

2021 -- H 5268 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE BROKERS AND SALESPERSONS

Introduced By: Representatives Diaz, and Slater

Date Introduced: January 29, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-20.5-4, 5-20.5-6 and 5-20.5-14 of the General Laws in Chapter 5-
2 20.5 entitled "Real Estate Brokers and Salespersons" are hereby amended to read as follows:

3 **5-20.5-4. Examination of applicants -- Examination fee -- Licensing without**
4 **examination.**

5 (a) The director shall require any applicant for a real estate broker's or salesperson's license
6 to submit to and pass a written examination to show the applicant's knowledge of the state statutes
7 and the rules and regulations relating to real property, deeds, mortgages, leases, contracts, ~~and~~
8 ~~agency~~ [real estate relationships, and federal and state fair housing laws pertaining to fair housing](#)
9 [and the treatment of any individual in a protected class as designated in chapter 37 of title 34.](#) An
10 applicant shall not be required to take the uniform portion of the Rhode Island real estate licensing
11 examination if the applicant provides sufficient evidence that the applicant possesses an existing
12 valid real estate license from a state that has similar statutes or regulations in effect which provide
13 for reciprocal waiver of the uniform portion of the real estate licensing examination for persons
14 holding an existing valid Rhode Island real estate broker's or salesperson's license. An applicant for
15 a real estate broker's or salesperson's license, prior to the taking of the examination, must pay an
16 examination fee, the cost of which is limited to the charge as designated by the appropriate testing
17 service's contract with the department of business regulation.

18 (b) An applicant for a real estate salesperson's license must submit satisfactory evidence of

1 completion of a minimum of forty-five (45) classroom hours in a real estate course given by a
2 school as defined in § 5-20.5-19. The applicant for a broker's license must also submit satisfactory
3 proof that he or she: (i) Has been engaged full time as a real estate salesperson for at least two (2)
4 years immediately prior to the date of application; and (ii) Has successfully completed at least
5 ninety (90) hours of approved classroom study in a school as defined in § 5-20.5-19, or equivalent
6 in a correspondence course offered by an extension department of an accredited college or
7 university. The director, in his or her sole discretion, may require any additional evidence or proof
8 as to the honesty, trustworthiness, integrity, good reputation, and competency of any applicant.

9 (c) Any successful applicant who fails to remit the original license fee as provided in § 5-
10 20.5-11 within one year of the date of that examination may be required by the director to re-submit
11 to and pass a written examination as provided in subsection (a) of this section.

12 (d) When an attorney-at-law licensed by the supreme court of the state desires to have a
13 real estate broker's license or a real estate salesperson's license, the attorney, by application, and
14 upon payment of the applicable fee as provided in § 5-20.5-11, shall be granted a license without
15 examination.

16 (e) A certificate of licensure shall be issued by the real estate division of the department of
17 business regulation within thirty (30) days after it is requested at a cost of not more than twenty-
18 five dollars (\$25.00) for each certificate issued.

19 ~~5-20.5-6. Duration of licenses -- Rules and regulations -- Suspension or revocation of~~
20 ~~licenses~~ **Duration and renewal of licenses -- Continuing education-rules and regulations --**
21 **Suspension or revocation of licenses.**

22 (a) If the director is satisfied that the applicant is competent and trustworthy and is
23 reasonably familiar with the statutes and law relating to real estate, he or she shall issue to the
24 applicant a license to act as a real estate broker or a real estate salesperson. The director shall
25 promulgate rules and regulations mandating the term of license for each category of license issued
26 pursuant to this chapter. No license shall remain in force for a period in excess of three (3) years.
27 Any fee for the initial issuance of a license or for renewal of a license issued pursuant to this chapter
28 is determined by multiplying the current annual fee by the term of years of the license or renewal.
29 The fee for the total number of years of the initial license or of the renewal shall be paid in full
30 prior to the issuance of the respective license. The license shall be renewed upon payment of the
31 renewal fee and proof of completion of any continuing education requirements as set forth in the
32 rules and regulations issued by the department of business regulation. Any license issued or
33 renewed may be suspended or revoked by the director, for cause, prior to the expiration date. The
34 director shall issue reasonable rules and regulations with the consent of the majority of the Rhode

1 Island real estate commission governing the conduct of licensed real estate brokers and
2 salespersons. These rules and regulations shall be designed to implement the laws and policies of
3 this state and to protect the interests of the public.

