

Rhode Island Fair Housing Practices Act



**EQUAL HOUSING
OPPORTUNITY**

TITLE 34

Property

CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-1

§ 34-37-1. Finding and declaration of policy.

(a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare, and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, or those tenants or applicants or members of a household who are, or have been, or are threatened with being the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and ensured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

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

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1977, ch. 214, § 1; P.L. 1979, ch. 144, § 3; P.L. 1985, ch. 415, § 1; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2002, ch. 118, § 2; P.L. 2002, ch. 224, § 2; P.L. 2012, ch. 316, § 2; P.L. 2012, ch. 356, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-2

§ 34-37-2. Right to equal housing opportunities – Civil rights.

The right of all individuals in the state to equal housing opportunities regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or regardless of the fact that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, is hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-24(7).

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1977, ch. 214, § 1; P.L. 1979, ch. 144, § 3; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2002, ch. 118, § 2; P.L. 2002, ch. 224, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-2.4

§ 34-37-2.1. Right to equal housing opportunities – Age.

Whenever in this chapter there shall appear the word "sex" there shall be inserted immediately thereafter the word "age."

History of Section.
(P.L. 1979, ch. 144, § 3.)

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SECTION 34-37-2.5

§ 34-37-2.2. Right to equal housing opportunities – Sexual orientation.

Whenever in this chapter there shall appear the word "sex" there shall be inserted immediately thereafter the words "sexual orientation".

History of Section.
(P.L. 1995, ch. 32, § 1.)

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SECTION 34-37-2.6

§ 34-37-2.3. Right to equal housing opportunities – Gender identity or expression.

Whenever in this chapter there shall appear the words "sexual orientation" there shall be inserted immediately thereafter the words "gender identity or expression."

History of Section.
(P.L. 2001, ch. 340, § 1.)

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SECTION 34-37-2.7

§ 34-37-2.4. Right to equal housing opportunities – Victims of domestic violence status.

It shall be unlawful and against public policy to discriminate against a tenant or applicant for housing solely on the basis that said tenant or applicant is a victim of domestic violence.

History of Section.

(P.L. 2002, ch. 118, § 1; P.L. 2002, ch. 224, § 1.)

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SECTION 34-37-3

§ 34-37-3. Definitions.

When used in this chapter:

(1) "Age" means anyone over the age of eighteen (18).

(2) "Armed forces" means the Army, Navy, Marine Corps, Coast Guard, Merchant Marines, or Air Force of the United States and the Rhode Island National Guard.

(3) "Commission" means the Rhode Island commission for human rights created by § 28-5-8.

(4) "Disability" means a disability as defined in § 42-87-1.

Provided, further, that the term "disability" does not include current, illegal use of, or addiction to, a controlled substance, as defined in 21 U.S.C. § 802.

(5) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, housing status, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, housing status, or familial status of any person with whom they are, or may wish to be, associated.

(6) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(7)(i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person, provided that, if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(8) The terms, as used regarding persons with disabilities, "auxiliary aids and services", "reasonable accommodation", and "reasonable modifications" have the same meaning as those terms are defined in § 42-87-1.1.

(9) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

(10) "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.

(11) "Otherwise qualified" includes any person with a disability who, with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in § 34-18-24.

(12) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(13) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

(14) "Senior citizen" means a person sixty-two (62) years of age or older.

(15) The term "sexual orientation" means having, or being perceived as having, an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to ensure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

(16) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in § 12-29-2.

(17) The term "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1968, ch. 58, § 1; P.L. 1968, ch. 160, § 2; P.L. 1970, ch. 25, § 1; P.L. 1977, ch. 214, § 1; P.L. 1979, ch. 144, §§ 3, 4; P.L. 1985, ch. 415, § 1; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2000, ch. 499, § 3; P.L. 2000,

ch. 507, § 3; P.L. 2001, ch. 340, § 2; P.L. 2002, ch. 118, § 2; P.L. 2002, ch. 224, § 2; P.L. 2009, ch. 96, § 4; P.L. 2009, ch. 97, § 4; P.L. 2011, ch. 363, § 18; P.L. 2012, ch. 316, § 2; P.L. 2012, ch. 356, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-4

§ 34-37-4. Unlawful housing practices.

(a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, shall, directly or indirectly, make, or cause to be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(10), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge,

servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

(b) No 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 shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the housing accommodation; nor shall any person to whom the application is made in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant or of the existing or prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

(c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of

every person and the agent of any person making loans for, or offering financial assistance in, the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

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

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

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

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

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

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

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

(i) Accessible route into and through the dwelling;

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

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

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

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

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

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

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

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

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

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

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

(m) No owner; person defined in § 34-37-3(13); 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; no financial organization governed by the provisions of title 19 or any other credit-granting commercial institution; or respondent under this chapter; or any agent of these shall discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

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

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1970, ch. 25, § 2; P.L. 1974, ch. 141, § 1; P.L. 1977, ch. 214, § 1; P.L.

