

# The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

APR 8 1978

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No. **AN ORDINANCE** PROHIBITING DISCRIMINATION AGAINST INDIVIDUALS BECAUSE OF RACE, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, PHYSICAL HANDICAP, AGE OR COUNTRY OF ANCESTRAL ORIGIN AND ESTABLISHING A PROVIDENCE HUMAN RELATIONS COMMISSION.

*Approved*

**Be it ordained by the City of Providence:**

Section 1. Findings of the Council

The practice or policy of discrimination against individuals because of race, color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin is a matter of grave public concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of our people and undermines the foundations of a free democratic state. The denial of equal opportunities because of such discrimination deprives large segments of the population of the City of Providence of the ability to maintain decent standards of living and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

The accompanying Ordinance and title "An Ordinance Prohibiting Discrimination Against Individuals Because of Race, Color, Sex, Sexual Orientation, Religion, Physical Handicap, Age or Country of Ancestral Origin and Establishing a Providence Human Relations Commission" is hereby incorporated by reference and made a part hereof.

This Ordinance shall become effective January 1, 1978 following its passage by the City Council and approval by the Mayor.

**IN CITY COUNCIL  
APR 6 1978  
READ AND NOT PASSED**

*Rosam Mendonca* CLERK

No.

CHAPTER  
A ORDINANCE

NO. 1000  
APR 9 1977  
CITY CLERK

IN CITY COUNCIL  
APR 7 1977  
FIRST READING  
REFERRED TO COMMITTEE ON ORDINANCES

Ursula Lopez  
CLERK

Councilman Resalman  
Councilman Bradshaw  
Councilman Addison  
Councilman Hennessy

THE COMMITTEE ON 4-20-77  
ORDINANCES

Recommends *Be Continue*

Clerk

THE COMMITTEE ON APR. 29, 1977  
ORDINANCES

Recommends  
*Be Continue*

Clerk

THE COMMITTEE ON 11-8-77  
ORDINANCES

Recommends  
*Be Continue*

Clerk

THE COMMITTEE ON  
ORDINANCES

Recommends *Be Not Passed*

Rose M. Mendonca

Clerk

April 3, 1978

# CITY OF PROVIDENCE

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

### AN ORDINANCE PROHIBITING DISCRIMINATION AGAINST INDIVIDUALS BECAUSE OF RACE, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, PHYSICAL HANDICAP, AGE, OR COUNTRY OF ANCESTRAL ORIGIN AND ESTABLISHING A PROVIDENCE HUMAN RELATIONS COMMISSION.

#### Section 1. Findings of the Council

The practice or policy of discrimination against individuals because of race, color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin is a matter of grave public concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of our people and undermines the foundations of a free democratic state. The denial of equal opportunities because of such discrimination deprives large segments of the population of the City of Providence of the ability to maintain decent standards of living and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

#### Section 2. Public Policy

It is hereby declared to be the public policy of the City of Providence to foster the equal opportunities of all individuals in the City in accordance with their fullest capacities and abilities, regardless of their race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin, and to safeguard their right to be free from such discrimination in housing education, employment, credit and public accommodation.

#### Section 3. Exercise of Police Power

This Ordinance shall be deemed an exercise of the police power of the said City for the protection of the public welfare, prosperity, health and peace of its people.

#### Section 4. Definition of Terms

(a) "Bona fide qualifications" refers to a valid consideration of race and color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin which has been certified as such by the Commission or by the Rhode Island Commission on Human Rights.

(b) "Charge" is that which is brought by a complainant alleging an unlawful practice or that which is filed by the commission following an investigation.

(c) "Commission" means the Providence Human Relations Commission, its agents and employees.

(d) "Complaint" is that which is issued by the commission in its own behalf or in behalf of the complainant and subsequent to a probable cause determination.

(e) "Discriminate" includes any policy or practice which by design or effect segregates, separates, or has a disproportionate impact according to race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin or because of the race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin of any person with whom they are or may wish to be associated and which is not required by business necessity.

(f) "Employment agency" includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.

(g) "Employee" does not include any person employed by his or her parents, spouse or child.

(h) "Employer" includes the City and all its departments and authorities and all persons employing four (4) or more individuals within the City of Providence or any person acting as the agent of an employer either directly or indirectly. The term does not apply to a religious corporation, religious association, religious educational institution or religious society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its religious activities.

(i) "Educational facilities" means any public or private institution of learning.

(j) "Housing accommodation" includes any building or structure, or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home, residence, or commercial business of one or more persons, but excludes any dwelling units which, under the provisions of state fair housing laws, are exempt by virtue of their location in an owner-occupied building.

