

IN CITY COUNCIL
MAY 2 1985
FIRST READING
REFERRED TO COMMITTEE ON FINANCE

Rose M. Mendonca Clerk

THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Resolution

Rose M. Mendonca
Clerk Chairman
May 8, 1985

Councilman O'Connor and Council President Easton

O'Connor

8 5 -- H 5124 SUBSTITUTE A

S T A T E O F R H O D E I S L A N D

I N G E N E R A L A S S E M B L Y

J A N U A R Y S E S S I O N , A . D . 1 9 8 5

A N A C T

A M E N D I N G T H E R H O D E I S L A N D
F A I R H O U S I N G P R A C T I C E S A C T

Introduced By: Representatives Morancy, Donnelly,
Friedemann, Teitz and Gaschen

Date Introduced: January 8, 1985

Referred To: House Committee on Judiciary

It is enacted by the General Assembly as follows:

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

4 34-37-1. Finding and declaration of policy. -- In the State
5 of Rhode Island and Providence Plantations, hereinafter referred
6 to as the state, many people are denied equal opportunity in
7 obtaining housing accommodations and are forced to live in cir-
8 cumscripted areas because of discriminatory housing practices
9 based upon race or color, religion, sex, marital status or coun-
10 try of ancestral origin or physical handicap or age. Such prac-
11 tices tend unjustly to condemn large groups of inhabitants to
12 dwell in segregated districts or under depressed living condi-
13 tions in crowded, unsanitary, substandard and unhealthful accom-
14 modations. Such conditions breed intergroup tension as well as

1 vice, disease, juvenile delinquency and crime; increase the fire
2 hazard; endanger the public health; jeopardize the public safety,
3 general welfare and good order of the entire state; and impose
4 substantial burdens on the public revenues for the abatement and
5 relief of conditions so created. Such discriminatory and segrega-
6 tive housing practices are inimical to and subvert the basic
7 principles upon which the colony of Rhode Island and Providence
8 Plantations was founded and upon which the state and the United
9 States were later established. Discrimination and segregation in
10 housing tend to result in segregation in our public schools and
11 other public facilities, which is contrary to the policy of the
12 state and the constitution of the United States. Further, dis-
13 crimination and segregation in housing adversely affect urban
14 renewal programs and the growth, progress and prosperity of the
15 state. In order to aid in the correction of these evils, it is
16 necessary to safeguard the right of all individuals to equal
17 opportunity in obtaining housing accommodations free of such dis-
18 crimination.

19 It is hereby declared to be the policy of the state to
20 assure to all individuals regardless of race or color, religion,
21 sex, marital status or country of ancestral origin or physical
22 handicap or age equal opportunity to live in decent, safe, sani-
23 tary and healthful accommodations anywhere within the state in
24 order that the peace, health, safety and general welfare of all
25 the inhabitants of the state may be protected and insured.

26 The practice of discrimination in rental housing based on
27 the potential or actual tenancy of a person with a minor child is
28 declared to be against public policy.

29 This chapter shall be deemed an exercise of the police power
30 of the state for the protection of the public welfare, pros-
31 perity, health and peace of the people of the state.

32 34-37-3. Definitions. -- When used in this chapter:

1 (A) The term "person" includes one or more individuals,
2 partnerships, associations, organizations, corporations, legal
3 representatives, trustees, other fiduciaries, or real estate bro-
4 kers or real estate salesmen as defined in chapter 20.5 of title
5 5.

6 (B) The term "housing accommodation" includes any building
7 or structure, or portion thereof, or any parcel of land, devel-
8 oped or undeveloped, which is occupied or is intended, designed,
9 or arranged to be occupied, or to be developed for occupancy, as
10 the home or residence of one or more persons.

11 (C) The term "commission" means the Rhode Island commission
12 for human rights created by 28-5-1 to 28-5-39, inclusive.

13 (D) The term "discriminate" includes segregate, separate or
14 otherwise differentiate between or among individuals, because of
15 race or color, religion, sex, marital status, country of ances-
16 tral origin or physical handicap or age, or because of the race
17 or color, religion, sex, marital status or country of ancestral
18 origin or physical handicap or age of any person with whom they
19 are or may wish to be associated.

20 (E) The term "age" means anyone over the age of eighteen
21 (18).

22 (F) The term "senior citizen" means a person 60 years of age
23 or older.

24 (G) The term "minor child" means a person under the age of
25 18 and shall be construed to include more than one dependent
26 child who is in the custody and care of a supervising adult.

27 (H) The term "infirm person" means a person who is disabled
28 or suffering from a chronic illness.

