

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Senators Kallman, McKenney, Mack, Gu, DiMario, Miller, Britto, Bell,
LaMountain, and Lauria

Date Introduced: January 24, 2024

Referred To: Senate 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 (20) The term "service animal" means a guide dog, hearing dog, or other dog that is
23 specifically trained to assist a person with a disability to perform independent living tasks. The
24 provision of emotional support, well-being, comfort, or companionship do not constitute work or
25 tasks for the purposes of this definition.

26 **34-37-4. Unlawful housing practices.**

27 (a) No owner having the right to sell, rent, lease, or manage a housing accommodation as
28 defined in § 34-37-3, or an agent of any of these, shall, directly or indirectly, make, or cause to be
29 made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
30 gender identity or expression, marital status, housing status, lawful source of income, military status
31 as a veteran with an honorable discharge or an honorable or general administrative discharge,
32 servicemember in the armed forces, country of ancestral origin, or disability, age, familial status
33 nor make any written or oral inquiry concerning whether a tenant or applicant or a member of the
34 household is, or has been, or is threatened with being the victim of domestic abuse, or whether a

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

1 or services in connection with it. Nor shall an owner having the right to sell, rent, lease, or manage
2 a housing accommodation as defined in § 34-37-3, or an agent of any of these, directly or indirectly,
3 misrepresent the availability of a housing accommodation or delay the processing of applications
4 relating to the sale, rental, or lease of the housing accommodation based upon an individual's race,
5 color, religion, sex, sexual orientation, gender identity or expression, marital status, [housing status](#),
6 lawful source of income, military status as a veteran with an honorable discharge or an honorable
7 or general administrative discharge, servicemember in the armed forces, country of ancestral origin,
8 disability, age, familial status, or on the basis that a tenant or applicant or a member of the
9 household is, or has been, or is threatened with being the victim of domestic abuse, or that the
10 tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a
11 restraining order for protection from domestic abuse.

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

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

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

6 (c) Nothing contained in this section 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 that do not discriminate on the
11 basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital
12 status, [housing status](#), lawful source of income, military status as a veteran with an honorable
13 discharge or an honorable or general administrative discharge, servicemember in the armed forces,
14 country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant
15 or a member of the household is, or has been, or is threatened with being the victim of domestic
16 abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in
17 the form of a restraining order for protection from domestic abuse, of any prospective purchaser,
18 lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender
19 identity or expression, marital status, [housing status](#), lawful source of income, military status as a
20 veteran with an honorable discharge or an honorable or general administrative discharge,
21 servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of
22 any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be
23 associated. Nothing contained in this section shall be construed in any manner to prohibit or limit
24 the exercise of the privilege of every person and the agent of any person making loans for, or
25 offering financial assistance in, the acquisition, construction, rehabilitation, repair, or maintenance
26 of housing accommodations to set standards and preferences, terms, conditions, limitations, or
27 specifications for the granting of loans or financial assistance that do not discriminate on the basis
28 of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
29 [housing status](#), military status as a veteran with an honorable discharge or an honorable or general
30 administrative discharge, servicemember in the armed forces, country of ancestral origin, disability,
31 age, familial status, or on the basis that a tenant or applicant or a member of the household is, or
32 has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant
33 has obtained, or sought, or is seeking relief from any court in the form of a restraining order for
34 protection from domestic abuse, of the applicant for the loan or financial assistance or of any

1 existing or prospective owner, lessee, tenant, or occupant of the housing accommodation. If a
2 landlord requires that a prospective or current tenant have a certain minimum level of income, the
3 standard for assessing eligibility shall be based only on the portion of the rent to be paid by the
4 tenant, taking into account the value of any federal, state, or local rental assistance or housing
5 subsidy.