(k) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in relation to employment.

(l) "Public accommodation" refers to any public resort, accommodation, assemblage, amusement, business, or establishment that provides a service or function, personal, or otherwise, licensed or unlicensed, including but not limited to inns, taverns, bars, roadhouse,<sup>s</sup> hotels, motels, trailer parks, camp sites, restaurants, diners, or any place where food or beverage is sold, retail stores and establishments, dispensaries, clinics, hospitals, rest homes, nursing homes, rest rooms, bathhouses, barber shops, beauty parlors, trade schools or vocational establishments, theaters, motion picture house, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, athletic or recreational facilities, seashore accommodations, public libraries, garages, all public conveyances operated on land, water, in the air or underground, as well as the stations and terminals thereof, public halls and rooms and public stairs and elevators of buildings or other public accommodations, public housing projects, clubs, societies, fraternities, sororities, associations, or other organizations that are public or quasi-public, banks, finance companies, insurance companies, building and construction companies, other businesses, traffic and other courts and licensing and regulating bodies and all public policies, programs, and activities. Nothing herein contained shall be construed to include, or apply to, any place of accommodation which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this ordinance.

(m) "Physical handicap" means any physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy, prior history of mental illness, mental retardation, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness, or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a seeing eye dog, wheel chair, or other remedial appliance or device.

(n) "Sex discrimination" shall be deemed to include situations where an individual, acting independently, is discriminated against because of marital status.

Section 5. Unlawful Housing Practices - It shall be an unlawful housing practice:

(a) for any owner, lessee, sublessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation, or an agent of any of these

(1) to discriminate or directly or indirectly, make or cause to be made any written or oral inquiry concerning race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of any prospective purchaser, occupant, or tenant of such housing accommodation;

(2) to discriminate or directly or indirectly to refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual such housing accommodation because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such individual;

(3) to discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice, or advertisement relating to the sale, rental, lease, or let of such housing accommodation which indicates any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(4) to directly or indirectly discriminate against any person because of his or her race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin in the terms, conditions, or privileges of the sale, rental, lease, or let of any such housing accommodation or in the furnishing of facilities or services in connection therewith;

(b) for any person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured;

(1) to discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly discriminate in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such applicant or of the existing or prospective occupants or tenants thereof;

(2) to discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of an appraiser's, whether independent or not, evaluation of the property or neighborhood under consideration, when such evaluation is based on discriminatory criteria;

(c) for any person, agent, firm, corporation or association, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by

✓(1) implicit or explicit representations regarding the existing or potential proximity of real property owned used, or occupied by persons of any particular race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(2) implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities;

(3) implicit or explicit false representations regarding the availability of suitable housing within a particular neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale rent, lease, or let within a requested price range, regardless of location, so as to promote the continuance or maintenance of segregated housing or so to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood.

(d) except where based on a valid affirmative action program or record keeping or reporting requirements,

(1) for any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential, to directly or indirectly make or keep a record of any applicant's, prospective tenant's, or tenant's race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(2) to use any form of housing or loan application which contains questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(3) establish, announce, or follow a pattern, practice, or policy of denying, excluding or limiting by any means whatsoever housing accommodations to any group because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such group;

(e) for any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this ordinance;

(f) for any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful housing practice, or to obstruct or prevent any person from complying with the provisions of this ordinance or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(g) Nothing contained in this section shall be construed to prevent the operation or establishment of housing facilities designed for the exclusive use of the aged or elderly and/or handicapped.

Section 6. Unlawful Education Practices - It shall be an unlawful education practice:

(a) for any school, educational institution, or facility

(1) to discriminate or to directly or indirectly fail or refuse to admit or grant entrance, or provide, furnish, or make available equal educational services, materials, or opportunities to any person because of race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(2) to discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcast, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice, or advertisement relating to education indicating any preference, denial, limitation, specification, qualification, practice, or discrimination based on race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(3) to establish announce, or follow a pattern, practice, or policy of denying, excluding or limiting educational services, materials, or opportunities to any group because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such group;

(b) for any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this ordinance;

(c) for any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful education practice, or to obstruct or prevent any person from complying with the provision of this ordinance or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful education practice.

