

2012 -- S 2052 SUBSTITUTE A

LC00059/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

A N A C T

RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Senators Tassoni, Lynch, Jabour, Doyle, and DeVall

Date Introduced: January 11, 2012

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 37.1

4 HOMELESS BILL OF RIGHTS

5 **34-37.1-1. Short title.** – This chapter shall be known and may be cited as the “Homeless
6 Bill of Rights.”

7 **34-37.1-2. Legislative intent.** – (1) At the present time, many persons have been
8 rendered homeless as a result of economic hardship, a severe shortage of safe, affordable housing,
9 and a shrinking social safety net.

10 (2) Article 1, Section 2 of the Rhode Island State Constitution states in part, that “All free
11 governments are instituted for the protection, safety, and happiness of the people. All laws,
12 therefore, should be made for the good of the whole; and the burdens of the state ought to be
13 fairly distributed among its citizens. No person shall be deprived of life, liberty or property
14 without due process of law, nor shall any person be denied equal protection of the laws.”

15 (3) Concordant with this fundamental belief, no person should suffer unnecessarily or be
16 subject to unfair discrimination based on his or her homeless status. It is the intent of this chapter
17 to ameliorate the adverse effects visited upon individuals and our communities when the state’s
18 residents lack a home.

19 **34-37.1-3. Bill of Rights.** – No person’s rights, privileges, or access to public services

1 may be denied or abridged solely because he or she is homeless. Such a person shall be granted
2 the same rights and privileges as any other resident of this state. A person experiencing
3 homelessness:

4 (1) Has the right to use and move freely in public spaces, including, but not limited to,
5 public sidewalks, public parks, public transportation and public buildings, in the same manner as
6 any other person, and without discrimination on the basis of his or her housing status;

7 (2) Has the right to equal treatment by all law enforcement agencies, without
8 discrimination on the basis of housing status, including the right to be free from searches or
9 detention based upon his or her actual or perceived housing status;

10 (3) Has the right not to face discrimination while seeking or maintaining employment due
11 to his or her lack of permanent mailing address, or his or her mailing address being that of a
12 shelter or social service provider;

13 (4) Has the right not to be subject to criminal sanctions for resting or sleeping in a public
14 place in a non-obstructive manner when there is no available and accessible shelter space;

15 (5) Has the right to emergency medical care free from discrimination based on his or her
16 housing status;

17 (6) Has the right to vote, register to vote, and receive documentation necessary to prove
18 identity for voting without discrimination due to his or her housing status;

19 (7) Has the right to protection from disclosure to law enforcement agencies without
20 appropriate legal authority his or her records and information provided to homeless shelters and
21 service providers; and the right to confidentiality of personal records and information in
22 accordance with all limitations on disclosure established by the Federal Homeless Management
23 Information Systems, the Federal Health Insurance Portability and Accountability Act, and the
24 Federal Violence Against Women Act; and

25 (8) Has the right to a reasonable expectation of privacy in his or her personal property to
26 the same extent as personal property in a permanent residence.

27 **34-37.1-4. Damages and attorneys' fees.** – In any civil action alleging a violation of this
28 chapter, the court may award appropriate injunctive and declaratory relief, actual damages, and
29 reasonable attorneys' fees and costs to a prevailing plaintiff.

30 **34-37.1-5. Definitions.** – For purposes of this chapter, "housing status" shall have the
31 same meaning as that contained in section 34-37-3.

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

34 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and

1 Providence Plantations, hereinafter referred to as the state, many people are denied equal
2 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
3 because of discriminatory housing practices based upon race, color, religion, sex, sexual
4 orientation, gender identity or expression, marital status, country of ancestral origin, disability,
5 age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or
6 has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant
7 has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
8 protection from domestic abuse. These practices tend unjustly to condemn large groups of
9 inhabitants to dwell in segregated districts or under depressed living conditions in crowded,
10 unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup
11 tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard;
12 endanger the public health; jeopardize the public safety, general welfare and good order of the
13 entire state; and impose substantial burdens on the public revenues for the abatement and relief of
14 conditions so created. These discriminatory and segregative housing practices are inimical to and
15 subvert the basic principles upon which the colony of Rhode Island and Providence Plantations
16 was founded and upon which the state and the United States were later established.
17 Discrimination and segregation in housing tend to result in segregation in our public schools and
18 other public facilities, which is contrary to the policy of the state and the constitution of the
19 United States. Further, discrimination and segregation in housing adversely affect urban renewal
20 programs and the growth, progress, and prosperity of the state. In order to aid in the correction of
21 these evils, it is necessary to safeguard the right of all individuals to equal opportunity in
22 obtaining housing accommodations free of discrimination.

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

32 (c) The practice of discrimination in rental housing based on the potential or actual
33 tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of
34 the household, is or has been or is threatened with being, the victim of domestic abuse, or that the

1 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 is declared to be against public policy.

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

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

7 **34-37-3. Definitions.** -- When used in this chapter:

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

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

11 (3) "Disability" means a disability as defined in section 42-87-1.

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

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

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

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

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

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

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

34 (7) The terms, as used regarding persons with disabilities, "auxiliary aids and services,"

1 "reasonable accommodation," and "reasonable modifications" have the same meaning as those
2 terms are defined in section 42-87-1.1.

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

8 (9) "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 (10) "Otherwise qualified" includes any person with a disability who with respect to the
13 rental of property, personally or with assistance arranged by the person with a disability, is
14 capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

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

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

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

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

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

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

1 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 create a Homeless Bill of rights in order to provide all residents with an
2 equal opportunity to live in decent, safe and sanitary accommodations regardless of housing
3 status.

4 This act would take effect upon passage.

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