1979, ch. 144, § 3; P.L. 1985, ch. 415, § 1; P.L. 1987, ch. 452, § 1; P.L. 1988, ch. 455, § 1; P.L. 1988, ch. 664, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 1999, ch. 83, § 81; P.L. 1999, ch. 130, § 81; P.L. 2001, ch. 340, § 2; P.L. 2002, ch. 118, § 2; P.L. 2002, ch. 224, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-4.1

§ 34-37-4.1. Discrimination in familial status – Exemptions.

(a) Nothing in this chapter requires an owner of a housing accommodation to rent to a family with children if:

- (1) The housing accommodation is two (2) units, one of which is occupied by the owner;
 - (2) The housing accommodation is of four (4) units or less, the owner actually maintains and occupies one of those living quarters as his or her residence and one of those units is already occupied by a senior citizen or infirm person for whom the presence of children would constitute a demonstrated hardship;
 - (3) The housing accommodation was provided under any state or federal program which is designed and operated to assist elderly persons;
 - (4) The housing accommodation is intended for and solely occupied by persons sixty-two (62) years of age or older; or
 - (5) The housing accommodation is intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit. Provided that:
 - (i) At least eighty percent (80%) of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and
 - (ii) The housing accommodation has significant facilities and services designed to meet the physical or social needs of older persons, or if the provisions of those facilities and services is not practicable, that the housing is necessary to provide important opportunities for older persons;
 - (iii) The owner or manager has published and adhered to policies and procedures which demonstrate an intent to provide housing for persons fifty-five (55) years of age or older.
- (b)(1) An exemption under subsections (a)(4) and (a)(5) can be claimed if the housing did not meet the requirements of subsections (a)(4) and (a)(5) as of September 13, 1988 only if:
- (i) New occupants of the housing met the age requirements of subsections (a)(4) and (a)(5) after September 13, 1988; or

(ii) Unoccupied units were reserved for occupancy by persons who met the age requirements of subsections (a)(4) and (a)(5) after September 13, 1988;

(2) An owner will not violate the prohibitions against age discrimination in housing contained in § 34-37-4 if the owner asks the age of prospective or actual tenants or buyers, or if the owner grants a preference to older prospective tenants or buyers so long as the housing meets the requirements of subsection (a)(4) or (a)(5) or if the owner is seeking to determine whether the housing meets the requirements of subsection (a)(4) or (a)(5).

History of Section.

(P.L. 1973, ch. 150, § 1; P.L. 1979, ch. 144, §§ 3, 4; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 2009, ch. 310, § 13.)

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SECTION 34-37-4.18

§ 34-37-4.2. Exemptions – Religious organizations and private clubs.

(a) Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to those persons unless membership in the religion is restricted on account of sex, sexual orientation, gender identity or expression, race, color, or national origin or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(b) Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

History of Section.

(P.L. 1979, ch. 144, § 3; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2.)

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SECTION 34-37-4.19

§ 34-37-4.3. Discrimination in granting credit or loans prohibited.

No financial organization governed by the provisions of title 19 or any other credit granting commercial institution may discriminate in the granting or extension of any form of loan or credit, or the privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, race or color, religion or country of ancestral origin, disability or age or familial status, sexual orientation, or gender identity or expression and the form of loan and credit shall not be limited to those concerned with housing accommodations and the commission shall prevent any violation hereof in the same manner as it is to prevent unlawful housing practices under the provisions of this chapter.

History of Section.

(P.L. 1990, ch. 398, § 2; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-4.20

§ 34-37-4.4. Discrimination based on sexual orientation – Exemption.

Nothing in this title shall prohibit an owner of a housing accommodation from refusing to rent to a person based on his or her sexual orientation if the housing accommodation is three (3) units or less, one (1) of which is occupied by the owner.

History of Section.
(P.L. 1995, ch. 32, § 1.)

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SECTION 34-37-4.21

§ 34-37-4.5. Discrimination based on gender identity or expression – Exemption.

Nothing in this title shall prohibit an owner of a housing accommodation from refusing to rent to a person based on his or her gender identity or expression if the housing accommodation is three (3) units or less, one of which is occupied by the owner.

History of Section.
(P.L. 2001, ch. 340, § 1.)

TITLE 34

Property

CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5

§ 34-37-5. Prevention of unlawful housing practices.

