

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Ajello, Vella-Wilkinson, Speakman, Shallcross Smith,  
Handy, Tanzi, Felix, Batista, Craven, and Cruz

Date Introduced: March 24, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 34-37-3, 34-37-4 and 34-37-5 of the General Laws in Chapter 34-  
2 37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

3 **34-37-3. Definitions.**

4 When used in this chapter:

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

6 (2) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard, Merchant  
7 Marines, or Air Force of the United States and the Rhode Island National Guard.

8 (3) "Commission" means the Rhode Island commission for human rights created by § 28-  
9 5-8.

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

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

13 (5) "Discriminate" includes segregate, separate, or otherwise differentiate between or  
14 among individuals because of race, color, religion, sex, sexual orientation, gender identity or  
15 expression, marital status, lawful source of income, military status as a veteran with an honorable  
16 discharge or an honorable or general administrative discharge, servicemember in the armed forces,  
17 country of ancestral origin, disability, age, housing status, or familial status or because of the race,  
18 color, religion, sex, sexual orientation, gender identity or expression, marital status, lawful source  
19 of income, military status as a veteran with an honorable discharge or an honorable or general

1 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability,  
2 age, housing status, or familial status of any person with whom they are, or may wish to be,  
3 associated.

4 (6) The term “domestic abuse” for the purposes of this chapter shall have the same meaning  
5 as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2,  
6 except that the domestic abuse need not involve a minor or parties with minor children.

7 (7)(i) “Familial status” means one or more individuals who have not attained the age of  
8 eighteen (18) years being domiciled with:

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

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

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

17 (8) The terms, as used regarding persons with disabilities, “auxiliary aids and services,”  
18 “reasonable accommodation,” and “reasonable modifications” have the same meaning as those  
19 terms are defined in § 42-87-1.1.

20 (9) The term “gender identity or expression” includes a person’s actual or perceived  
21 gender, as well as a person’s gender identity, gender-related self image, gender-related appearance,  
22 or gender-related expression; whether or not that gender identity, gender-related self image, gender-  
23 related appearance, or gender-related expression is different from that traditionally associated with  
24 the person’s sex at birth.

25 (10) “Housing accommodation” includes any building or structure, or portion of any  
26 building or structure, or any parcel of land, developed or undeveloped, that is occupied or is  
27 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or  
28 residence of one or more persons.

29 (11) “Otherwise qualified” includes any person with a disability who, with respect to the  
30 rental of property, personally or with assistance arranged by the person with a disability, is capable  
31 of performing all the responsibilities of a tenant as contained in § 34-18-24.

32 (12) “Owner” includes any person having the right to sell, rent, lease, or manage a housing  
33 accommodation.

34 (13) “Person” includes one or more individuals, partnerships, associations, organizations,

1 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal  
2 representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as  
3 defined in chapter 20.5 of title 5.

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

5 (15) The term "sexual orientation" means having, or being perceived as having, an  
6 orientation for heterosexuality, bisexuality, or homosexuality.

7 (16) The term "victim" means a family or household member and all other persons  
8 contained within the definition of those terms as defined in § 12-29-2.

9 (17) The term "housing status" means the status of ~~having or~~ not having a fixed or regular  
10 residence, including the status of living on the streets or in a homeless shelter or similar temporary  
11 residence.

12 (18) The term "lawful source of income" means and includes any income, benefit, or  
13 subsidy derived from child support; alimony; Social Security; Supplemental Security Income; any  
14 other federal, state, or local public assistance program, including, but not limited to, medical or  
15 veterans assistance; any federal, state, or local rental assistance or housing subsidy program,  
16 including Section 8 Housing Choice Vouchers as authorized by 42 U.S.C. § 1437; and any  
17 requirement associated with such public assistance, rental assistance, or housing subsidy program.

18 (19) The term "assistance animal" means an animal that has been determined to mitigate  
19 the effects of a physical or mental disability by a physician, psychologist, physician's assistant,  
20 nurse practitioner, other health care provider, vocational rehabilitation specialist or licensed social  
21 worker.

22 **34-37-4. Unlawful housing practices.**

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

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

1 color, religion, sex, sexual orientation, gender identity or expression, marital status, [housing status](#),  
2 lawful source of income, military status as a veteran with an honorable discharge or an honorable  
3 or general administrative discharge, servicemember in the armed forces, country of ancestral origin,  
4 disability, age, familial status, or on the basis that a tenant or applicant or a member of the  
5 household is, or has been, or is threatened with being the victim of domestic abuse, or that the  
6 tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a  
7 restraining order for protection from domestic abuse.