4 (b) Except as provided in subsection (d) of this section, all applicants for a renewal license
5 for real estate brokers or real estate salespersons, shall submit proof to the director that they have
6 completed during the preceding two (2) year period, a minimum of twenty-four (24) classroom
7 hours of real estate oriented educational sessions or courses of instruction that have been previously
8 approved by the director. A minimum of three (3) of such classroom hours shall be comprised of
9 instruction about federal, Rhode Island, or local laws pertaining to fair housing and the treatment
10 of any individual in a protected class as designated in chapter 37 of title 34.

11 (c) The license shall be renewed upon payment of the renewal fee and proof of completion
12 of continuing education requirements as set forth in the rules and regulations issued by the
13 department of business regulation. Any license issued or renewed may be suspended or revoked by
14 the director, for cause, prior to the expiration date. The director shall issue reasonable rules and
15 regulations with the consent of the majority of the Rhode Island real estate commission governing
16 the conduct of licensed real estate brokers and salespersons. These rules and regulations shall be
17 designed to implement the laws and policies of this state and to protect the interests of the public.

18 ~~(b)~~(d) Any rules or regulations promulgated with regard to the requirement of continuing
19 education for the renewal of any real estate broker's or salesperson's license whose application for
20 an initial broker's or salesperson's license is approved within one hundred eighty (180) days of the
21 expiration date of his or her initial license is not subject to the continuing education requirement at
22 the time of his or her first renewal. An attorney at law licensed by the supreme court of the state
23 and granted a license pursuant to § 5-20.5-4(d) is not subject to the continuing education
24 requirements. The director, after a due and proper hearing, may suspend, revoke, or refuse to renew
25 any license upon proof that it was obtained by fraud or misrepresentation or that the holder of the
26 license has been guilty of fraud or misrepresentation or criminal acts in the performance of his or
27 her functions, or upon proof that the holder of the license has violated this statute or any rule or
28 regulation issued pursuant to this statute.

29 ~~(c)~~(e) The director shall, for licenses issued or renewed after July 1, 2004, require proof of
30 reasonable familiarity with and knowledge of duties and responsibilities established by the lead
31 poisoning prevention act, chapter 24.6 of title 23, and the lead hazard mitigation act, chapter 128.1
32 of title 42. Notwithstanding the provisions of subsection (b) of this section, the requirements of this
33 subsection shall apply to first renewals when licenses were initially issued before July 1, 2004. This
34 subsection shall be put into force and effect by the director in the manner set forth in chapter 128.1

1 of title 42 and with the advice of the Rhode Island real estate commission.

2 **5-20.5-14. Revocation, suspension of license -- Probationary period -- Penalties.**

3 (a) The director may, upon his or her own motion, and shall, upon the receipt of the written
4 verified complaint of any person initiating a cause under this section, ascertain the facts and, if
5 warranted, hold a hearing for the suspension or revocation of a license. The director has power to
6 refuse a license for cause or to suspend or revoke a license or place a licensee on probation for a
7 period not to exceed one year where it has been obtained by false representation, or by fraudulent
8 act or conduct, or where a licensee, in performing or attempting to perform any of the acts
9 mentioned in this chapter, is found to have committed any of the following acts or practices:

10 (1) Making any substantial misrepresentation;

11 (2) Making any false promise of a character likely to influence, persuade, or induce any
12 person to enter into any contract or agreement when he or she could not or did not intend to keep
13 that promise;

14 (3) Pursuing a continued and flagrant course of misrepresentation or making of false
15 promises through salespersons, other persons, or any medium of advertising, or otherwise;

16 (4) Any misleading or untruthful advertising;

17 (5) Failing to deposit money or other customers' funds received by a broker or salesperson
18 into an escrow account maintained by the broker that complies with the requirements set forth in §
19 5-20.5-26, upon execution of a purchase and sales agreement;

20 (6) Failing to preserve for three (3) years following its consummation records relating to
21 any real estate transaction as described in the regulations issued by the department;

22 (7) Acting for more than one party in a transaction without the knowledge and consent, in
23 writing, of all parties for whom he or she acts;

24 (8) Placing a "for sale" or "for rent" sign on any property without the written consent of the
25 owner, or his or her authorized agent;

26 (9) Failing to furnish a copy of any listing, sale, lease, or other contract relevant to a real
27 estate transaction to all signatories of the contract at the time of execution;

28 (10) Failing to specify a definite termination date that is not subject to prior notice, in any
29 listing contract;