29 34-37-4. Unlawful housing practices. -- (A) No owner,
30 lessee, sublessee, assignee, managing agent, or other person hav-
31 ing the right to sell, rent, lease or manage a housing accommoda-
32 tion as defined in subsection (B) of 34-37-3, or an agent of any

1 of these shall, directly or indirectly, make or cause to be made
2 any written or oral inquiry concerning the race or color, reli-
3 gion, sex, marital status or country of ancestral origin or
4 physical handicap or age of any prospective purchaser, occupant
5 or tenant of such housing accommodation; or shall, directly or
6 indirectly, refuse to sell, rent, lease, let or otherwise deny to
7 or withhold from any individual such housing accommodation
8 because of the race or color, religion, sex, marital status or
9 country of ancestral origin or physical handicap or age of such
10 individual or the race or color, religion, sex, marital status or
11 country of ancestral origin or physical handicap or age of any
12 person with whom such individual is or may wish to be associated;
13 or shall, directly or indirectly, issue any advertisement relat-
14 ing to the sale, rental or lease of such housing accommodation
15 which indicates any preference, limitation, specification or dis-
16 crimination based upon race or color, religion, sex, marital
17 status or country of ancestral origin or physical handicap or age
18 or shall, directly or indirectly, discriminate against any indi-
19 vidual because of his race or color, religion, sex, marital
20 status or country of ancestral origin or physical handicap or age
21 in the terms, conditions or privileges of the sale, rental or
22 lease of any such housing accommodation or in the furnishing of
23 facilities or services in connection therewith.

24 (B) No person to whom application is made for a loan or
25 other form of financial assistance for the acquisition, construc-
26 tion, rehabilitation, repair or maintenance of any housing accom-
27 modation, whether secured or unsecured shall directly or indi-
28 rectly, make or cause to be made any written or oral inquiry con-
29 cerning the race or color, religion, sex, marital status or coun-
30 try of ancestral origin or physical handicap or age of any indi-
31 vidual seeking such financial assistance, or of existing or pros-
32 pective occupants or tenants of such housing accommodation; nor

1 shall any such person to whom such application is made in the
2 manner hereinbefore provided, directly or indirectly, discrimi-
3 nate in the terms, conditions or privileges relating to the
4 obtaining or use of any such financial assistance against any
5 applicant because of the race or color, religion, sex, marital
6 status or country of ancestral origin or physical handicap or age
7 of such applicant or of the existing or prospective occupants or
8 tenants.

9 (C) Nothing in this section contained shall be construed in
10 any manner to prohibit or limit the exercise of the privilege of
11 every person and the agent of any person having the right to
12 sell, rent, lease or manage a housing accommodation to establish
13 standards and preferences and set terms, conditions, limitations
14 or specifications in the selling, renting, leasing or letting
15 thereof or in the furnishing of facilities or services in connec-
16 tion therewith which are not based on the race, color, religion,
17 sex, marital status or country of ancestral origin or physical
18 handicap or age of any prospective purchaser, lessee, tenant or
19 occupant thereof or on the race, color, religion, sex, marital
20 status or country of ancestral origin or physical handicap or age
21 of any person with whom such prospective purchaser, lessee,
22 tenant or occupant is or may wish to be associated. Nothing in
23 this section contained shall be construed in any manner to pro-
24 hibit or limit the exercise of the privilege of every person and
25 the agent of any person making loans for or offering financial
26 assistance in the acquisition, construction, rehabilitation,
27 repair or maintenance of housing accommodations to set standards
28 and preferences, terms, conditions, limitations, or specifica-
29 tions for the granting of such loans or financial assistance
30 which do not discriminate on the basis of the race, color, reli-
31 gion, sex, marital status or country of origin or physical handi-
32 cap or age of the applicant for such loan or financial assistance

1 or of any existing or prospective owner, lessee, tenant or occu-
2 pant of such housing accommodation.

3 (D) Any blind persons, visually handicapped persons, and
4 other physically disabled persons shall be entitled to full and
5 equal access, as other members of the general public, to all
6 housing accommodations offered for rent, lease, or compensation
7 in this state, subject to the conditions and limitations estab-
8 lished by law and applicable alike to all persons.

9 Every totally or partially blind person who has a guide dog,
10 or who obtains a guide dog, shall be entitled to full and equal
11 access to all housing accommodations provided for in this subsec-
12 tion, and he shall not be required to pay extra compensation for
13 such guide dog, but shall be liable for any damage done to the
14 premises by such a guide dog.

15 Nothing in this subsection shall require any person renting,
16 leasing, or providing for compensation real property to modify
17 his property in any way or provide a higher degree of care for a
18 blind person, visually handicapped person, or other physically
19 disabled person than for a person who is not physically disabled.