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

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

21 (2) ~~Every person with a disability who has a guide dog or other personal assistive animal,~~
22 ~~or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal~~
23 ~~access to all housing accommodations provided for in this section and shall not be required to pay~~
24 ~~extra compensation for the guide dog or other personal assistive animal but shall be liable for any~~
25 ~~damage done to the premises by a guide dog or other personal assistive animal. For the purposes~~
26 ~~of this subsection, a "personal assistive animal" is an animal specifically trained by a certified~~
27 ~~animal training program to assist a person with a disability to perform independent living tasks. An~~
28 owner may not refuse to make reasonable accommodations in rules, policies, practices, or services
29 to allow a person with a disability who has a service animal or assistance animal or who obtains a
30 service animal or assistance animal full and equal access to all housing accommodations provided
31 for in this section, when those accommodations may be necessary to use and enjoy a housing
32 accommodation. A person with a disability who has a service animal or assistance animal or who
33 obtains a service animal or assistance animal shall not be required to pay a pet fee, pet deposit or
34 other extra compensation, but shall be liable for any damages done to the premises by a service

1 animal or assistance animal.

2 (3) In determining whether a dog qualifies as a service animal, an owner shall not inquire
3 into the nature or extent of a person's disability or require documentation, such as proof that the
4 dog has been certified, trained, or licensed as a service animal. Unless it is readily apparent that the
5 dog is trained to do work or perform tasks for an individual with a disability, an owner may ask if
6 the animal is required because of a disability and what work or task the animal has been trained to
7 perform.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (j) Nothing in this section requires that a dwelling be made available to an individual whose

1 tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy
2 would result in substantial physical damage to the property of others.

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

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

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

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

21 **34-37-5. Prevention of unlawful housing practices.**

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

26 (b) Upon the commission's own initiative or whenever an aggrieved individual or an
27 organization chartered for the purpose of or engaged in combating discrimination or racism or of
28 safeguarding civil liberties, that organization acting on behalf of one or more individuals being
29 hereinafter referred to as the complainant, makes a charge, in writing, under oath, to the commission
30 that any person, agency, bureau, corporation, or association, hereinafter referred to as the
31 respondent, has violated or is violating, to the best of complainant's knowledge and belief, any of
32 the provisions of this chapter, and that the alleged discriminatory housing practice has occurred or
33 terminated within one year of the date of filing, the commission may initiate a preliminary
34 investigation and if it shall determine after the investigation that it is probable that unlawful housing

1 practices have been or are being engaged in, it shall endeavor to eliminate the unlawful housing
2 practices by informal methods of conference, conciliation, and persuasion. Nothing said or done
3 during these endeavors may be used as evidence in any subsequent proceeding. If after the
4 investigation and conference, the commission is satisfied that any unlawful housing practice of the
5 respondent will be eliminated, it may, with the consent of the complainant, treat the charge as
6 conciliated, and entry of that disposition shall be made on the records of the commission. If the
7 commission fails to effect the elimination of the unlawful housing practices and to obtain voluntary
8 compliance with this chapter, or, if the circumstances warrant, in advance of any preliminary
9 investigation or endeavors, the commission shall have the power to issue and cause to be served
10 upon any person or respondent a complaint stating the charges in that respect and containing a
11 notice of hearing before the commission, a member thereof, or a hearing examiner at a place therein
12 fixed to be held not less than ten (10) days after the service of the complaint.

13 (c) The commission, member thereof, or hearing examiner conducting the hearing shall
14 have the power reasonably and fairly to amend any written complaint at any time prior to the
15 issuance of an order based thereon. The respondent shall have like power to amend its answer to
16 the original or amended complaint at any time prior to the issuance of the order. The commissioner
17 assigned to the preliminary hearing of any charge shall take no part in the final hearing except as a
18 witness upon competent matters and will have no part in the determination or decision of the case
19 after hearing.

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

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

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

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

31 (h)(1) If upon all the testimony taken the commission shall determine that the respondent
32 has engaged in or is engaging in unlawful housing practices, the commission shall state its findings
33 of fact and shall issue and cause to be served on the respondent an order requiring the respondent
34 to cease and desist from the unlawful housing practices, and to take further affirmative or other

1 action as will effectuate the purposes of this chapter.