30 (11) Inducing any party to a contract, sale, or lease to break that contract for the purpose
31 of substitution in lieu of that contract a new contract, where that substitution is motivated by the
32 personal gain of the licensee;

33 (12) Accepting a commission or any valuable consideration by a salesperson for the
34 performance of any acts specified in this chapter, from any person, except the licensed real estate

1 broker with whom he or she is affiliated;

2 (13) Failing to disclose to an owner his or her intention or true position if he or she, directly
3 or indirectly through a third party, purchases for himself or herself or acquires or intends to acquire
4 any interest in or any option to purchase property that has been listed with his or her office to sell
5 or lease;

6 (14) Being convicted of any criminal felony in a court of competent jurisdiction of this or
7 any other state or federal court involving dishonesty, breach of trust, forgery, embezzlement,
8 obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, fraud,
9 false dealing, or any similar offense(s) or by pleading guilty or nolo contendere to any such criminal
10 offense or offenses;

11 (15) Violating any rule or regulation promulgated by the department in the interest of the
12 public and consistent with the provisions of this chapter;

13 (16) In the case of a broker licensee, failing to exercise adequate supervision over the
14 activities of his or her licensed salesperson within the scope of this chapter;

15 (17) Failing or refusing to provide information requested by the commission or director as
16 the result of a formal or informal complaint to the director that would indicate a violation of this
17 chapter;

18 (18) Soliciting, selling, or offering for sale real property by offering free lots or conducting
19 lotteries or contests or offering prizes for the purpose of influencing a purchaser or prospective
20 purchaser of real property;

21 (19) Paying or accepting, giving, or charging any undisclosed commission, rebate,
22 compensation, or profit or expenditures for a principal or in violation of this chapter;

23 (20) Any conduct in a real estate transaction that demonstrates bad faith, dishonesty,
24 untrustworthiness, or incompetence;

25 (21) Failing to have all listing agreements in writing, properly identifying the property and
26 containing all of the terms and conditions of the sale, including the commission to be paid, the
27 signatures of all parties concerned, and a definite expiration date in that contract that shall not
28 require an owner to notify a broker of his or her intention to terminate. An exclusive agency listing
29 or exclusive right to sell listing shall be clearly indicated in the listing agreement;

30 (22) Accepting a listing based on "net price." In cases where the owner wishes to list in this
31 manner, the agreed-upon commission is added and listings made in the usual manner;

32 (23) Negotiating, or attempting to negotiate, the sale, exchange, or lease of any real
33 property directly with an owner or lessor knowing that the owner or lessor has an outstanding
34 exclusive listing contract with another licensee covering the same property, except when the real

1 estate broker or salesperson is contacted by the client of another broker regarding a real estate
2 service, and the broker or salesperson has not directly or indirectly initiated those discussions, they
3 may discuss the terms under which they might enter into a future agency agreement; or they may
4 enter into an agency agreement that becomes effective upon termination of any existing exclusive
5 agreement; or they may enter into an agreement for other real estate service not covered by an
6 existing agency relationship;

7 (24) Accepting an exclusive right to sell or lease or an exclusive agency and subsequently
8 failing to make a diligent effort to sell or lease the listed property;

9 (25) Advising against the use of the services of an attorney in any real estate transaction;

10 (26) Representing to any lender or any other party in interest, either verbally or through the
11 preparation of a false sales contract, an amount other than the true and actual sales price;

12 (27) Submitting to an owner a written offer to purchase or lease unless that offer contains
13 the essential terms and conditions of the offer, including the manner in which the purchase price is
14 to be paid, and if that offer is contingent upon certain conditions, those conditions shall be clearly
15 stated in the offer, or unless the offer is conditioned upon the later execution of a complete
16 agreement for sale;

17 (28) Paying any sums of money being held in an escrow account to any person, or
18 converting the sums of money for his or her own use, in the event of a failed real estate transaction,
19 without having complied with the department's rules and regulations relative to the transfer of
20 disputed deposit funds to the office of the general treasurer;

21 (29) Advertising to sell, buy, exchange, rent, or lease the property of another in a manner
22 indicating that the offer to sell, buy, exchange, rent, or lease that property is being made by a private
23 party not engaged in the real estate business, or inserting advertisements in any publication
24 containing only a post office or other box number, telephone number, or street address. No
25 salesperson shall advertise the property of another under his or her own name;

