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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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

13 (2) Concordant with this fundamental belief, no person should suffer unnecessarily from
14 cold or hunger, or be deprived of housing or the basic rights incident to such shelter from the
15 elements. At the present time, many persons have been rendered homeless as a result of economic
16 hardship, a severe shortage of safe, affordable housing, and a shrinking social safety net. It is the
17 intent of this chapter to ameliorate the adverse effects visited upon individuals and our
18 communities when the state’s 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 citizen of this state and the following enumeration of
3 rights is not to be construed as exhaustive. A person experiencing homelessness:

4 (1) Has as much right to use public spaces in all cities and towns as his or her fellow
5 citizens of the state. This includes, but is not limited to, access to public sidewalks, public parks,
6 public transportation and public buildings;

7 (2) Has the right to equal treatment by all police departments, without differential
8 treatment being given on the basis of housing status (as such term is defined in chapter 34-37);

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

12 (4) Has the right to fair, decent and affordable housing in the community of his or her
13 choosing, and access to safe and proximate shelter until such housing can be attained;

14 (5) Has the right to quality emergency physical and mental health care free from
15 discrimination based on his or her housing status;

16 (6) Has the right to vote in any and all local, state, and federal elections without
17 discrimination due to his or her housing status;

18 (7) Has the right to legal counsel equal to that extended to any other citizen of the state;

19 (8) Has the right to confidentiality of records. Homeless shelters and service providers
20 shall obtain a voluntary written release from a client experiencing homelessness prior to
21 disclosing any personal information not in aggregate form. This includes release of records to law
22 enforcement authorities without appropriate legal documentation; and

23 (9) Has the right to receive public benefits and services offered to any other citizen of this
24 state in accordance with the established eligibility guidelines for those services.

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

27 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and
28 Providence Plantations, hereinafter referred to as the state, many people are denied equal
29 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
30 because of discriminatory housing practices based upon race, color, religion, sex, sexual
31 orientation, gender identity or expression, marital status, country of ancestral origin, disability,
32 age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or
33 has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant
34 has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for

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

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

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

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

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

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

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

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

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

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

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

13 (5) 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 (6) (i) "Familial status" means one or more individuals who have not attained the age of
18 eighteen (18) years being domiciled with:

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

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

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

27 (7) The terms, as used regarding persons with disabilities, "auxiliary aids and services,"
28 "reasonable accommodation," and "reasonable modifications" have the same meaning as those
29 terms are defined in section 42-87-1.1.

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

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

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

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

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

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

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

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

23 (16) The term "housing status" means:

24 (i) The type of housing in which an individual resides; or

25 (ii) The status of having or not having a fixed or regular residence, including the status of
26 living on the streets, in a homeless shelter or in a temporary residence.

27 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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