Nothing contained in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or to give preference to such selection so as to promote the religious principle for which it is established, nor to prevent the maintenance of any school, educational institution or facility which on the effective date of this ordinance is operated for the members of only one sex or is otherwise segregated by sex. ✓

Section 7. Unlawful Employment Practices - It shall be an unlawful employment practice:

(a) for any employer

(1) to fail or refuse to hire any applicant for employment or otherwise discriminate because of race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin, or

(2) because of such reasons, to discharge an employee or discriminate against him or her with respect to hire, tenure, compensation, promotion, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to employment, or

(3) in the recruiting of individuals for employment or in hiring them, to utilize any employment agency, placement service, training school or center, labor organization, or any other employee referring source which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(4) to maintain any written or unwritten employment policies or practices concerning the commencement and duration of leave, the availability of extension, the accrual of seniority and other benefits and privileges, reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal which distinguish between illness or disabilities caused or contributed to by pregnancy, its termination, or recovery therefrom and other temporary disabilities.

(b) for any employment agency

(1) to discriminate or to fail or refuse to classify properly or refer for employment or otherwise discriminate against any individual because of his or her race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin, or

(2) for any employment agency, placement service, training school or center, labor organization, or any other employee referring source to discriminate or to comply with an employer's request for the referral of job applicants if such request indicates either directly or indirectly that such employer will not afford full and equal employment opportunities to individuals regardless of their race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin.

(c) for any labor organization

(1) to discriminate against or deny full and equal membership rights to any applicant for membership because of his or her race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin, or

(2) because of such reasons, to deny a member full and equal membership rights, expel him or her from membership, or otherwise discriminate in any manner with respect to hire, tenure, compensation, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of such labor organization or by a collective labor agreement or other contract, or

(3) to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of his or her race, or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(4) to maintain any written or unwritten employment policies or practices concerning the commencement and duration of leave, the availability of extension, the accrual of seniority and other benefits and privileges, reinstatement and payment under any health or temporary disability insurance or sick leave plan, formal or informal which distinguish between illness or disabilities caused or contributed to by pregnancy, its termination or recovery therefrom and other temporary disabilities.

(d) except where based on a bona fide occupational qualification which has been certified by the commission, for any person, employer, employment agency, labor organization, placement service, training school or center, or any other employee referring source, prior to employment or admission to membership of any individual, to

(1) discriminate or elicit or attempt to elicit any information directly or indirectly pertaining to the individual's race, or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(2) except where based on a valid affirmative action program or record keeping or reporting requirements to make or keep a record of the individual's race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(3) use any form of application or membership blank which contains questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(4) conduct any interview in person or otherwise where information is elicited pertaining to race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(5) to discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted or mailed any written, printed or painted or oral communication, notice, or advertisement relating to employment or membership indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(6) establish, announce, or follow a pattern, practice, or policy of denying, underutilizing or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such group;

(e) for any person, employer, employment agency, labor organization, placement service, training school or center, or any other employee referring source to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this ordinance, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this ordinance;

(f) for any person, whether or not an employer, employment agency, labor organization, placement service, training school or center, or employee, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful employment practice, or to obstruct or prevent any person from complying with the provisions of this ordinance or any regulation or order issued hereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice.

Section 8. Unlawful Credit Practices - It shall be unlawful credit or loan practice:

(a) for any financial organization governed by the provision of title 19 of the general laws, entitled "Financial institutions", or any other credit granting, reporting, appraising, or approving institution, agency, business, or association

(1) to discriminate in the granting, reporting, approval, or extension of any form of loan or credit, or of the privileges or capacity to obtain any form of loan or credit, on the basis of the applicant's race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(2) to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed or painted or oral communication, notice, or advertising relating to loans or the extension of credit indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(3) to discriminate or to use any form of loan or credit application which contains questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin;

(4) to establish, announce or follow a pattern, practice, or policy of denying, excluding, or limiting the extension of loans or credit to any group because of the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of such group;

(b) for any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding or hearing under this ordinance;

(c) for any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful credit or loan practice, or to obstruct or prevent any person from complying with the provisions of this ordinance or any regulation or order issued thereunder, or to attempt directly or indirectly

to commit any act declared by this section to be an unlawful credit or loan practice.

**Section 9. Unlawful Public Accommodation Practice - It shall be an unlawful public accommodation practice:**

(a) for any person, owner, lessee, proprietor, manager, director, superintendent, agent, employee, committee, officer, or board of any place of public accommodation

(1) to discriminate or to directly or indirectly refuse, withhold from or deny to any person on account of race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin any of the accommodations, advantages, facilities, or privileges thereof;

(2) to discriminate or to directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any written, printed, or painted or oral communication, notice, or advertisement relating to public accommodations indicating any preference, denial, limitation, specification, qualification, or discrimination based upon race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin.

