

2014 -- H 7445

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Ajello, Craven, Lima, Almeida, and Blazejewski

Date Introduced: February 12, 2014

Referred To: House Health, Education & Welfare

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
2 Island Fair Housing Practices Act" is hereby amended to read as follows:
3 **34-37-4. Unlawful housing practices.** -- (a) No owner having the right to sell, rent,
4 lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any
5 of these shall, directly or indirectly, make or cause to be made any written or oral inquiry
6 concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital
7 status, country of ancestral origin or disability, age, familial status nor make any written or oral
8 inquiry concerning whether a tenant or applicant, or a member of the household, is or has been, or
9 is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has
10 obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
11 protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing
12 accommodation; or shall, directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to
13 or withhold from any individual the housing accommodation because of the race, color, religion,
14 sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin,
15 disability, age, or familial status of the individual or the race, color, religion, sex, sexual
16 orientation, gender identity or expression, marital status, country of ancestral origin or disability,
17 age, or familial status of any person with whom the individual is or may wish to be associated; or
18 shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is
19 threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained,

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

20 (b) No person to whom application is made for a loan or other form of financial
21 assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
22 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be
23 made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
24 gender identity or expression, marital status, country of ancestral origin, disability, age, familial
25 status, or any express written or oral inquiry into whether a tenant or applicant, or a member of
26 the household, is or has been, or is threatened with being, the victim of domestic abuse, or
27 whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the
28 form of a restraining order for protection from domestic abuse, of any individual seeking the
29 financial assistance, or of existing or prospective occupants or tenants of the housing
30 accommodation; nor shall any person to whom the application is made in the manner provided,
31 directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining
32 or use of any financial assistance against any applicant because of the race, color, religion, sex,
33 sexual orientation, gender identity or expression, marital status, country of ancestral origin,
34 disability, age, familial status, or on the basis that a tenant or applicant, or a member of the

1 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
2 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
3 restraining order for protection from domestic abuse, of the applicant or of the existing or
4 prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any
5 written or oral inquiry as to whether the applicant is over the age of eighteen (18).

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

31 (d) An owner may not refuse to allow a person with a disability to make, at his or her
32 expense, reasonable modifications of existing premises occupied or to be occupied by the person
33 if the modifications may be necessary to afford the person full enjoyment of the premises, except
34 that, in the case of a rental, the owner may where it is reasonable to do so condition permission

1 for a modification on the renter agreeing to restore the interior of the premises to the condition
2 that existed before the modification, reasonable wear and tear excepted. Where it is necessary in
3 order to ensure with reasonable certainty that funds will be available to pay for the restorations at
4 the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision
5 requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a
6 reasonable amount of money not to exceed the cost of the restorations. The interest in the account
7 shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from section
8 34-18-19(a) but will be subject to section 34-18-19(b) -- (f).

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

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

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

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

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

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

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

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

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

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

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

11 (g) Compliance with the appropriate requirements of the State Building Code 14
12 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the
13 requirements of subsection (f).

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

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

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

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

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

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

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

32 (m) No owner, person defined in section 34-37-3(12), person to whom application is
33 made for a loan or other form of financial assistance for the acquisition, construction,
34 rehabilitation, repair, or maintenance of any housing accommodation, whether secured or

1 unsecured, no financial organization governed by the provisions of title 19 or any other credit
2 granting commercial institution, or respondent under this chapter or any agent of these shall
3 discriminate in any manner against any individual because he or she has opposed any practice
4 forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any
5 manner in any investigation, proceeding, or hearing under this chapter.

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

8 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 PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

- 1 This act would guarantee persons with service animals reasonable access to housing and
- 2 would provide greater protection against discrimination.
- 3 This act would take effect upon passage.

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