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

(b) Upon the commission's own initiative or whenever an aggrieved individual or an organization chartered for the purpose of or engaged in combating discrimination or racism or of safeguarding civil liberties, that organization acting on behalf of one or more individuals being hereinafter referred to as the complainant, makes a charge, in writing, under oath, to the commission that any person, agency, bureau, corporation, or association, hereinafter referred to as the respondent, has violated or is violating, to the best of complainant's knowledge and belief, any of the provisions of this chapter, and that the alleged discriminatory housing practice has occurred or terminated within one year of the date of filing, the commission may initiate a preliminary investigation and if it shall determine after the investigation that it is probable that unlawful housing practices have been or are being engaged in, it shall endeavor to eliminate the unlawful housing practices by informal methods of conference, conciliation, and persuasion. Nothing said or done during these endeavors may be used as evidence in any subsequent proceeding. If after the investigation and conference, the commission is satisfied that any unlawful housing practice of the respondent will be eliminated, it may, with the consent of the complainant, treat the charge as conciliated, and entry of that disposition shall be made on the records of the commission. If the commission fails to effect the elimination of the unlawful housing practices and to obtain voluntary compliance with this chapter, or, if the circumstances warrant, in advance of any 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 and containing 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 the complaint.

(c) The commission, 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 respondents shall have like power to amend its answer to the original or amended complaint at any time prior to the issuance of the order. The commissioner assigned to the preliminary hearing of any charge 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.

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

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

(f) The commission shall 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 predetermined pattern of discrimination in housing.

(g) 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.

(h)(1) If upon all the testimony taken the commission shall determine that the respondent has engaged in or is engaging in unlawful housing practices, the commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful housing practices, and to take such further affirmative or other action as will effectuate the purposes of this chapter.

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

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

(j) Until a transcript of the record in a case shall be filed in a court as provided in subsection (m), 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.

(k) Until such time as a hearing is convened pursuant to this section, no publicity shall be given to any proceedings before the commission, either by the commission or any employee thereof, the

complainant, or the respondent, except that in the event of a conciliation agreement the agreement shall be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this chapter. After the complaint issues and before an order issues, the commission shall not initiate any public notice of any charge or complaint before the commission, however, the commission may respond to inquiries about the status of a complaint.

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

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

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

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

(4) 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.

(5) Whenever a complaint shall be filed under the provisions of this subsection, the state shall be liable, in an action brought against it, for the payment of such costs and damages as may have been incurred or suffered by the defendant should final judgment be entered upon the complaint in favor of the defendant, or should the commission, having been denied temporary relief after the entry of a restraining order, fail to prosecute the matter further, or should the commission, having been granted temporary relief, fail to prosecute the matter further, unless, in the latter two (2) instances, failure to prosecute is caused by the making of an agreed settlement of any kind with the defendant, including a conciliation agreement.

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

(n) When a complaint issues after a finding of probable cause under subsection (b), any party may elect to have the claims asserted in that complaint decided in a civil action in lieu of a hearing under subsections (b) – (k). The election must be made not later than twenty (20) days after the receipt by the electing person of service of the complaint under subsection (b). The person making the election

shall give notice of doing so to the commission, the attorney general, and to all other complainants and respondents to whom the charge relates.

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

(1) The complainant, the commission, or the attorney general may commence a civil action on behalf of the aggrieved person in the superior court within any county as provided in § 28-5-28 within ninety (90) days after receipt of notice of an election under subsection (n);

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

(3) The superior court may make orders consistent with subsection (h) and may also award punitive damages and such damages as the court deems just and proper.

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1968, ch. 49, § 1; P.L. 1968, ch. 58, § 2; P.L. 1988, ch. 664, § 1; P.L. 1990, ch. 398, § 1.)

TITLE 34

Property

CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5.26

§ 34-37-5.1. Interference, coercion, or intimidation.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter. No owner under this chapter or any agent of these shall discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

History of Section.

(P.L. 1974, ch. 157, § 1; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1.)

TITLE 34

Property

CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5.27

§ 34-37-5.2. Discrimination in brokerage services.

It shall be unlawful to deny any person who meets licensing and other non-discriminatory requirements that are also applied to other applicants and members access to, or membership or participation in, any real estate listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling, leasing, or renting a housing accommodation or to discriminate against him or her in the terms or conditions of the access, membership, or participation on account of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status.

History of Section.

(P.L. 1990, ch. 398, § 2; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5.28

§ 34-37-5.3. Fostering of segregated housing prohibited.

It shall be an unlawful discriminatory housing practice to for profit induce, or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

History of Section.

(P.L. 1990, ch. 398, § 2; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

TITLE 34

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CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5.29

§ 34-37-5.4. Discrimination in residential real estate related transactions.

