ORDINANCE #2020-18

AN ORDINANCE PROHIBITING HOUSING DISCRIMINATION

The Code of the Town of Barrington is hereby amended as follows:

RENAME CHAPTER 119: HOUSING DISCRIMINATION

*Note: There is nothing in this Chapter, just an editor's note that states as follows: [The Town of Barrington enforces the provisions of § 45-24-2.1 et seq. of the General Laws of Rhode Island with respect to housing standards. Consult with the Building Official for further information.]

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ARTICLE I - DISCRIMINATION

Sec. 119-1. - Findings of the council.

The practice or policy of housing discrimination against individuals because of lawful source of income is a matter of public concern. Such discrimination may deprive individuals of the opportunity to maintain or establish residency in the housing accommodation of their choice, or even in the community of their choice. The denial of equal housing opportunity to residents of the Town or prospective residents of the Town because of such discrimination may contribute to unequal housing opportunities.

Sec. 119-2. - Public policy.

It is hereby declared to be the public policy of the Town of Barrington to foster the equal housing opportunities of all individuals in the town in accordance with their fullest capacities and abilities, regardless of their lawful source of income, and to safeguard their right to be free from such discrimination in housing.

Sec. 119-3. - Exercise of police power.

This article shall be deemed an exercise of the police power and home rule authority of the said town for the protection of public welfare, prosperity, health and peace of its people.

Sec. 119-4. - Definition of terms.

Discrimination includes any policy or practice which by design or effect segregates, separates or has a disproportionate impact according to lawful source of income.

Housing accommodation includes any building or structure or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home, residence, or commercial business of one (1) or more persons.

Lawful source of income refers to any income or earnings including income, benefit, or subsidy derived from child support; alimony; Social Security; Supplemental Security Income; and other federal, state, or local public assistance program, including but not limited to medical or veterans assistance; any federal, state, or local rental assistance or housing subsidy program, including the federal Housing Choice Voucher Program authorized by 42 U.S.C. §1437; and any requirement associated with such public assistance, rental assistance, or housing subsidy program.

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Sec. 119-5. - Unlawful housing practices.

(a) It shall be an unlawful housing practice:

(1) For any owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those:

a. To discriminate or directly or indirectly make or cause to be made any written or oral inquiry concerning lawful source of income of any prospective purchaser, occupant, or tenant of such housing accommodation;

b. To discriminate or directly or indirectly to refuse to sell, rent, lease, let or otherwise deny to or withhold from any individual, such housing accommodation because of the lawful source of income of such individual;

c. To discriminate or directly or indirectly print or publish or cause to be printed or published, circulated, broadcasted, issued, used, displayed, posted, or mailed any unauthorized written, printed or painted or oral communication, notice or advertisement relating to the sale, rental, lease or let of such housing accommodation which indicates any preference, denial, limitation, specification, qualification, or discrimination, based upon lawful source of income;

d. To directly or indirectly discriminate against any person because of their lawful source of income in the terms, conditions, or privileges of the sale, rental, lease, or let of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(2) For any person to discriminate in any manner against any individual, or deny that individual housing because they have opposed any practice forbidden by this article, or because they have made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this article;

(3) For any person, whether or not acting for monetary gain, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be unlawful housing practice, or to obstruct or prevent any person from complying with the provisions of this article or any regulations or issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice;

(b) Nothing contained in this section shall be construed to:

(1) prevent the operation or establishment of housing facilities designed for the exclusive use of the aged or elderly and/or disabled, nor to prohibit the establishment of programs assigned to meet the needs of circumstances of handicapped disabled persons.; or

(2) prohibit any oral or written inquiry as to whether the prospective tenant is eighteen (18) years of age or older.

(3) confirm the source, amount and expected duration of the lawful source of income of a prospective purchaser or tenant; or

(c) If an owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those requires that a prospective or current tenant have a certain minimum level of income, the standard for assessing eligibility shall be based only on the portion of the rent to be paid by the tenant, taking into account the value of any and all lawful source(s) of income.

Sec. 119-6. - Exercise of privilege; exemption.

(a) Nothing in this article contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every owner, lessee, sub-lessee, assignee, managing agent, real estate agent, or other person having the right to sell, rent, lease, or manage a housing accommodation or an agent of any of those to establish standards and preferences and set terms, conditions, limitations, or specifications in any manner herein discussed which are not based on the lawful source of income of the individual or the lawful source of income of any person with whom the individual is or may wish to be associated; nor shall this article be construed to apply to any religious organization nor to render any otherwise unlawful conduct lawful, nor to create or to grant classification, status, or class protections to any person or persons not otherwise granted such classification, status or class protections.

Sec. 119-7. Enforcement.

The Town shall prosecute any alleged violation of Chapter 119 in Municipal Court. The Court may impose a fine not exceeding five hundred dollars ($500) for violations of this Chapter, with each day that a violation is maintained or continued being a separate offense.

Sec. 119-8. Assistance with reporting to Rhode Island Commission for Human Rights.

Reports of alleged housing discrimination not addressed by this Chapter (for example, discrimination on the basis of classes protected by State or federal law) if reported to a Town official/employee, shall be addressed by forwarding the complaint to the Town Manager. The Town Manager shall direct the reporting individual/entity to file an appropriate complaint with the Rhode Island Commission for Human Rights, and shall furnish a copy of the Housing Discrimination Questionnaire utilized by the Commission for Human Rights to the complainant.

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This ordinance shall take effect six (6) months after passage.

Council Member

Filed: August 24, 2020

Introduced: September 2, 2020

Amended: September 2, 2020 (Amended title) /October 5, 2020 (removed 195-5 2a-c)

Adopted: October 5, 2020

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