



STATE OF RHODE ISLAND  
OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903  
(401) 274-4400 • www.riag.ri.gov

*Peter F. Neronha*  
*Attorney General*

**SOURCE OF INCOME DISCRIMINATION GUIDANCE**

**AG 2021-03**

**TO:** Rhode Island Renters and Property Owners  
**FROM:** Peter F. Neronha, Attorney General *PFW*  
**DATE:** June 3, 2021  
**SUBJECT:** Source of Income Discrimination in Rental Housing

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Rhode Islanders who depend on public assistance programs for rent relief have faced considerable challenges over the last year. To ensure that rent relief programs provide Rhode Islanders with secure housing as intended, my Office prepared this guidance to educate residents and property owners on their rights and legal obligations in this area.

**GUIDANCE FOR RENTERS AND PROPERTY OWNERS REGARDING  
SOURCE OF INCOME DISCRIMINATION**

**Can a landlord treat someone differently because they rely on public or rental assistance?**

No. Under the Rhode Island Fair Housing Practices Act, it is unlawful for a landlord to “directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual [a] housing accommodation because of . . . lawful source of income.”<sup>1</sup> R.I.G.L. 34-37-4(a).

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<sup>1</sup> A “housing accommodation” includes “any building or structure, or portion of any building or structure, or any parcel of land, developed or undeveloped, that is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.”

## **What is “Lawful Source of Income?”**

R.I.G.L. 34-37-3(18) defines “lawful source of income” as “any income, benefit, or subsidy derived from child support; alimony; Social Security; Supplemental Security Income; any other federal, state, or local public assistance program, including, but not limited to, medical or veterans assistance; any federal, state, or local rental assistance or housing subsidy program, including Section 8 Housing Choice Vouchers as authorized by 42 U.S.C. § 1437; and any requirement associated with such public assistance, rental assistance, or housing subsidy program.” So, “lawful source of income” encompasses both public and rental assistance funds and any requirements associated with such funds.

## **What about emergency or temporary rental assistance related to COVID-19?**

It is illegal for a landlord to discriminate against tenants who are receiving COVID-19 relief from any federal, state, or local rental assistance or housing subsidy program. Landlords may not discriminate on the basis of the tenant receiving aid from ANY public or rental assistance program.

## **Can a landlord refuse to participate in a tenant’s application for temporary or emergency rental assistance?**

Various rental assistance programs may require a landlord’s participation in the application or approval process. Refusing to participate hinders a tenant’s ability to participate in the public assistance program and may constitute an unlawful effort to refuse to rent to an individual because of lawful source of income. See R.I.G.L. 34-37-4(a).

## **Could a landlord be legally responsible for violations committed by their rental agent?**

Yes. If a landlord’s rental agent discriminates against any potential tenants, both the agent and the landlord may be liable for the violation.

## **Will the requirements described above continue after the COVID-19 emergency is over?**

Yes. The rights and legal obligations described above are based on the Rhode Island Fair Housing Practices Act and other state laws. These laws will continue to be in effect during and after the COVID-19 emergency. These requirements are not based on temporary laws passed during the COVID-19 emergency.