

2024 -- H 7174

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives J. Lombardi, Hull, Felix, Henries, Stewart, and Cruz

Date Introduced: January 11, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

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

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

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

1 [incarceration](#) or on the basis that a tenant or applicant or a member of the household is, or has been,  
2 or is threatened with being the victim of domestic abuse, or that the 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. [Nor shall any owner or agent inquire directly or indirectly, to include, but not  
5 limited to, by way of a rental application, regarding the former address of residence of the applicant.](#)

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

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

34 (c) Nothing contained in this section shall be construed in any manner to prohibit or limit

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

34 (d) An owner may not refuse to allow a person with a disability to make, at his or her

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

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

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

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

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

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

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

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

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

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

33 (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver  
34 about the space. To the extent that any state or local building codes, statutes, or ordinances are

1 inconsistent with this section, they are hereby repealed. The state building code standards  
2 committee is hereby directed to adopt rules and regulations consistent with this section as soon as  
3 possible, but no later than September 30, 1990.

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

7 (h) As used in subsection (f), the term “housing accommodation of four (4) units or more”  
8 means:

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

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

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

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

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

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

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

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

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

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- 1           This act would prohibit landlords from inquiring about an applicant's prior incarceration
- 2           and from discriminating against those who have been released from prison.
- 3           This act would take effect upon passage.

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