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

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, religion,  
28 sex, sexual orientation, gender identity or expression, marital status, military status as a veteran  
29 with an honorable discharge or an honorable or general administrative discharge, servicemember  
30 in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that  
31 a tenant or applicant or a member of the household is, or has been, or is threatened with being the  
32 victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief  
33 from any court in the form of a restraining order for protection from domestic abuse, of the applicant  
34 or of the existing or prospective occupants or tenants. Nothing in this subsection shall be construed

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

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

1 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 if  
4 the modifications may be necessary to afford the person full enjoyment of the premises, except that,  
5 in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a  
6 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~~ an  
18 assistance animal, or who obtains ~~a guide dog or other personal assistive~~ an assistance animal,  
19 which may be necessary to afford that person an equal opportunity to use and enjoy a dwelling and  
20 which does not provide a direct threat to the health or safety of others, shall be entitled to full and  
21 equal access to all housing accommodations provided for in this section and shall not be required  
22 to pay extra compensation for the ~~guide dog or other personal assistive~~ assistance animal but shall  
23 be liable for any damage done to the premises by ~~a guide dog or other personal assistive~~ an  
24 assistance animal. ~~For the purposes of this subsection, a "personal assistive animal" is an animal~~  
25 ~~specifically trained by a certified animal training program to assist a person with a disability to~~  
26 ~~perform independent living tasks.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (m) No owner; person defined in § 34-37-3(13); person to whom application is made for a  
31 loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or  
32 maintenance of any housing accommodation, whether secured or unsecured; no financial  
33 organization governed by the provisions of title 19 or any other credit-granting commercial  
34 institution; or respondent under this chapter; or any agent of these shall discriminate in any manner



1 against any individual because he or she has opposed any practice forbidden by this chapter, or  
2 because he or she has made a charge, testified, or assisted in any manner in any investigation,  
3 proceeding, or hearing under this chapter.

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

6 **34-37-5. Prevention of unlawful housing practices.**

7 (a) The commission is empowered and directed to prevent any person from violating any  
8 of the provisions of this chapter, provided that before instituting a formal proceeding, it shall  
9 attempt by informal methods of conference, persuasion, and conciliation to induce compliance with  
10 this chapter.

11 (b) Upon the commission's own initiative or whenever an aggrieved individual or an  
12 organization chartered for the purpose of or engaged in combating discrimination or racism or of  
13 safeguarding civil liberties, that organization acting on behalf of one or more individuals being  
14 hereinafter referred to as the complainant, makes a charge, in writing, under oath, to the commission  
15 that any person, agency, bureau, corporation, or association, hereinafter referred to as the  
16 respondent, has violated or is violating, to the best of complainant's knowledge and belief, any of  
17 the provisions of this chapter, and that the alleged discriminatory housing practice has occurred or  
18 terminated within one year of the date of filing, the commission may initiate a preliminary  
19 investigation and if it shall determine after the investigation that it is probable that unlawful housing  
20 practices have been or are being engaged in, it shall endeavor to eliminate the unlawful housing  
21 practices by informal methods of conference, conciliation, and persuasion. Nothing said or done  
22 during these endeavors may be used as evidence in any subsequent proceeding. If after the  
23 investigation and conference, the commission is satisfied that any unlawful housing practice of the  
24 respondent will be eliminated, it may, with the consent of the complainant, treat the charge as  
25 conciliated, and entry of that disposition shall be made on the records of the commission. If the  
26 commission fails to effect the elimination of the unlawful housing practices and to obtain voluntary  
27 compliance with this chapter, or, if the circumstances warrant, in advance of any preliminary  
28 investigation or endeavors, the commission shall have the power to issue and cause to be served  
29 upon any person or respondent a complaint stating the charges in that respect and containing a  
30 notice of hearing before the commission, a member thereof, or a hearing examiner at a place therein  
31 fixed to be held not less than ten (10) days after the service of the complaint.

32 (c) The commission, member thereof, or hearing examiner conducting the hearing shall  
33 have the power reasonably and fairly to amend any written complaint at any time prior to the  
34 issuance of an order based thereon. The respondent shall have like power to amend its answer to

1 the original or amended complaint at any time prior to the issuance of the order. The commissioner  
2 assigned to the preliminary hearing of any charge shall take no part in the final hearing except as a  
3 witness upon competent matters and will have no part in the determination or decision of the case  
4 after hearing.