(3) to discriminate or to directly or indirectly elicit or attempt to elicit and information regarding an individual's race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin; or to use any form of application which contains questions or entries directly or indirectly pertaining to such information;

(4) to establish, announce, or follow a pattern, practice, or policy of denying, excluding, or limiting services or membership to any group because the race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin of such group;

(b) for any person to discriminate in any manner against any individual or deny that individual because he or she has opposed any practice forbidden by this ordinance or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this ordinance;

(c) for any person, whether or not acting for monetary gain, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful accommodation

practice, or to obstruct or prevent any person from complying with the provisions of this ordinance or any regulation or order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful public accommodation practice.

#### Section 10. Exercise of Privilege - Exemption

(a) Nothing in this ordinance contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person to establish standards and preferences and set terms, conditions, limitations, or specifications in any matter herein discussed which are not based on the race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin of the individual or the race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin of any person with whom the individual is or may wish to be associated.

(b) Nothing in this ordinance shall be construed to require or authorize any act prohibited by law, nor to require the employment of any person under eighteen (18) years of age nor to require the admission to or provision of the services of a public accommodation or financial institution to persons under eighteen (18) years of age or of any other age established by law.

Section 11. Any charge under this ordinance must be filed within 180 days after the alleged act of discrimination.

#### Section 12. Commission Established

There is hereby established a Providence Human Relations Commission which shall consist of thirteen (13) members appointed by the mayor with the approval of the city council and to serve without compensation, except that those incumbent members of the Human Relations Commission on the effective date of this ordinance shall continue to serve throughout the terms to which they have previously been appointed. Thereafter, all appointments to the Commission shall be for a term of three (3) years. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member has been appointed.

#### Section 13. Function and Duties of Commission

The Commission shall act in a policy and advisory capacity and its functions and duties shall be to further amicable relations among various segments of the population which to-

gether comprise the City of Providence, to help make it possible for each citizen, regardless of race, color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin, to develop talents and abilities without limitation, to aid in permitting the community to benefit from the fullest realization of its human resources and to preserve and further the good name of Providence and its people for tolerance and fair play and promote better relations among all people.

In order to accomplish the objectives herein set out, the Commission shall advise the mayor, city council and other offices of the City on problems affecting human and intergroup relations; make studies, surveys and investigations to provide accurate information and data for orderly and constructive community development and to recommend such measures as are deemed necessary to carry out the objectives for which the Commission has been created; consult with, obtain cooperation and coordinated effort on the part of all agencies, both public and private, which function in the field of human relations, including schools, law enforcement agencies, welfare, youth, and other similar organizations; utilize the resources of individuals and groups toward the improvement of intergroup relations, to combat those misconceptions and prejudices which set group against group and to eliminate discriminatory practices and policies.

#### Section 14. Powers

The Commission is hereby empowered:

- (a) to provide for execution within its jurisdiction of the policies embodied in this ordinance,
- (b) to safeguard all individuals within its jurisdiction from discrimination because of race or color, sex, sexual orientation, religion, physical handicap, age or country of ancestral origin,
- (c) to receive, initiate, investigate, hear and determine charges of violations of the provisions of this ordinance forbidding discrimination,
- (d) compel the attendance of witnesses and the production of evidence relevant to the matter in question for investigatory and determinative purposes by subpoena issued by the Commission, and obtain enforcement of its subpoena in superior court,

(e) issue remedial orders, after notice and hearing, requiring cessation of violations,  
(f) employ an executive director, clerks, agents and employees,  
(g) accept grants, gifts or bequests, public or private, to help finance its activities,  
(h) enter into deferral or other cooperative working agreements with the United States Equal Employment Opportunity Commission created by Title VII of the Federal Civil Rights Act of 1964 and with the Rhode Island Commission on Human Rights and with any federal or state agency in order to achieve the purposes of this ordinance,

(i) To enact by majority vote of its members such rules and regulations as it may deem necessary and in the public interest to carry out the terms and conditions set out in this ordinance. Such rules and regulations shall be signed by the Chairperson of the Commission and attested to by the executive director and a copy shall be filed with the city clerk,

(j) to elect a chairperson and other officers and establish committees and advisory councils as it shall deem appropriate for the purposes of this ordinance,

(k) to render each year to the mayor and city council a full written report of all its activities and of its recommendations.

#### Section 15. Certification of Bona Fide Qualification

Upon the filing of a petition by any interested person, the commission may determine whether a bona fide qualification should be certified for any position, housing, or public accommodation, credit or loan eligibility or education practice based on race or color, sex, sexual orientation, religion, physical handicap, age, or country of ancestral origin.

#### Section 16. Power to Prevent Unlawful Practices - Preference for Informal Methods

The commission is empowered and directed, as hereinafter provided, to prevent any person from engaging in unlawful practices, provided that before instituting a formal hearing it shall attempt, by informal methods of conference, persuasion, and conciliation, to induce voluntary compliance with this ordinance.

