TOWN OF BARRINGTON, RI
ORDINANCE #2020-18

AN ORDINANCE PROHIBITING HOUSING DISCRIMINATION REGARDING LAWFUL SOURCE OF INCOME

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

RENAME CHAPTER 119: HOUSING ~~STANDARDS~~ 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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse, is a matter of grave public concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of our people and undermines the foundations of a free democratic state. The denial of equal housing opportunities because of such discrimination deprives large segments of the population of the Town of Barrington of the ability to maintain decent standards of living and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse, 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.

Armed Forces means the Army, Navy, Marine Corps, Coast Guard, Merchant Marines, or Air Force of the United States and the Rhode Island National Guard.

Disability means any condition or characteristic whether physical or mental which renders a person disabled as defined by 42 USC 1202(2), commonly referred to as the "Americans With Disabilities Act of 1990", as amended.

Discrimination includes any policy or practice which by design or effect segregates, separates or has a disproportionate impact according to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, lawful source of income or country of ancestral origin or because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, lawful source of income or country of ancestral origin of any person with whom they are or may wish to be associated.

Gender identity or expression means a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

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, but excludes any dwelling unit which, under the provisions of state fair housing laws, are exempt by virtue of their location in an owner-occupied building.

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.

Sexual discrimination shall be deemed to include situations where an individual, acting independently, is discriminated against because of gender.

Victim of domestic abuse shall include individuals who are, or have been, or are threatened with being the victims of domestic abuse, including individuals who have obtained, or sought, or are seeking relief from any court in the form of a restraining order for protection from domestic abuse. The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in § 15-15-1 and include all forms of domestic violence as set forth in § 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge

or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse 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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse 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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse;

d. To directly or indirectly discriminate against any person because of their race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse 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, agent, firm, corporation or association, engaged in the business of selling, showing, or listing of housing accommodations for rent or sale, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by making implicit or explicit false representations, while knowing the representations to be false, regarding the availability of suitable housing within a particular neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale, rent, lease, or let within a requested price range, regardless of location, for the purpose of promoting the continuance or maintenance of segregated housing or with a purpose to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood.

(3) Except where based on a valid affirmative action program or recordkeeping or reporting requirements, or as otherwise mandated or expressly allowed by state or federal statute or regulation:

a. For any person, agent, manager, owner, or developer of any apartment or housing unit, complex, or development, whether commercial or residential to directly or indirectly make or keep a record of any applicant's, prospective tenant's, or tenant's

race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse;

b. To use any form of housing or loan application which contain questions or entries directly or indirectly pertaining to race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse;

c. Establish, announce, or follow a pattern, practice, or policy of denying, excluding or limiting by any means whatsoever housing accommodations to any group because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse of such group.

(4) For any person to discriminate in any manner against any individual, or deny that individual 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;

(5) 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; or

(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 race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse 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.

(b) Notwithstanding anything herein contained the following practices shall not be violations of this article:

(1) For a religious organization or institution to restrict any of its facilities of housing or accommodation which are operated as a direct part of religious activities to persons of the denomination involved, or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination.

(2) For the owner of a housing facility devoted entirely to the housing of individuals of one (1) sex, to restrict occupancy and use on the basis of sex.

(3) 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 to provide preference or incentive to an individual or group based on race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, or disability, age, familial status, housing status, lawful source of income, or status as a victim of domestic abuse, provided such preference is part of a policy, approved by the Town Council, designed to reverse the outcomes of prior discriminatory practices, policies, restrictions or laws.

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.

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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:

Adopted:

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