



Rhode Island Commission for Human Rights

Fair Housing Act and Fair Housing Practices Act

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About the Commission

- Enforces State and Federal anti-discrimination laws
 - Employment
 - Housing
 - Public Accommodations
 - Credit
 - Delivery of Goods and Services
- Neutral, objective investigative agency
- Services free of charge

Commission Process

- Intake
 - Latest incident within one year from date of filing
- Investigation
 - Probable Cause or No Cause
- Outcomes
 - Settlement
 - Hearing/Court
 - Withdrawal

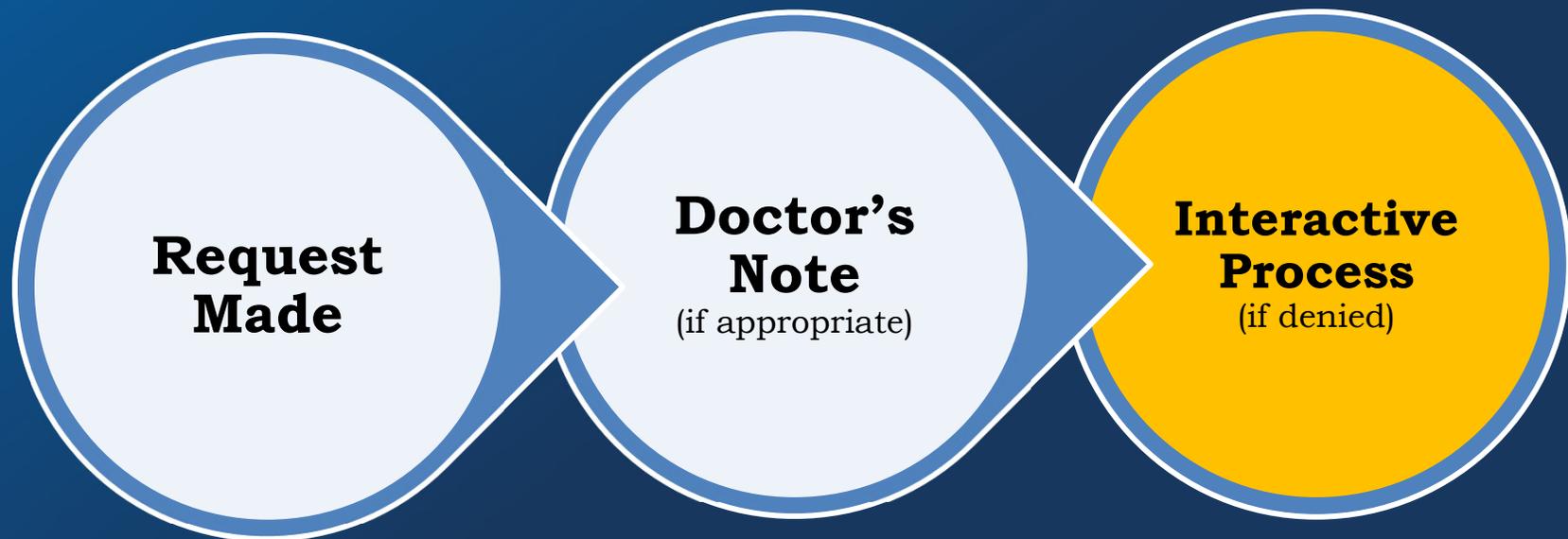
Protected Categories

- Race
- Color
- National/Ancestral Origin
- Physical Disability
- Mental Disability
- Age
- Sex
 - Pregnancy
 - Sexual Harassment
- Religion
- Sexual Orientation
- Gender Identity or Expression
- Familial Status*
- Marital Status*
- Military Status*
- Victim of Domestic Abuse
- Housing Status (Homelessness)
- Lawful Source of Income
- Association

- Orange categories are only protected under fair housing law, not employment
- Starred categories* are also protected under fair credit law

Reasonable Accommodations/Modification

- Changes in policies or structure that allow individual with disability to gain equal access to housing



Interactive Process is a two-way street!

Reasonable Accommodation vs. Reasonable Modification

Reasonable Accommodation

- Change in Policy
- Exemptions to Policies
 - Assistive Animals
- Other Misc. Accommodations
 - Parking spaces
 - Live-in Aide
 - Unit transfers

Reasonable Modification

- Grab bars
- Ramps
- Lowering of counters*
- Other structural changes*
- = If landlord/owner cannot afford to modify the unit, tenant may offer to pay, but must restore to original condition after moving out.

