

2022 -- H 7722

LC003170

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Cortvriend, Speakman, McGaw, Alzate, Carson, Cassar,
and Potter

Date Introduced: March 02, 2022

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. [Effective January 1, 2022.]**

4 (a)(1) No owner having the right to sell, rent, lease, or manage a housing accommodation
5 as defined in § 34-37-3, or an agent of any of these, shall, directly or indirectly, make, or cause to
6 be 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 nor make any
10 written or oral inquiry concerning whether a tenant or applicant or a member of the household is,
11 or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or
12 applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining
13 order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the
14 housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to
15 or withhold from any individual the housing accommodation because of the race, color, religion,
16 sex, sexual orientation, gender identity or expression, marital status, lawful source of income,
17 military status as a veteran with an honorable discharge or an honorable or general administrative
18 discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or
19 familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity

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

1 the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a
2 restraining order for protection from domestic abuse.

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

9 (2) In order to help a seller avoid selecting a buyer based on the buyer's race, color, religion,
10 sex, sexual orientation, national origin, marital status or familial status as prohibited by the Fair
11 Housing Act (42 U.S.C. 3601 et seq.) and this section, a seller's agent shall reject any
12 communication other than customary documents in a real estate transaction, including photographs,
13 provided by a buyer.

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

1 subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is
2 over the age of eighteen (18).

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

1 of any federal, state, or local rental assistance or housing subsidy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 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 prohibit a seller's agent from receiving buyer "love letters" when receiving
2 offers to purchase real property.

3 This act would take effect upon passage.

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