26 (30) As a licensed salesperson, failing upon termination of his or her employment or
27 affiliation with a real estate broker and upon demand by the broker to immediately turn over to the
28 broker any and all information, records, or other materials obtained during his or her employment,
29 whether the information or records were originally given to him or her by the broker or copied from
30 the records of that broker or affiliation or acquired by the salesperson during his or her employment;

31 (31) Offering, promising, giving, or paying, directly or indirectly, any part or share of his
32 or her commission or compensation arising or accruing from any real estate transaction to any
33 person who is not licensed as a real estate broker, but who, by law, should be licensed, or who is
34 not a real estate salesperson employed by that licensee;

1 (32) ~~Soliciting~~ Violating chapter 37 of title 34 in his or her capacity as a real estate licensee,
2 including, but not limited to, soliciting the sale, lease, or the listing for sale or lease, of residential
3 property on the ground of loss of value due to the present or prospective entry in the neighborhood
4 of a person or persons of another race, religion, or ethnic origin, nor shall he or she distribute, or
5 cause to be distributed, material or make statements designed to induce a residential property owner
6 to sell or lease his or her property due to these factors;

7 (33) Failure of the employing broker to notify the director, in writing, within ten (10) days
8 of the termination of a salesperson's employment or contractual relationship, or failure of a
9 salesperson to notify the director, in writing, within ten (10) days of any change in his or her broker
10 affiliation;

11 (34) Failure to report all written offers to the owner prior to the signing of a purchase and
12 sale agreement by the owner;

13 (35) Failure of agents to provide buyers and sellers of real property with disclosure
14 regarding real estate agency relationships as specified in chapter 20.6 of this title;

15 (36) Failure of an associate broker to inform the public of associate broker status by not
16 listing associate broker on business cards and correspondence or by informing the public that his
17 or her status in the real estate firm is that of broker; or

18 (37) Failure to pay sums of money being held in an escrow account, pursuant to § 5-20.5-
19 26, within ten (10) days of receipt of a written release that has been signed by all parties to a failed
20 real estate transaction.

21 (b) The director is authorized to levy an administrative penalty not exceeding two thousand
22 dollars (\$2,000) for any violation under this section or the rules and regulations of the department
23 of business regulation.

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

26 **34-37-4. Unlawful housing practices.**

27 (a) No owner having the right to sell, rent, lease, or manage a housing accommodation as
28 defined in § 34-37-3(10), or an agent of any of these, shall, directly or indirectly, make, or cause to
29 be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
30 gender identity or expression, marital status, military status as a veteran with an honorable
31 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
32 country of ancestral origin or disability, age, familial status nor make any written or oral inquiry
33 concerning whether a tenant or applicant or a member of the household is, or has been, or is
34 threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained,

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

1 misrepresent the availability of a housing accommodation or delay the processing of applications
2 relating to the sale, rental, or lease of the housing accommodation based upon an individual's race,
3 color, religion, sex, sexual orientation, gender identity or expression, marital status, military status
4 as a veteran with an honorable discharge or an honorable or general administrative discharge,
5 servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or
6 on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened
7 with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or
8 is seeking relief from any court in the form of a restraining order for protection from domestic
9 abuse. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to
10 whether the prospective purchaser or tenant is over the age of eighteen (18).

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

33 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit
34 the exercise of the privilege of every person and the agent of any person having the right to sell,

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

28 (d) An owner may not refuse to allow a person with a disability to make, at his or her
29 expense, reasonable modifications of existing premises occupied or to be occupied by the person if
30 the modifications may be necessary to afford the person full enjoyment of the premises, except that,
31 in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a
32 modification on the renter agreeing to restore the interior of the premises to the condition that
33 existed before the modification, reasonable wear and tear excepted. Where it is necessary in order
34 to ensure with reasonable certainty that funds will be available to pay for the restorations at the end

1 of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring
2 that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable
3 amount of money not to exceed the cost of the restorations. The interest in the account shall accrue
4 to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will
5 be subject to § 34-18-19(b) -- (f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 SECTION 3. This act shall take effect on January 1, 2022.

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LC000869/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE BROKERS AND
SALESPERSONS

1 This act would require all applicants for a real estate broker's or salesperson's license to
2 submit and pass a written examination to include topics on fair housing. This act would require all
3 real estate licensees to complete a minimum of twenty-four (24) hours of approved continuing
4 education courses during each twenty-four (24) month license renewal section.

5 This act would take effect on January 1, 2022.

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LC000869/SUB A
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