#### Section 17. Extraordinary Relief

The commission, may, after preliminary investigation and upon determination that it is probable that an unlawful practice has been or is being engaged in, file a complaint in the superior court in Providence county seeking injunctive relief, including a temporary

restraining order, against such respondent. No preliminary injunction shall be effective for more than thirty (30) days; provided that if the respondent has sought judicial review of an order of the commission issued pursuant to the ordinance, or if the commission has sought a decree of the court for the enforcement of such order, the preliminary injunction shall remain in full force and effect until such time as judicial review or the commission's petition or the decree of enforcement is finally heard and determined. The application by the commission for injunctive relief shall not prevent the commission from continuing to prosecute the proceeding before it out of which the application arises.

#### Section 18. Conciliation of Charges of Unlawful Practices

Upon the commission's own initiative or whenever an aggrieved individual or an organization or group whose purposes include the combating of discrimination or racism, or of safeguarding civil liberties, or of promoting full, free, or equal opportunities, such individual, group, or organization being hereinafter referred to as the complainant, makes a charge to the commission that any person, hereinafter referred to as the respondent, has engaged or is engaging in unlawful practices, the commission may initiate a preliminary investigation, and if it shall determine after such investigation that it is probable that unlawful practices have been or are being engaged in, it shall endeavor to eliminate such unlawful practices by informal methods of conference, conciliation, and persuasion, including a conciliation agreement. The terms of such conciliation agreement shall include provisions requiring the respondent to refrain from unlawful discriminatory practices in the future and may contain such further provisions as will make the complainant(s) whole or as may be agreed upon by the commission and the respondent, including a provision for the entry in superior court of a consent decree embodying the terms of the conciliation agreement.

#### Section 19. Complaint and Notice of Hearing

If the commission fails to effect the elimination of such unlawful practices and to obtain voluntary compliance with this ordinance, or, if the circumstances warrant, in advance of any such preliminary investigation or endeavors, the commission shall have the power to

issue and cause to be served upon any person or respondent a complaint stating the charges in that respect. The commission shall then serve upon the respondent a notice of hearing before the commission, a member thereof, or a hearing examiner at a place therein fixed to be held not less than ten (10) days after the service of such notice.

#### Section 20. Amendment of Complaint and Answer - Participation by Commissioner Assigned to Preliminary Determination

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

#### Section 21. Answer to Complaint - Respondent's Rights at Hearing

The respondent shall have the right to file an answer to such complaint, and shall appear at such hearing in person, or otherwise, with or without counsel to present evidence and to examine and crossexamine witnesses.

#### Section 22. Rules of Evidence

In any such proceeding the commission, its member or its agent shall not be bound by the rules of evidence prevailing in the courts of law or equity

#### Section 23. Evidence of Patterns of Discrimination

The commission may in ascertaining the practices followed by the respondent take into account all evidence, statistical or otherwise, which may tend to prove the existence of a pattern of discrimination; provided that nothing in this section contained shall be

construed to authorize or require any person to act in accordance with any criterion other than the individual qualifications of the applicant.

#### Section 24. Testimony at Hearing

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

#### Section 25. Order Dismissing Charge or Complaint

(a) If a preliminary investigating commissioner shall find that no probable cause exists for crediting the charge, a notice shall be served upon the complainant dismissing the charge as to such respondent. The complainant may present additional evidence to that commissioner for reconsideration of the ruling, or may request a review by the commission of the preliminary finding. A quorum of the commission may overrule the preliminary investigating commissioner or may affirm the earlier decision and issue an order dismissing the charge. Judicial review of the commission's final order may be obtained in accordance with this ordinance.

(b) If upon all the evidence at hearing, the commission shall find that the respondent has not engaged in unlawful practices, the commission shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. The complainant may present additional evidence to the commission for reconsideration of its order. Judicial review of the commission's final order may be obtained.

#### Section 26. Order and Compliance

If upon all the testimony taken the commission shall determine that the respondent has engaged in or is engaging in unlawful practices, the commission shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such unlawful practices, and to take such further affirmative and other action as will effectuate the purposes of the ordinance, including compliance reports, provided only that any such order establishing remedial ratios shall be limited in time and scope to that

which is required to eliminate or correct the effects of practices forbidden by this ordinance and that in no case shall the commission require the employment of a person or persons not otherwise qualified. The commission in its discretion may award the complainant for

- (a) all damages sustained as a result of the unlawful act, including damages sustained through pain, humiliation and mental suffering.
- (b) payment of costs, including all reasonable attorney fees incurred at any time as a result of the unlawful act, and
- (c) punitive damages.