2 (2) The commission may also order the respondent to pay the complainant damages
3 sustained thereby; costs, including reasonable attorney's fees incurred at any time in connection
4 with the commission of the unlawful act, and civil penalties, any amounts awarded to be deposited
5 in the state treasury. The civil penalty shall be (i) An amount not exceeding ten thousand dollars
6 (\$10,000) if the respondent has not been adjudged to have committed any prior discriminatory
7 housing practice; (ii) In an amount not exceeding twenty-five thousand dollars (\$25,000) if the
8 respondent has been adjudged to have committed one other discriminatory housing practice during
9 the five-year (5) period ending on the date of filing this charge; and (iii) In an amount not exceeding
10 fifty thousand dollars (\$50,000) if the respondent has been adjudged to have committed two (2) or
11 more discriminatory housing practices during the seven-year (7) period ending on the date of the
12 filing of this charge; except that if the acts constituting the discriminatory housing practice that is
13 the object of the charge are committed by the same natural person who has been previously
14 adjudged to have committed acts constituting a discriminatory housing practice, then the civil
15 penalties set forth in (ii) and (iii) may be imposed without regard to the period of time within which
16 any subsequent discriminatory housing practice occurred. When determining the amount of civil
17 penalties, the commission shall consider as a mitigating factor whether the respondent has acted in
18 good faith and whether the respondent has actively engaged in regular antidiscrimination
19 educational programs. Provided that no order shall affect any contract, sale, encumbrance, or lease
20 consummated before the issuance of the order and involving a bona fide purchaser, encumbrancer,
21 or tenant without actual notice of the charge filed under this title.

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

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

31 (k) Until such time as a hearing is convened pursuant to this section, no publicity shall be
32 given to any proceedings before the commission, ~~either~~ by the commission or any employee
33 thereof, ~~the complainant, or the respondent,~~ except that in the event of a conciliation agreement the
34 agreement shall be made public unless the complainant and respondent otherwise agree and the

1 commission determines that disclosure is not required to further the purposes of this chapter. After
2 the complaint issues and before an order issues, the commission shall not initiate any public notice
3 of any charge or complaint before the commission, however, the commission may respond to
4 inquiries about the status of a complaint.

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

15 (m)(1) The commission is further empowered to file a complaint in the superior court in
16 any county in which the unlawful housing practice allegedly occurs, or has occurred, or in which a
17 defendant resides or maintains a business office, or in Providence County, seeking injunctive relief,
18 including a temporary restraining order, against the defendant.

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

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

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

30 (5) Whenever a complaint shall be filed under the provisions of this subsection, the state
31 shall be liable, in an action brought against it, for the payment of such costs and damages as may
32 have been incurred or suffered by the defendant should final judgment be entered upon the
33 complaint in favor of the defendant, or should the commission, having been denied temporary relief
34 after the entry of a restraining order, fail to prosecute the matter further, or should the commission,

1 having been granted temporary relief, fail to prosecute the matter further, unless, in the latter two
2 (2) instances, failure to prosecute is caused by the making of an agreed settlement of any kind with
3 the defendant, including a conciliation agreement.

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

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

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

14 (2) Notwithstanding the termination of proceedings before the commission upon the
15 granting of the right to sue notice, the parties may agree to have the commission seek to conciliate
16 or mediate settlement of the case within the ninety-day (90) period in which the complainant has
17 the right to commence suit in superior court.

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

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

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

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

29 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 amend the Rhode Island Fair Housing Practices Act to define "assistance
2 animal" and clarify existing protections for persons with such animals consistent with the federal
3 Fair Housing Act, clarify the ability of the Rhode Island Commission for Human Rights to accept,
4 investigate, and decide cases alleging discrimination on the basis of "housing status," make
5 unlawful the issuance of discriminatory notices or statements related to the sale, rental or leasing
6 of housing, and delete a provision in current law prohibiting parties from discussing their fair
7 housing cases publicly.

8 This act would take effect upon passage.

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