



State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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TESTIMONY

BILL NO.: 2025 S 129
AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR
HOUSING PRACTICES ACT
PRIMARY SPONSORS: Senator Kallman
COMMITTEE: Senate Judiciary
DATE: April 22, 2025

The Rhode Island Commission for Human Rights (“Commission”) **supports this bill and requested that it be introduced.**

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in employment, housing, public accommodations, credit and delivery of services. Among the allegations investigated by the Commission are those of race, ancestral origin, age, gender identity, sex and disability discrimination. The Commission is the agency responsible for investigating and enforcing the state Fair Housing Practices Act (“FHPA”) and, in conjunction with the U.S. Department of Housing and Urban Development, the federal Fair Housing Act (“FHA”).

This bill makes necessary amendments to the FHPA to address inconsistencies in the law since it was last amended and to ensure it conforms to the federal FHA. It does not give the Commission any new authority or enforcement powers, but rather it is designed to clarify provisions in the FHPA to ensure predictable, consistent enforcement. The bill does the following:

1. Defines “assistance animal,” making it consistent with the federal FHA regulations, case law and existing practices. It also defines “service animal” and clarifies that an emotional support animal is not a service animal. Currently, the FHPA defines the term “personal assistive animal” as “an animal specifically trained by a certified animal training program to assist a person with a disability to perform independent living tasks” There is no such certification, however, at the state or national level, which has only served to create confusion. The proposed “service animal” definition is consistent with federal law because service animals must be dogs and must be trained, but federal law does not require the dog be trained by a “certified animal training program.” This bill does not impact public accommodations; it only applies to housing.

The bill also defines “assistance animal.” Under the FHA and the Commission and the R.I. Supreme Court’s interpretation of the FHPA, an assistance animal is a reasonable accommodation: a change, exception, or adjustment to a rule, policy, practice, or service

when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.ⁱ This does not mean that an owner must allow an assistance animal of any kind in all cases. An owner may seek an alternate accommodation if the assistance animal poses an undue burden—an unreasonable financial or administrative burden, fundamental alteration to the owner’s operations or if the specific animal would pose a direct threat that cannot be reduced or eliminated.ⁱⁱ The animal’s owner remains responsible for caring for the animal and any damage that it may cause. This bill’s definitions of service animals and other assistance animals do not create any new requirements for Rhode Island landlords. The definitions simply make the current requirements clearer and more explicit.

2. Adds “housing status” into the “unlawful practices” section to make it clear that the Commission has jurisdiction over these charges and to clarify what the Commission believes the General Assembly intended when it added housing status as a protected category previously. “Housing status”—whether a person is housed or unhoused—was added to the FHPA definitions section as a protected category,ⁱⁱⁱ but housing status was not added to the section prohibiting discrimination.^{iv} Some attorneys had challenged Commission jurisdiction over housing status charges because of that unintentional omission.

This provision does not prohibit an owner from inquiring about a prospective tenant’s past addresses or prevent an owner from running a background check on a prospective tenant. Rather, it prohibits an owner from deciding whether to rent to a person because the person was previously unhoused.

3. Removes an unconstitutional provision in the FHPA.^v The Commission was previously sued over a section of the Fair Employment Practices Act that barred complainants and respondents from discussing their cases publicly with the Plaintiffs claiming that it violated their free speech rights.^{vi} The FHPA has the same unconstitutional language that was removed from the FEPA.
4. Amends the provision prohibiting discriminatory advertising to include discriminatory statements. Currently, state law prohibits discriminatory advertisements, but not discriminatory statements, meaning that a housing provider could make a discriminatory statement to a person’s face, so long as it is not written and distributed.^{vii} While the federal FHA does prohibit discriminatory statements,^{viii} this gap in state law particularly impacts people who belong to state-only protected categories, such as active-duty military, veterans and victims of domestic violence.

For these reasons, we ask that the Committee support this bill and vote to pass.

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ⁱ 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204.

ⁱⁱ <https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>.

ⁱⁱⁱ R.I. Gen. Laws § 34-37-3(17).

^{iv} R.I. Gen. Laws § 34-37-4(a).

^v R.I. Gen. Laws § 34-37-5(k).

^{vi} *DeCristo v. R.I. Comm. Human Rts.*, 1:91-cv-00657 (Oct. 23, 1992) (resolved through settlement).

^{vii} R.I. Gen. Laws § 34-37-4(a).

^{viii} 42 U.S.C. § 3604(c); 24 C.F.R. § 100.50(b)(4).