Upon submission of reports of compliance, the commission, if satisfied therewith, may issue a finding that the respondent has ceased to engage in unlawful practices.

#### Section 27. Modification of Findings of Orders

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

#### Section 28. Publicity as to Proceedings or Unlawful Practices

Until such time as a hearing is convened, neither the commission or any of its members, or staff, nor the complainant or respondent shall give any public notice of any charge before the commission.

As used in this section, public notice shall mean any oral, or written statement to the press, broadcasting media or disinterested groups or individuals. However, the section shall not be construed to forbid members of the commission or its staff from discussing with a group bringing a charge under this ordinance the charge itself, its investigation or proposed conciliation.

#### Section 29. Right to Judicial Review or Enforcement

(a) Any complainant, intervener, or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement. Such proceeding shall be brought in the superior court

of Providence county or wherein any respondent, required in the order to cease and desist from unfair practices or to remedy or take other affirmative action, resides or transacts business.

(b) Such proceeding shall be initiated by the filing of a petition in such court, together with a transcript of the record upon the hearing before the commission, and the service of a copy of the said petition upon the commission and upon all parties who appeared before the commission. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the commission.

(c) An objection that has not been underbefore the commission, its member, or agent shall not be considered by the court, unless failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the commission, its member, or agent, the court may order such additional evidence to be taken before the commission, its member, or agent and to be made a part of the transcript.

#### Section 30. Modification of Commission's Findings and Orders on Additional Evidence

The commission may modify its findings as to the facts, or make new findings by reason of additional evidence so taken and filed. The commission shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

Section 31. Exclusive Jurisdiction of Court - Appeal to Supreme Court

The jurisdiction of the court shall be exclusive and its judgment and order shall be, when necessary, subject to review by the supreme court as provided by law, to which court appeal from such judgment and order may be made as provided by law.

Section 32. Commission's Copy of Testimony - Hearing on Transcript

The commission's copy of the testimony shall be available at all reasonable times to all parties without cost for examination and for the purposes of judicial review of the order of the commission. The petition shall be heard on the transcript of the record without requirement of printing.

Section 33. Commission's Attorneys

The commission may appear in court by the Law Department of the City or its own attorneys.

Section 34. Decree for Enforcement of Commission's Order

If no proceeding to obtain judicial review is instituted by the complainant, intervener, or respondent within thirty (30) days from the service of an order of the commission, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

Section 35. Posting of Statutory Provisions

Every employer, employment agency, and labor union subject to this ordinance shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this ordinance and such other relevant information which the commission deems necessary to explain the ordinance. Any person refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

Section 36. Liberal Construction

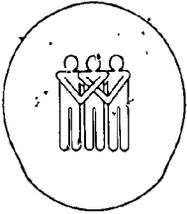
The provisions of this ordinance shall be construed liberally for the accomplishment of

the purpose thereof, and any ordinance inconsistent with any provisions hereof shall not apply.

Section 37. Severability of Provisions

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this ordinance or its application to other persons or circumstances.

✓ This ordinance will take effect January 1, 1978, and shall replace Article XVI of the Providence Code on that date.



# Providence Human Relations Commission

40 FOUNTAIN STREET • PROVIDENCE, RHODE ISLAND 02903 • (401) 421-4708

OFFICE OF THE MAYOR  
Hon. Vincent A. Cianci, Jr.

## COMMISSIONERS

CHAIRMAN  
Frederick C. Williamson

VICE CHAIRMAN  
Joseph M. Finkle

SECRETARY  
Susan L. Farmer

Francis B. Brown  
Rev. Robert L. Carter, Jr., S.T.M.  
John A. Daluz, Jr.  
Barbara L. Dubois  
Jeremiah J. Gorin  
Stanley Grossman  
Rabbi Leslie Y. Gutterman  
John M. Huntley  
Harry Kizirian  
Lynn H. Smith

EXECUTIVE DIRECTOR  
Benjamin W. Little

March 28, 1977

Mr. Robert J. Haxton  
Council President  
City Council  
City of Providence  
Providence, Rhode Island 02903

Atten: Mr. Vincent Vespia, City Clerk

Dear Mr. Haxton:

Enclosed is a proposed comprehensive anti-discrimination ordinance for the City of Providence. This proposal has been approved by the Commission for submission to the Council under its authority from the 1963 Ordinance to recommend legislation to the Mayor and City Council.

