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Legislative Impact Statement

To: Representative Carol Hagan McEntee, Chair House Judiciary Committee
From: Elisabeth Hubbard, Executive Secretary
Re: 26 HOUSE 8215 AN ACT RELATING PROPERY - RHODE ISLAND FAIR HOUSING PRACTICE ACT

Wednesday, March 18, 2026

The Governor's Commission on Disabilities' Legislation Committee has developed a Legislative Impact Statement on the bill listed below. The Commission would be pleased to present testimony to the committee. Please contact me (462-0110) if testimony is desired or for additional information.

The Commission finds this bill harmful.
This bill would change the definition of assistive animal in the Rhode Island Fair Housing Law and define "service animal" and "emotional support animal". We support the proposed changes to the definition of service animals, but we oppose the definition of emotional support animal as overly restrictive.

The Definition of Service Animal proposed would conform with Federal Law.

Rhode Island's current fair housing statute requires that an "assistive animal" be trained by a certified animal training program. This does not match the federal Fair Housing Act which has no such requirement. Furthermore, no certification or certification for training programs exists. (Any website that offers certification is fraudulent and taking advantage of people with disabilities.) This language is therefore both in conflict with the FHA and requires a standard that does not exist. The revisions to the law remove this standard, providing a definition for "service animal" which would bring Rhode Island law in line with federal law.

The Definition of "Emotional Support Animal"/ is overly restrictive and in conflict with Federal Law. The bill also defines an "emotional support animal", which was not defined previously. Housing providers are required to allow Emotional support animals as a reasonable accommodation under the Fair Housing Act. In determining whether the emotional support animal is a reasonable request, the same process should be used as with any request for reasonable accommodation. This new section would add additional burdens to the process of requesting a reasonable accommodation that would not be required under reasonable

accommodation requests. For example, medical documentation of the need for an emotional support animal must be from a treatment provider licensed in Rhode Island and who has a physical location in Rhode Island. In addition to the obvious scenario of someone moving from out of state, many Rhode Islanders receive their healthcare in neighboring states. In addition, telemedicine allows for many people to receive medical treatment, especially mental health therapy, from providers located out of state.

The bill also requires that the treatment provider have been treating the individual for more than 30 days. This requirement would not be needed for someone seeking a different type of accommodation for their disability, such as installing grab bars in a bathroom or other similar accommodations. To impose these restrictions would add an additional burden to the individual seeking the accommodation, and thus would be in conflict with Federal Fair Housing Law.

Another conflict with this bill is that only a cat or dog can be considered an emotional support animal. While the Americans with Disabilities Act does limit service animals to dogs and miniature horses, there is no such restriction in Fair Housing Law for emotional support animals. These are not the only types of animals that are allowed to be kept as domestic animals by RI law and city ordinances. For example, fish, mice, rabbits, some species of birds and some small reptiles are also legal to own. Reasonable accommodations are to be analyzed on a case-by-case basis and take into consideration the needs and preferences of the person with a disability. An individual may not be able to own a cat or dog because of their disability or may just have a preference for another domestic animal.

Landlords have defenses to their concerns.

We would also like to note that the law does not require a landlord to allow a tenant an accommodation of a service animal or emotional support animal that is a direct threat to safety or property. A landlord may refuse t accommodate tenants with animals that are destructive, breach the quiet enjoyment of other tenants or cause the destruction of property.

They may also deny the request of if there is an “undue financial burden”. The bill allows for a landlord to deny a reasonable accommodation on the grounds of undue hardship if the accommodation would result in a substantial increase in insurance premiums. However, what constitutes an undue hardship must be an individualized assessment, taking into consideration the circumstances and resources of the landlord. Therefore, there should be no automatic right by law.

While we do agree that a definition of emotional support animal may be helpful to landlords and tenants, the requirements in this bill would be overly restrictive and harmful to individuals with disabilities.