whom the application is made in the manner provided,
32 directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining
33 or use of any financial assistance against any applicant because of the race, color, religion, sex,
34 sexual orientation, gender identity or expression, marital status, country of ancestral origin,

1 disability, age, ~~or~~ familial status, or on the basis that a tenant or applicant, or a member of the
2 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
3 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
4 restraining order for protection from domestic abuse, of the applicant or of the existing or
5 prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any
6 written or oral inquiry as to whether the applicant is over the age of eighteen (18).

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

32 (d) An owner may not refuse to allow a person with a disability to make, at his or her
33 expense, reasonable modifications of existing premises occupied or to be occupied by the person
34 if the modifications may be necessary to afford the person full enjoyment of the premises, except

1 that, in the case of a rental, the owner may where it is reasonable to do so condition permission
2 for a modification on the renter agreeing to restore the interior of the premises to the condition
3 that existed before the modification, reasonable wear and tear excepted. Where it is necessary in
4 order to ensure with reasonable certainty that funds will be available to pay for the restorations at
5 the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision
6 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a
7 reasonable amount of money not to exceed the cost of the restorations. The interest in the account
8 shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from section
9 34-18-19(a) but will be subject to section 34-18-19(b) -- (f).

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

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

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
24 and 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).

6 (h) As used in subsection (f), the term "housing accommodation of four (4) units or
7 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) shall be construed to limit any law, statute, or regulation
12 which 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
14 whose tenancy would constitute a direct threat to the health or safety of other individuals or
15 whose tenancy 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
18 rent, lease, or share the housing unit which the owner, lessee, sublessee, or assignee will occupy
19 with the person selected.

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

24 (m) No owner, person defined in section 34-37-3(12), person to whom application is
25 made for a loan or other form of financial assistance for the acquisition, construction,
26 rehabilitation, repair, or maintenance of any housing accommodation, whether secured or
27 unsecured, no financial organization governed by the provisions of title 19 or any other credit
28 granting commercial institution, or respondent under this chapter or any agent of these shall
29 discriminate in any manner against any individual because he or she has opposed any practice
30 forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any
31 manner in any investigation, 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 or refuses to take reasonable steps to prevent disturbances of other
34 residents or neighbors as set forth in section 34-18-24(7).

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

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LC01338/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FAIR HOUSING PRACTICES ACT

1 This act would prohibit a landlord from terminating a lease or discriminating against a
2 tenant or tenant applicant if the tenant or tenant applicant is a victim of domestic violence, but
3 would allow a landlord to evict any household member who is committing domestic abuse.

4 This act would take effect upon passage.

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LC01338/SUB A/2
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