

2012 -- S 2052 SUBSTITUTE B

LC00059/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

A N A C T

RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Senators Tassoni, Lynch, Jabour, Doyle, and DeVall

Date Introduced: January 11, 2012

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 37.1

4 HOMELESS BILL OF RIGHTS

5 **34-37.1-1. Short title.** – This chapter shall be known and may be cited as the “Homeless
6 Bill of Rights.”

7 **34-37.1-2. Legislative intent.** – (1) At the present time, many persons have been
8 rendered homeless as a result of economic hardship, a severe shortage of safe, affordable housing,
9 and a shrinking social safety net.

10 (2) Article 1, Section 2 of the Rhode Island State Constitution states in part, that “All free
11 governments are instituted for the protection, safety, and happiness of the people. All laws,
12 therefore, should be made for the good of the whole; and the burdens of the state ought to be
13 fairly distributed among its citizens. No person shall be deprived of life, liberty or property
14 without due process of law, nor shall any person be denied equal protection of the laws.”

15 (3) Concordant with this fundamental belief, no person should suffer unnecessarily or be
16 subject to unfair discrimination based on his or her homeless status. It is the intent of this chapter
17 to ameliorate the adverse effects visited upon individuals and our communities when the state’s
18 residents lack a home.

19 **34-37.1-3. Bill of Rights.** – No person’s rights, privileges, or access to public services

1 may be denied or abridged solely because he or she is homeless. Such a person shall be granted
2 the same rights and privileges as any other resident of this state. A person experiencing
3 homelessness:

4 (1) Has the right to use and move freely in public spaces, including, but not limited to,
5 public sidewalks, public parks, public transportation and public buildings, in the same manner as
6 any other person, and without discrimination on the basis of his or her housing status;

7 (2) Has the right to equal treatment by all state and municipal agencies, without
8 discrimination on the basis of housing status;

9 (3) Has the right not to face discrimination while seeking or maintaining employment due
10 to his or her lack of permanent mailing address, or his or her mailing address being that of a
11 shelter or social service provider;

12 (4) Has the right to emergency medical care free from discrimination based on his or her
13 housing status;

14 (5) Has the right to vote, register to vote, and receive documentation necessary to prove
15 identity for voting without discrimination due to his or her housing status;

16 (6) Has the right to protection from disclosure of his or her records and information
17 provided to homeless shelters and service providers to state, municipal and private entities
18 without appropriate legal authority; and the right to confidentiality of personal records and
19 information in accordance with all limitations on disclosure established by the Federal Homeless
20 Management Information Systems, the Federal Health Insurance Portability and Accountability
21 Act, and the Federal Violence Against Women Act; and

22 (7) Has the right to a reasonable expectation of privacy in his or her personal property to
23 the same extent as personal property in a permanent residence.

24 **34-37.1-4. Damages and attorneys' fees.** – In any civil action alleging a violation of this
25 chapter, the court may award appropriate injunctive and declaratory relief, actual damages, and
26 reasonable attorneys' fees and costs to a prevailing plaintiff.

27 **34-37.1-5. Definitions.** – For purposes of this chapter, "housing status" shall have the
28 same meaning as that contained in section 34-37-3.

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

31 **34-37-1. Finding and declaration of policy.** -- (a) In the State of Rhode Island and
32 Providence Plantations, hereinafter referred to as the state, many people are denied equal
33 opportunity in obtaining housing accommodations and are forced to live in circumscribed areas
34 because of discriminatory housing practices based upon race, color, religion, sex, sexual

1 orientation, gender identity or expression, marital status, country of ancestral origin, disability,
2 age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or
3 has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant
4 has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for
5 protection from domestic abuse. These practices tend unjustly to condemn large groups of
6 inhabitants to dwell in segregated districts or under depressed living conditions in crowded,
7 unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup
8 tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard;
9 endanger the public health; jeopardize the public safety, general welfare and good order of the
10 entire state; and impose substantial burdens on the public revenues for the abatement and relief of
11 conditions so created. These discriminatory and segregative housing practices are inimical to and
12 subvert the basic principles upon which the colony of Rhode Island and Providence Plantations
13 was founded and upon which the state and the United States were later established.
14 Discrimination and segregation in housing tend to result in segregation in our public schools and
15 other public facilities, which is contrary to the policy of the state and the constitution of the
16 United States. Further, discrimination and segregation in housing adversely affect urban renewal
17 programs and the growth, progress, and prosperity of the state. In order to aid in the correction of
18 these evils, it is necessary to safeguard the right of all individuals to equal opportunity in
19 obtaining housing accommodations free of discrimination.

20 (b) It is hereby declared to be the policy of the state to assure to all individuals regardless
21 of race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
22 country of ancestral origin, or disability, age, familial status, [housing status](#), or those tenants or
23 applicants, or members of a household, who are, or have been, or are threatened with being, the
24 victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are
25 seeking, relief from any court in the form of a restraining order for protection from domestic
26 abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere
27 within the state in order that the peace, health, safety, and general welfare of all the inhabitants of
28 the state may be protected and insured.

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

34 (d) This chapter shall be deemed an exercise of the police power of the state for the

1 protection of the public welfare, prosperity, health, and peace of the people of the state.

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

4 **34-37-3. Definitions.** -- When used in this chapter:

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

6 (2) "Commission" means the Rhode Island commission for human rights created by
7 section 28-5-8.

8 (3) "Disability" means a disability as defined in section 42-87-1.

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

11 (4) "Discriminate" includes segregate, separate, or otherwise differentiate between or
12 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
13 expression, marital status, country of ancestral origin, disability, age, [housing status](#), or familial
14 status or because of the race, color, religion, sex, sexual orientation, gender identity or expression,
15 marital status, country of ancestral origin, disability, age, [housing status](#), or familial status of any
16 person with whom they are or may wish to be associated.

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

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

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

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

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

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

34 (8) The term "gender identity or expression" includes a person's actual or perceived

1 gender, as well as a person's gender identity, gender-related self image, gender-related
2 appearance, or gender-related expression; whether or not that gender identity, gender-related self
3 image, gender-related appearance, or gender-related expression is different from that traditionally
4 associated with the person's sex at birth.

5 (9) "Housing accommodation" includes any building or structure or portion of any
6 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is
7 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
8 residence of one or more persons.

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

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

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

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

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

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

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

1 SECTION 3. This act shall take effect upon passage.

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

1 This act would create a Homeless Bill of rights in order to provide all residents with an
2 equal opportunity to live in decent, safe and sanitary accommodations regardless of housing
3 status.

4 This act would take effect upon passage.

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