(a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available a transaction, or in the terms and conditions of the transaction, because of race, color, religion, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

(b) As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, or familial status.

History of Section.

(P.L. 1990, ch. 398, § 2; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 2001, ch. 340, § 2; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-5.30

§ 34-37-5.5. Freedom of condominium owners and apartment renters to display certain religious items.

(a) Except as otherwise provided by this section, a landlord or owner, as defined in § 34-18-11; a management committee, as defined in § 34-36-3; or an association of unit owners, as defined in § 34-36.1-1.03 (hereinafter "property owners"); may not enforce or adopt a restrictive covenant or otherwise prohibit a unit owner or tenant from displaying or affixing on the entry to the unit owner's or tenant's dwelling one or more religious items, the display of which is motivated by the unit owner's or tenant's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the constitutions of this state and the United States, prohibits the display or affixing of a religious item on the entry to the unit owner's or tenant's dwelling that:

(1) Threatens the public health or safety;

(2) Violates the provisions of chapter 37 of title 34 or any other state or federal law barring discrimination in housing, or any other law;

(3) Is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the unit owner's or resident's dwelling; or

(4) Individually, or in combination with each other religious item displayed or affixed on the entry door or door frame, has a total size of greater than twenty-five (25) square inches.

(c) Except as otherwise provided, this section does not authorize a unit owner or tenant to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenant governing the dwelling.

(d) A property owner's association may remove an item displayed in violation of a restrictive covenant permitted by this section.

History of Section.

(P.L. 2015, ch. 174, § 1; P.L. 2015, ch. 184, § 1.)

TITLE 34

Property

CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-6

§ 34-37-6. Judicial review and 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, in a proceeding as provided in this section. The proceeding shall be brought in the superior court of the state within any county wherein the unlawful housing practices which are the subject of the commission's order were committed or wherein any respondent, required in the order to cease and desist from unfair housing practices or to take other affirmative action, resides or transacts business.

(b) The proceeding shall be initiated by the filing of a petition in the court, and the service of a copy of the 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 the 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 urged before the commission, its member, or agent shall not be considered by the court, unless the failure or neglect to urge the 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 the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the hearing before the commission, its member, or agent, the court may order the additional evidence to be taken before the commission, its member, or agent and to be made a part of the transcript.

(e) 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 the modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) 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 the judgment and order may be made as provided by law.

(g) The commission's copy of the testimony shall be available at all reasonable times to all parties without cost of 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.

(h) The commission may appear in court by its own attorneys.

(i) If no proceeding to obtain judicial review is instituted by a complainant, intervener, or respondent within thirty (30) days from the service of an order of the commission pursuant to subsection (h) of § 34-37-5, the commission or the complainant may obtain a decree of the court for the enforcement of the 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.

(j) The commission may proceed in the same manner as provided in § 28-5-13 as to the powers, duties, and rights of the commission, its members, hearing examiners, the complainant, intervener, and respondent.

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1990, ch. 398, § 1.)

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CHAPTER 34-37

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SECTION 34-37-33

§ 34-37-7. Repealed.

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; Repealed by P.L. 1995, ch. 32, § 3, effective May 22, 1995.)

TITLE 34

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CHAPTER 34-37

Rhode Island Fair Housing Practices Act

SECTION 34-37-34

§ 34-37-8. Appropriation.

The general assembly shall annually appropriate such sums as is deemed necessary to carry out the purposes of this chapter; and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sum or so much thereof as may be required from time to time upon the receipt by him or her of properly authenticated vouchers.

History of Section.
(P.L. 1965, ch. 27, § 1.)

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SECTION 34-37-35

§ 34-37-9. Construction.

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes intended and any provisions of any law inconsistent with any provisions hereof shall not apply. Nothing contained in this chapter shall be construed to repeal any of the provisions of any law of the state prohibiting discrimination based on race or color, religion, sex, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status. Nothing contained in this chapter shall restrict the original jurisdiction of the courts to proceed with evictions as provided in chapter 18 of this title.

History of Section.

(P.L. 1965, ch. 27, § 1; P.L. 1988, ch. 455, § 1; P.L. 1990, ch. 398, § 1; P.L. 1997, ch. 150, § 8; P.L. 2015, ch. 161, § 1; P.L. 2015, ch. 180, § 1.)

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SECTION 34-37-36

§ 34-37-10. Severability.

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

History of Section.
(P.L. 1965, ch. 27, § 1.)

TITLE 34

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§ 34-37-11. Short title.

This chapter may be cited as "~~The Rhode Island Fair~~
CHAPTER 34-37
Rhode Island Fair Housing Practices Act
Housing Practices Act".History of Section.
(P.L. 1965, ch. 27, § 1.)

SECTION 34-37-37