

RESOLUTION OF THE CITY COUNCIL

No. 202



Approved May 10, 2023

WHEREAS, House Bill H-5376 would prohibit landlords from inquiring about an applicant's prior incarceration and from discriminating against those who have been released from prison.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council hereby supports and urges passage of House Bill H-5376, An Act Relating to Property - Rhode Island Fair Housing Practices Act.

BE IT FURTHER RESOLVED, That upon passage, copies of this resolution be transmitted to the Speaker of the House and the Providence Delegation.

IN CITY COUNCIL
MAY 04 2023
READ AND PASSED


RACHEL M. MILLER, PRESIDENT

CLERK

I HEREBY APPROVE.


Mayor

Date: 5/10/23

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives J. Lombardi, Kislak, Hull, Biah, Batista, Henries,
Stewart, Morales, Felix, and Tanzi

Date Introduced: February 03, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

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

1 incarceration or on the basis that a tenant or applicant or a member of the household is, or has been,
2 or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained,
3 or sought, or is seeking relief from any court in the form of a restraining order for protection from
4 domestic abuse. Nor shall any owner or agent inquire directly or indirectly, to include, but not
5 limited to, by way of a rental application, regarding the former address of residence of the applicant.

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

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

34 (c) Nothing contained in this section shall be construed in any manner to prohibit or limit

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

34 (d) An owner may not refuse to allow a person with a disability to make, at his or her

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

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

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

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

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

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

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

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

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

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

33 (iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver
34 about the space. To the extent that any state or local building codes, statutes, or ordinances are

1 inconsistent with this section, they are hereby repealed. The state building code standards
2 committee is hereby directed to adopt rules and regulations consistent with this section as soon as
3 possible, but no later than September 30, 1990.

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

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

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

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

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

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

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

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

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

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

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

LC001189

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

- 1 This act would prohibit landlords from inquiring about an applicant's prior incarceration
- 2 and from discriminating against those who have been released from prison.
- 3 This act would take effect upon passage.

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