20 (E) It shall be unlawful for any person having the right to
21 rent or lease any housing accommodation, or any agent or employee
22 of such person, to do or attempt to do any of the following:

23 (1) Refuse to rent or lease, or to refuse to continue to
24 rent or lease, a housing accommodation, or to withhold from any
25 person the provision of services or facilities in connection
26 therewith, because such person has a minor child who will occupy
27 the leased or rented premises.

28 (2) Discriminate against any person in the terms, condi-
29 tions, or privileges of the rental or leasing of a housing accom-
30 modation or in the provision of services or facilities in connec-
31 tion therewith, because of the potential or actual tenancy of a
32 minor child.

1 (3) Include in any lease or rental agreement for a housing
2 accommodation a clause providing that as a condition of continued
3 tenancy, the tenants shall remain childless or shall not bear
4 children.

5 (4) Represent to any person solely because of the potential
6 tenancy of a person with a minor child that a housing accommoda-
7 tion is not available for inspection or rental when such accommo-
8 dation is, in fact, available.

9 (5) Nothing contained in subsection (E), herein, shall be
10 construed to affect a housing accommodation in any of the follow-
11 ing categories:

12 (a) A housing accommodation designed and operated exclu-
13 sively for senior citizens or retirees and their spouses, or any
14 nursing home, convalescent home, or retirement home.

15 (b) An unoccupied dwelling unit in any housing complex, in
16 which at least a majority of dwelling units are occupied by
17 senior citizens or are unoccupied and available for occupancy
18 solely by households of which one (1) member is a senior citizen.

19 (c) A dormitory, residence hall, or other housing facility
20 designed exclusively for the use of single or unmarried students
21 which is leased, owned or operated by a public or private college
22 or university.

23 (d) A housing accommodation of four units or less, one of
24 which is already occupied by a senior citizen or infirm person
25 for whom the presence of children would constitute a demonstrated
26 hardship.

27 (e) A housing accommodation three units or less, one of
28 which is occupied by the owner.

29 (f) Any unoccupied dwelling unit in a housing complex
30 expressly designated by the landlord as "for adults only" pro-
31 vided that a landlord may not so designate more than one-third
32 (1/3) of the total number of rental dwelling units in said hous-
33 ing complex.

1 (6) In no case shall subsection (E) of section 34-37-4 be
2 construed to require a landlord to make an improvement to a hous-
3 ing accommodation beyond the minimum standards established by
4 building codes and regulations approved by a state or local
5 agency which has the responsibility to approve building plans and
6 designs.

7 (7) Nothing contained in this subsection (E) shall require
8 any person having the right to rent or lease any housing accommo-
9 modation to rent or lease to a person with a minor child, if the
10 number of persons to occupy the housing accommodation is more
11 than twice the number of bedrooms in the housing accommodation,
12 or if such rental would violate any state or federal law or regu-
13 lation.

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

ES076/SUB A

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
AMENDING THE RHODE ISLAND
FAIR HOUSING PRACTICES ACT

1 This act would prohibit discrimination in rental property
2 against people who have children.

3 This act would take effect upon passage.

ES076/SUB A

Sent to:
Gov
Lt Gov
Speaker of House
House Minority & Majority Leaders
Senate Minority & Majority Leaders +
House Committee on Judiciary

May 28, 1985

Enclosed is certified copy of Resolution Number 345, effective May 26, 1985, having been presented to the City Council by Councilman Thomas F. O'Connor, Jr. and Council President Nicholas W. Easton, the same being self-explanatory.

Very truly yours,

Rose M. Mendonca,
City Clerk.

RMM/jma



State of Rhode Island and Providence Plantations

EXECUTIVE CHAMBER, PROVIDENCE

Edward D. DiPrete
Governor

April 25, 1985

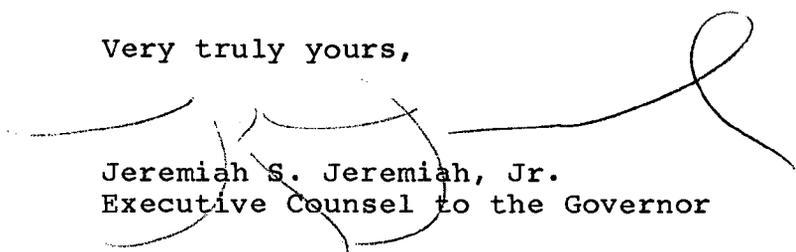
Ms. Rose M. Mendonca
City Clerk
City Hall
Providence, RI 02903

Dear Rose:

On behalf of the Governor, I would like to acknowledge receipt of certified copies of Resolutions passed by your City Council on April 4, 1985, and approved by His Honor the Mayor.

You may rest assured that these Resolutions will be considered by this administration should these matters reach the Governor's office.

Very truly yours,


Jeremiah S. Jeremiah, Jr.
Executive Counsel to the Governor

JSJ:sem

cc: Robert Murray
Fred Vincent