Assistive Animals

- **Animals as reasonable accommodation**
 - Not considered pets
 - Some pet policies do not apply
 - Insurance must accommodate
- **Service animals**
 - Perform specific service (ex: Seeing Eye Dog)
- **Emotional Support Animals**
 - Does not need to be certified
 - May require note from medical professional

Common Defenses

Undue
Burden

- Unable to accommodate or modify due to financial or administrative cost

Direct
Threat

- Accommodating tenant will put themselves or others at significant risk of substantial harm

Familial Status

- Families with Minor Children
- Occupancy defense
 - Number of people per bedroom
 - State building code – square footage
- Different rules for children vs. adults

Prohibited Acts

Terms and Conditions

- Must live on 1st floor
- Must pay additional security deposit
- Children can access certain parts of property

Refusal to rent

- State do not want children on property
- Not enough bedrooms in unit – too small

Harassment

- Neighbors harass children or parents
- Landlords/owners fail to take action to end harassment

Mrs. Murphy Exemption*

Federal Law

- 4 units or less
- Owner occupied

State Law- familial status

- Two units or less and owner occupied, OR
- Four units or less, one owner occupied, and one occupied senior for whom presence of children would constitute a hardship, OR
- Senior Housing (55+ and 62+)

* = Does not apply to advertising

Race/Color/National Origin

Race

- Physical characteristics associated with race

- African American/Black
- White
- Asian
- Biracial

Color

- Skin shade/tone

- Light
- Dark

National Origin

- Where you or your ancestors are from
- Ethnicity (common sociocultural traits)

- Chinese
- Hispanic
- Dominican
- Middle Eastern
- Native American

**** These often overlap!***

Race/Color/National Origin

Is it possible for individuals who are the same race or national origin to discriminate against each other based on color only

Steering

- Restricting an individual's housing choice
- Either directing towards or away certain neighborhood based on race/color/national origin
- Can be done via words or conduct
 - Showing houses/apartments only in certain neighborhoods
 - Saying “You may be more comfortable living in X neighborhood”

Sex Discrimination

- Discrimination based on male, female or other genders / sexes
- Also covers pregnancy and sexual harassment
- Pregnancy may also involve familial status as well in limited circumstances

Sexual Orientation vs. Gender Identity or Expression

- Sexual Orientation
 - Who you are attracted to
 - Straight, gay, bisexual, pansexual, asexual, etc.
- Gender Identity or Expression
 - Actual or perceived gender
 - Gender-related self identity or self expression
- Gender Stereotyping
 - Assigning societal “norms” to conform with sex assigned at birth

Harassment

- Quid Pro Quo
- Hostile Environment
- Landlord/Owner can be liable for conduct of
 - Neighbors
 - Property Managers
 - Third Parties (maintenance, landscapers, etc.)

Not limited to just sexual harassment

Discriminatory Advertising

- Good for young professionals
- No college students
- Desirable neighborhood
- Good for single person
- No Section 8/not Section 8 approved

Retaliation



Complaining about
discrimination



Filing a charge of
discrimination



Helping someone else
with their
discrimination
complaint



Testifying in
investigation or hearing
of discrimination
complaint



Requesting a reasonable
accommodation

Standing

Aggrieved person:

(i)“Aggrieved person” includes any person who—
(1)claims to have been injured by a discriminatory housing practice; or
(2)believes that such person will be injured by a discriminatory housing practice that is about to occur.

Can be discriminated against because of association with

State-only Protected Categories

Lawful Source of Income

Types of income covered:

- Section 8 Housing Choice Voucher
- Social Security
- Disability
- Alimony
- Child Support
- Rental Assistance

Prohibited Acts

- Outright refusal to rent
- Charging different rate of rent than other tenants
- Refusing to accept rental assistance/refusal to fill out paperwork for assistance
- Discriminatory Advertising

Lawful Source of Income Exemption

Only one exemption:

3 units or less and owner occupied

Military Status

- Active or Retired Military
- All discharge types covered except dishonorable discharge
- Prohibited Acts:
 - Refusing to take VA loan from buyer
 - Charging different rates of rent for military
 - Creating policies targeting military (Requiring orders to be submitted for rental)

Questions?

Contact Us!

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