In the years since the creation of the Human Relations Commission in 1963, the entire field of civil rights law has undergone a change which is truly revolutionary. The passage of federal civil rights legislation, together with administrative and judicial rulings, has established new standards by which equality of opportunity must be judged. In fourteen years we have also learned that the effects of a long history of discrimination will not easily be eliminated. Persuasion and good will are frequently not enough. Agencies such as ours have learned that specific investigative and remedial authority is often required if genuine equality of opportunity is to be realized.

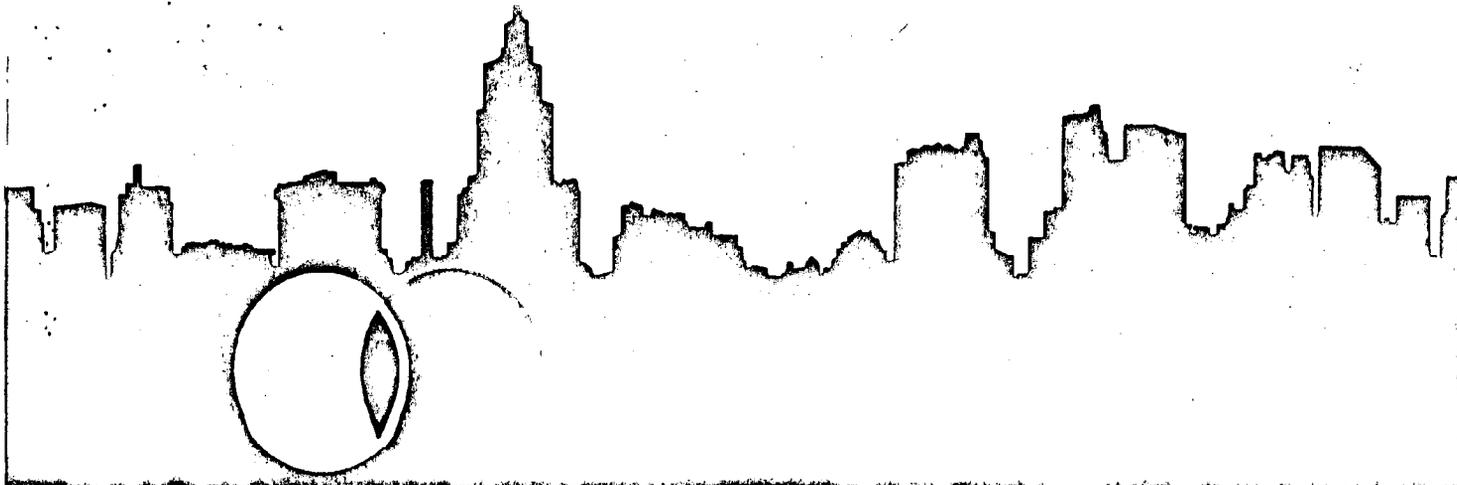
Late in 1976, recognizing the need for new municipal legislation in this area, the Commission began work on the revision of its ordinance. The enclosed proposal is the result of that effort. It is, we believe, a thorough and comprehensive ordinance, reflecting the most recent developments in the field, and providing an equitable system for resolving equal opportunity complaints. Enforcement powers provided under the ordinance will establish this Commission as the front-line agency in Providence for equal opportunity complaints. Passage of the ordinance will make this City a national leader in assuring all its people equal access to employment, education, housing, credit and public accommodations.

We respectfully ask for your consideration and support for this legislation, which will give us the tools we need to complete the work begun fourteen years ago.

Sincerely,

  
Mr. Frederick C. Williamson  
Chairman

FCW:jg



The Providence Corporation "from problem to promise"

June 16, 1977

Mr. Robert J. Haxton  
President  
City Council  
City Hall  
Providence, RI 02903

Dear Mr. Haxton:

It has come to my attention that the Comprehensive Anti-Discrimination Ordinance will be coming up for vote in the near future.

As Executive Director of The Providence Corporation I am writing to indicate my support for this Ordinance which is needed sorely within the City of Providence.

I urge emphatically a positive response from Council Members who serve on this Ordinance Committee.