5 (d) The respondent shall have the right to file an answer to the complaint and shall appear  
6 at the hearing in person or otherwise with or without counsel to present evidence and to examine  
7 and cross-examine witnesses.

8 (e) In any proceeding, the commission, its member, or its agent shall not be bound by the  
9 rules of evidence prevailing in the courts.

10 (f) The commission shall in ascertaining the practices followed by the respondent take into  
11 account all evidence, statistical or otherwise, that may tend to prove the existence of a  
12 predetermined pattern of discrimination in housing.

13 (g) The testimony taken at the hearing shall be under oath and shall be reduced to writing  
14 and filed with the commission. Thereafter, in its discretion, the commission upon notice may take  
15 further testimony or hear argument.

16 (h)(1) If upon all the testimony taken the commission shall determine that the respondent  
17 has engaged in or is engaging in unlawful housing practices, the commission shall state its findings  
18 of fact and shall issue and cause to be served on the respondent an order requiring the respondent  
19 to cease and desist from the unlawful housing practices, and to take further affirmative or other  
20 action as will effectuate the purposes of this chapter.

21 (2) The commission may also order the respondent to pay the complainant damages  
22 sustained thereby; costs, including reasonable attorney's fees incurred at any time in connection  
23 with the commission of the unlawful act, and civil penalties, any amounts awarded to be deposited  
24 in the state treasury. The civil penalty shall be (i) An amount not exceeding ten thousand dollars  
25 (\$10,000) if the respondent has not been adjudged to have committed any prior discriminatory  
26 housing practice; (ii) In an amount not exceeding twenty-five thousand dollars (\$25,000) if the  
27 respondent has been adjudged to have committed one other discriminatory housing practice during  
28 the five-year (5) period ending on the date of filing this charge; and (iii) In an amount not exceeding  
29 fifty thousand dollars (\$50,000) if the respondent has been adjudged to have committed two (2) or  
30 more discriminatory housing practices during the seven-year (7) period ending on the date of the  
31 filing of this charge; except that if the acts constituting the discriminatory housing practice that is  
32 the object of the charge are committed by the same natural person who has been previously  
33 adjudged to have committed acts constituting a discriminatory housing practice, then the civil  
34 penalties set forth in (ii) and (iii) may be imposed without regard to the period of time within which

1 any subsequent discriminatory housing practice occurred. When determining the amount of civil  
2 penalties, the commission shall consider as a mitigating factor whether the respondent has acted in  
3 good faith and whether the respondent has actively engaged in regular antidiscrimination  
4 educational programs. Provided that no order shall affect any contract, sale, encumbrance, or lease  
5 consummated before the issuance of the order and involving a bona fide purchaser, encumbrancer,  
6 or tenant without actual notice of the charge filed under this title.

7 (i) If the commission shall find that no probable cause exists for crediting the charges, or,  
8 if upon all the evidence, it shall find that a respondent has not engaged in unfair housing practices,  
9 the commission shall state its findings of fact and shall issue and cause to be served on the  
10 complainant an order dismissing the complaint as to the respondent. A copy of the order shall be  
11 delivered in all cases to the attorney general and such other public officers as the commission deems  
12 proper.

13 (j) Until a transcript of the record in a case shall be filed in a court as provided in subsection  
14 (m), the commission may at any time, upon reasonable notice, and in such manner as it shall deem  
15 proper, modify or set aside, in whole or in part, any of its findings or orders.

16 (k) Until such time as a hearing is convened pursuant to this section, no publicity shall be  
17 given to any proceedings before the commission, ~~either~~ by the commission or any employee  
18 thereof, ~~the complainant, or the respondent,~~ except that in the event of a conciliation agreement the  
19 agreement shall be made public unless the complainant and respondent otherwise agree and the  
20 commission determines that disclosure is not required to further the purposes of this chapter. After  
21 the complaint issues and before an order issues, the commission shall not initiate any public notice  
22 of any charge or complaint before the commission, however, the commission may respond to  
23 inquiries about the status of a complaint.

24 (l) A complainant may seek a right to sue in state court if not less than one hundred and  
25 twenty (120) days and not more than two (2) years have elapsed from the date of filing of a charge,  
26 if the commission has been unable to secure a settlement agreement or conciliation agreement and  
27 if the commission has not commenced hearing on a complaint. The commission shall grant the right  
28 to sue within thirty (30) days after receipt of the request. This shall terminate all proceedings before  
29 the commission and shall give to the complainant the right to commence suit in the superior court  
30 within any county as provided in § 28-5-28 within ninety (90) days after the granting of the request.  
31 Any party may claim a trial by jury. The superior court may make orders consistent with subsection  
32 (h) and may also award punitive damages and such other damages as the court deems just and  
33 proper.

