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An Act Concerning Discriminatory Housing Practices and Policies... (1961)

Rhode Island General Assembly

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AN ACT Concerning Discriminatory Housing Practices and Policies Based upon Race or Color, Religion or Country of Ancestral Origin, and Defining Further the Functions, Powers and Duties of the Commission Against Discrimination Relative Thereto.

It is enacted by the General Assembly as follows:

Section 1. Finding and declaration of policy.

(A) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race or color, religion or country of ancestral origin. Such practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, insanitary, substandard and unhealthful accommodations. Such conditions breed intergroup tension as well as vice, disease, juvenile delinquency and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. Such discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the Colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of such discrimination.
It is hereby declared to be the policy of the state to assure to all individuals regardless of race or color, religion or country of ancestral origin equal opportunity to live in decent, safe, sanitary and healthful accommodations anywhere within the state in order that the peace, health, safety and general welfare of all the inhabitants of the state may be protected and insured.

This act shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health and peace of the people of the state.

Sec. 2. Right to equal housing opportunities.

The right of all individuals in the state to equal housing opportunities regardless of race or color, religion or country of ancestral origin, is hereby recognized as, and declared to be, a civil right.

Sec. 3. Definitions.

When used in this act

(A) the term "person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salesmen as defined in Chapter 83 of P. L. of 1959.

(B) the term "housing accommodation" includes any building or structure, or portion thereof, or any parcel of land, developed or undeveloped, which is occupied, or is intended to be occupied, or to be developed for occupancy, for residential purposes, but does not include a room or rooms rented or let to a roofer or lodger within a dwelling unit occupied by the owner or tenant.

(C) the term "commission" means the Rhode Island commission against discrimination created by sections 28-5-1 to 28-5-39, inclusive, of the general
conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of the race or color, religion or country of ancestral origin of such applicant or of the existing or prospective occupants or tenants.

Sec. 5. Prevention of unlawful housing practices.

The Rhode Island commission against discrimination is empowered and directed, as hereinafter provided, to educate in order to prevent any person from violating any of the provisions of this act, provided that before instituting a formal proceeding it shall attempt by informal methods of conference, persuasion and conciliation to induce compliance with the said sections. Upon the commission's own initiative or whenever an aggrieved individual or an organization chartered for the purpose of combating discrimination or racism or of safeguarding civil liberties, such organization acting on behalf of one or more individuals being hereinafter referred to as the complainant, makes a complaint, in writing, under oath, to the said commission that any person, agency, bureau, corporation or association, hereinafter referred to as the respondent, has violated or is violating, to the best of complainant's knowledge and belief, any of the provisions of this act, the said commission may proceed in the same manner and with the same powers as provided in sections 28-5-16 to 28-5-27, inclusive, of the general laws of 1956; and the provisions of sections 28-5-13 and 28-5-16 to 28-5-36, inclusive, of the general laws of 1956 as to the powers, duties and rights of the commission, its members, hearing examiners, the complainant, intervener, respondent and the court shall apply in any proceedings under this section.

Sec. 6. Complainant's right of action.

If, within thirty days after it has issued a cease and desist order, the commission does not issue a finding that the respondent has ceased to engage
in unlawful housing practices, pursuant to the procedures of section 28-5-24,
then the complainant shall be entitled to recover his actual damages plus two
thousand dollars together with costs of suit and attorneys' fees against the
respondent in an action of the case in the superior court for having engaged
in an unlawful housing practice or practices. In any such action, the commis-
ion's cease and desist order shall be prima facie evidence that an unlawful
housing practice has been committed.

Sec. 7. Availability of record.

2 Upon the payment of costs therefor to the commission, a transcript of the
record, together with a certified copy of the testimony may be made available
to any party in the proceeding before the commission.

Sec. 8. Construction.

2 The provisions of this act shall be construed liberally for the accom-
plishment of the purposes intended and any provisions of any law inconsistent
with any provisions hereof shall not apply. Nothing contained in this act shall
be construed to repeal any of the provisions of any law of the state prohibiting
discrimination based on race or color, religion or country of ancestral origin.
Nothing contained in this act shall be construed to affect the free exercise
of religion.

Sec. 9. Separability.

2 If any clause, sentence, paragraph, or part of this act or the application
thereof to any person or circumstance shall, for any reason, be adjudged by a
court of competent jurisdiction to be invalid, such judgment shall not affect,
impair, or invalidate the remainder of this act or its application to other
persons or circumstances.

Sec. 10. Short title.

2 This act may be cited as the Rhode Island fair housing practices act.

Sec. 11. Effective date.

2 This act shall take effect upon its passage.