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LC001601

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Donovan, Ranglin-Vassell, Casimiro, Carson, and Fogarty

Date Introduced: March 01, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

34-37-4. Unlawful housing practices.

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

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

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

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

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

1 person and the agent of any person making loans for, or offering financial assistance in, the
2 acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set
3 standards and preferences, terms, conditions, limitations, or specifications for the granting of
4 loans or financial assistance that do not discriminate on the basis of the race, color, religion, sex,
5 sexual orientation, gender identity or expression, marital status, military status as a veteran with
6 an honorable discharge or an honorable or general administrative discharge, servicemember in the
7 armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a
8 tenant or applicant or a member of the household is, or has been, or is threatened with being the
9 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking
10 relief from any court in the form of a restraining order for protection from domestic abuse, of the
11 applicant for the loan or financial assistance or of any existing or prospective owner, lessee,
12 tenant, or occupant of the housing accommodation.

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

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

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

1 tasks.

2 (ii) Every person with a disability who has a service animal, or who obtains a service
3 animal, which is necessary to afford that person an equal opportunity to use and enjoy a dwelling
4 and which does not provide a direct threat to the health or safety of others, shall be entitled to full
5 and equal access to all housing accommodations provided for in this section, and shall not be
6 required to pay extra compensation for the service animal, but shall be liable for any damage
7 done to the premises by the service animal. For the purposes of this subsection, a "service animal"
8 is an animal that has been determined necessary to mitigate the effects of a physical or mental
9 disability by a physician, psychologist, physician's assistant, nurse practitioner, other health care
10 provider, vocational rehabilitation specialist, or licensed social worker.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 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 guarantee persons with service animals reasonable access to housing
- 2 provided the service animal does not provide a direct threat to the health and safety of others.
- 3 This act would take effect upon passage.

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