34 (m)(1) The commission is further empowered to file a complaint in the superior court in

1 any county in which the unlawful housing practice allegedly occurs, or has occurred, or in which a  
2 defendant resides or maintains a business office, or in Providence County, seeking injunctive relief,  
3 including a temporary restraining order, against the defendant.

4 (2) No preliminary injunction shall be effective for more than thirty (30) days; provided  
5 that, if the defendant has sought judicial review of an order of the commission issued pursuant to  
6 this section, or if the commission has sought a decree of the court for the enforcement of the order,  
7 the preliminary injunction shall remain in full force and effect until such time as the judicial review  
8 or the commission's petition for the decree of enforcement is finally heard and determined.

9 (3) In any proceeding under this subsection, the commission may, if the prayer of the  
10 original or amended complaint so requests, proceed at the proper time to obtain the relief provided  
11 in § 34-37-6.

12 (4) The application by the commission for injunctive relief shall not prevent the  
13 commission from continuing to prosecute the proceeding before it out of which the application  
14 arises.

15 (5) Whenever a complaint shall be filed under the provisions of this subsection, the state  
16 shall be liable, in an action brought against it, for the payment of such costs and damages as may  
17 have been incurred or suffered by the defendant should final judgment be entered upon the  
18 complaint in favor of the defendant, or should the commission, having been denied temporary relief  
19 after the entry of a restraining order, fail to prosecute the matter further, or should the commission,  
20 having been granted temporary relief, fail to prosecute the matter further, unless, in the latter two  
21 (2) instances, failure to prosecute is caused by the making of an agreed settlement of any kind with  
22 the defendant, including a conciliation agreement.

23 (6) All proceedings taken pursuant to the provisions of this section shall take precedence  
24 over all other civil matters then pending before the court.

25 (n) The complainant or the respondent may elect, within twenty (20) days after receipt of  
26 a finding of probable cause, to terminate by written notice to the commission all proceedings before  
27 the commission and have the case heard in the superior court. In the event of an election to terminate  
28 the proceedings, the commission shall issue a right to sue notice to the complainant with a copy of  
29 the notice sent to all parties.

30 (1) The complainant shall have the right to commence suit in the superior court within any  
31 county as provided in § 28-5-28 within ninety (90) days of the date of the right to sue notice. Either  
32 party may claim a trial by jury in the superior court.

33 (2) Notwithstanding the termination of proceedings before the commission upon the  
34 granting of the right to sue notice, the parties may agree to have the commission seek to conciliate

1 or mediate settlement of the case within the ninety-day (90) period in which the complainant has  
2 the right to commence suit in superior court.

3 (o) If an election is made under subsection (n):

4 (1) The complainant, the commission, or the attorney general may commence a civil action  
5 on behalf of the aggrieved person in the superior court within any county as provided in § 28-5-28  
6 within ninety (90) days of the date of the right to sue notice under subsection (n);

7 (2) Any party may claim a trial by jury. Any aggrieved person with respect to the issues to  
8 be determined in a civil action under this subsection may intervene as of right in that civil action;

9 (3) The superior court may make orders consistent with subsection (h) and may also award  
10 punitive damages and such damages as the court deems just and proper; provided, that the court  
11 shall not enter a consent order, dismissal stipulation, or judgment settling claims of discrimination  
12 in an action or proceeding under this chapter, unless the parties and their counsel attest that a waiver  
13 of all or substantially all attorneys' fees was not compelled as a condition of the settlement.

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

=====  
LC002647  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

\*\*\*

1           This act would amend the Fair Housing Practices Act to: define "assistance animal" and  
2 clarify existing protections for persons with such animals consistent with the federal Fair Housing  
3 Act; clarify the ability of the Rhode Island commission for human rights to accept, investigate and  
4 decide cases alleging discrimination on the basis of "housing status"; make unlawful the issuance  
5 of discriminatory notices or statements related to the sale, rental or leasing of housing to be  
6 consistent with the federal Fair Housing Act; and delete an unconstitutional provision in current  
7 law prohibiting parties from discussing their fair housing cases publicly.

8           This act would take effect upon passage.

=====  
LC002647  
=====