



State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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TESTIMONY

BILL NO.: 2025 H 5504
AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR
HOUSING PRACTICES ACT
PRIMARY SPONSORS: Representative Serpa
COMMITTEE: House Judiciary
DATE: Mar. 18, 2025

The Rhode Island Commission for Human Rights (“Commission”) **opposes this bill.**

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in housing, among other domains. The Commission investigates discrimination allegations on the bases of race, ancestral origin, age, gender identity, sex, disability discrimination and other protected categories. The Commission is the agency responsible for investigating alleged violations of the state Fair Housing Practices Act (“FHPA”), which H 5504 amends, and investigating alleged violations of the federal Fair Housing Act (“FHA”).

The Commission asked that H 5290 be introduced to clarify owner and tenant rights and responsibilities concerning assistance animals as well as other conforming changes. The Committee may see the Commission’s testimony in support of H 5290 for more information.

H 5504, however, was drafted and introduced without input from the Commission. The bill is inconsistent with federal law and regulations and could increase uncertainty around enforcement. As drafted, the bill is inconsistent with federal law as follows:

- Restrict the kind of domesticated animal that can be an assistance animal. Under federal law, there may be other reasons an owner could refuse an accommodation for an animal but not because it is not a dog or cat.
- Allow the owner to refuse a reasonable accommodation for insurance reasons. The insurer could be liable under the federal FHA for cancelling or increasing the premium for an assistance animal.
- Require the medical provider to be in state. A person moving to Rhode Island from another state might have valid documentation from a licensed, out-of-state provider. Requiring that person to identify an in-state provider and treat with them before being able to provide

valid medical documentation is itself a barrier to granting an accommodation that could open an owner up to liability under the federal FHA.

- Require that the disability not be readily apparent before the owner can inquire about the disability for an assistance animal. Currently, an owner may ask for medical documentation for any request for an assistance animal.

It is worth noting that current law does not require that an owner grant every request for a reasonable accommodation if it would pose an undue burden, fundamentally alter the owner's operations or the specific assistance animal poses a direct threat to the health and safety of others and that threat cannot be reduced or eliminated. A tenant is responsible for any damage the assistance animal causes, and the animal must be under tenant's control. If a tenant is not properly handling the animal, an owner may ask a tenant to remove an animal from the property.

These conflicts are important for two reasons. First, the federal FHA is intended to be a floor not a ceiling. While the state can enact additional protections not in the FHA, it cannot subtract protections. Thus, the provisions in this bill may be preempted by federal law and not enforceable. If, however, courts found that the state law is enforceable, it creates conflicts between state and federal law: an owner complying with state law might still be liable for discrimination under federal law, or an owner complying with state law would be outright violating federal law.

Second, the Commission receives significant funding from the U.S. Department of Housing and Urban Development ("HUD") for investigation, enforcement and outreach; it also funds 1.5 positions. Out of the Commission's federal funding sources, HUD grants are the larger share. One of the conditions of the agreement is that state law be substantially similar to federal law. If the state laws are not substantially similar, the Commission could lose its contract, its funding and some of its personnel.

The Commission did reach out to the bill's sponsor to discuss these concerns but has not received a response yet.

For these reasons, we ask that the Committee oppose this bill.

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