Sincerely,

Matthew J. Bento  
Executive Director

MJB:mm

cc: Members - City Council Ordinance Committee



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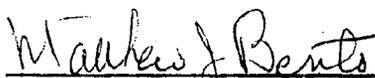
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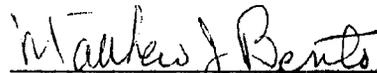
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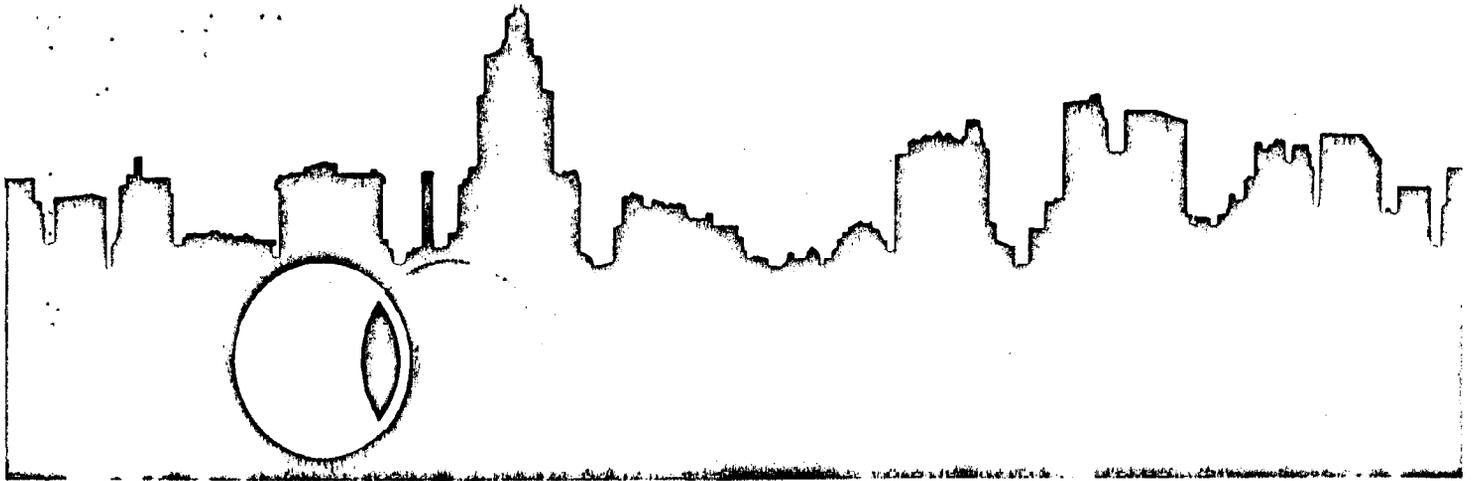
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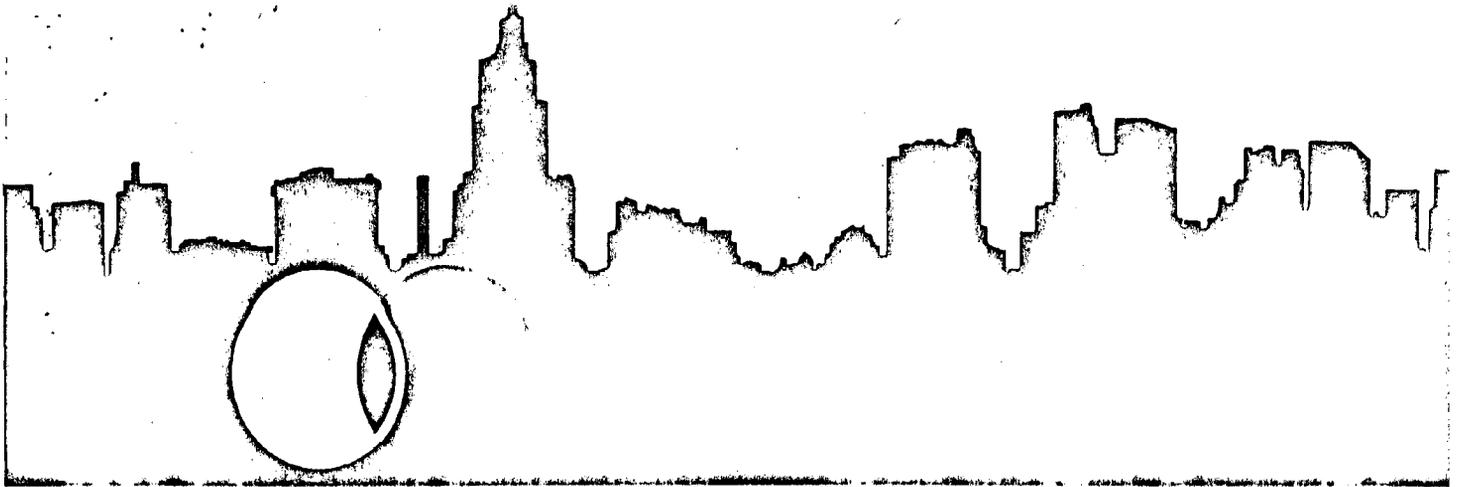
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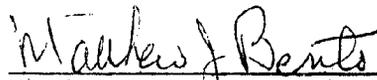
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