



Committee on Ordinances

Regular Meeting

~ Meeting Minutes ~

Monday, January 13, 2020

5:00 PM

Committee "B" (City Hall 3rd Floor)

PRESENT: Chairwoman Jo-Ann Ryan, Vice-Chairwoman Carmen Castillo, Councilman Nicholas J. Narducci, Jr., Councilwoman Mary Kay Harris and Councilor Rachel M. Miller – 5.

Also present Council President Sabina Matos; Council President Pro Tempore Michael Corriea; Councilwoman Pedro J. Espinal; Councilwoman Nirva LaFortune; Councilwoman Katherine A. Kerwin; Councilwoman Helen D. Anthony; Councilman James E. Taylor; Senator Harold M. Metts; State Representative Anastasia P. Williams; Robert Azar, Deputy Director, Department of Planning and Development; Leo Perrotta, Acting Director, Department of Public Works; Sean Bouchard, Director of Policy, City Council Office; Etie-Lee Z. Schaub, Assistant City Solicitor, Law Department; Jordan Day, Deputy Director of Operations and Municipal Liaison, Mayor's Office; Billy Kepner, Deputy Chief of Staff of Communications, City Council Office; John J. Garrahy, Esquire; Peter J. Casale, Code Consultant; Malchus Mills; Caitlin Frumerie, Executive Director, Rhode Island Coalition for the Homeless; Tina Guenette Pedersen, President, R.A.M.P; David Veliz; Jean Lamb, Executive Director, Smith Hill Community Development Center; Wendy Thomas; Katie West; Vanessa Galarzas, Providence Housing Authority; Clinton Aneni; Tina L. Mastroianni, First Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

- 1. Petition from Rithy Thay, 16 Long Court, Cranston, Rhode Island 02920, requesting a zone change for the property located on Assessor's Plat 43, Lots 504, 505 and 539, located at 759 Potters Avenue, from R-3 to C-1.**

CHAIRWOMAN RYAN: We have an amendment to this Petition, changing the Assessor's Lots to 505, 539, and 504, located at 759 Potters Avenue, from R-3 to C-1. Can I have a motion to enter the amendment letter into the record?

COUNCILMAN NARDUCCI: So moved.

VICE-CHAIRWOMAN CASTILLO: Seconded.

On motion of Councilman Narducci, Seconded by Vice-Chairwoman Castillo it is voted to enter the amendments into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter the CPC letter into the record as Exhibit A.

COUNCILMAN NARDUCCI: So moved.

VICE-CHAIRWOMAN CASTILLO: Seconded.

On motion of Councilman Narducci, Seconded by Vice-Chairwoman Castillo, it is voted to enter Exhibit A into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

Discussion was held relative to the foregoing matter.

RESULT:	SET UP PUBLIC HEARING [UNANIMOUS]
MOVER:	Vice-Chairwoman Castillo
SECONDER:	Councilman Narducci
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

CHAIRWOMAN RYAN: Can I have a motion to take the agenda out of order and have the Clerk read into the record agenda item number ten.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to take up agenda item number ten.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

- 10. An Ordinance in Amendment of Chapter 16, “Offenses and Miscellaneous Provision”, Article II, Entitled: “Discrimination”, of the Code of Ordinances of the City of Providence, by amending Sections 16-54, "Definition of Terms," 16-55, "Unlawful Housing Practices," 16-63, "Function and Duties of Commission," 16-64, "Powers of Commission," and 16-65, "Certification of Bona Fide Qualifications".**

CHAIRWOMAN RYAN: We have a substitution for this Ordinance, can I have a motion to enter this into the record as 10A.

COUNCILWOMAN HARRIS: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Councilwoman Harris, Seconded by Councilman Narducci, it is voted to enter substitution 10A into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter a one page document entitled Section 8 Unit Distribution, as Exhibit B.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to enter Exhibit B into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter a memo from the Providence Housing Authority, as Exhibit C into the record.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to enter Exhibit C into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: Can I have motion to enter into the record a letter from Cecil Vega, as Exhibit D.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to enter Exhibit D into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter a letter from Caitlin Frumerie, Executive Director, Rhode Island Coalition for the Homeless, into the record as Exhibit E.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilwoman Harris, it is voted to enter Exhibit E into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter a letter from Melina Lodge, Executive Director, Housing Network, into the record as Exhibit F.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilwoman Harris, it is voted to enter Exhibit F into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries. Can I have a motion to enter a letter from Tonya Harris, Executive Director, Rhode Island Coalition Against Domestic Violence, into the record as Exhibit G.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to enter Exhibit G into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

Discussion was held relative to the foregoing matter.

RESULT:	CONTINUED WITH VOTE [UNANIMOUS]
MOVER:	Councilwoman Harris
SECONDER:	Councilman Narducci
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

CHAIRWOMAN RYAN: Can I have a motion to take up agenda items two and four together.

COUNCILMAN NARDUCCI: So moved.

VICE-CHAIRWOMAN CASTILLO: Seconded.

On motion of Councilman Narducci, Seconded by Vice-Chairwoman Castillo, it is voted to take up agenda items two and four together.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

2. **Petition from Joseph P. Brennan, Esquire, Law Offices of K. Joseph Shekarchi, 33 College Hill Road, Suite 15E, Warwick, Rhode Island 02888, requesting a Zone Change for the property located on Assessor's Plat 89, Lot 391, located at 121 Stamford Avenue, from R-2 to R-4.**

4. **Petition from John J. Garrahy, Esquire, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, requesting a Zone Change for the property located on Assessor's Plat 14, Lot 537 (189 Waterman Street), from R-3 to RP.**

Discussion was held relative to the foregoing matters.

RESULT: SET UP PUBLIC HEARING [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Vice-Chairwoman Castillo
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.

3. An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, to change the Zoning Districts of Plat 63, Lot 346 and Plat 35, Lot 562 to include said lots in the Historic District Overlay District.

CHAIRWOMAN RYAN: Can I have a motion to enter the CPC letter into the record as Exhibit H.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILOR MILLER: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilor Miller, it is voted to enter Exhibit H into the record.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

RESULT: SET UP PUBLIC HEARING [UNANIMOUS]
MOVER: Councilman Narducci
SECONDER: Vice-Chairwoman Castillo
AYES: Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,
Councilwoman Harris and Councilor Miller – 5.

CHAIRWOMAN RYAN: Can I have a motion to take agenda item number eight out of order.

VICE-CHAIRWOMAN CASTILLO: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Vice-Chairwoman Castillo, Seconded by Councilman Narducci, it is voted to take agenda item number eight out of order.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

- 8. Petition from John J. Garrahy, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, requesting to change the zoning districts for the properties located at 24 Eighth Street and 29 Ninth Street, located on Assessor's Plat 91, Lots 151 and 632 from R-2 to C-2, provided the uses permitted on said property shall be restricted to either one family dwellings, two-family dwellings, three family dwellings or multi-family dwellings.**

Discussion was held relative to the foregoing matter.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Councilman Narducci
SECONDER:	Councilwoman Harris
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

CHAIRWOMAN RYAN: Can I have a motion to take up agenda items five and six together.

COUNCILOR MILLER: So moved.

COUNCILMAN NARDUCCI: Seconded.

On motion of Councilor Miller, Seconded by Councilman Narducci, it is voted to take agenda items five and six together.

CHAIRWOMAN RYAN: All those in favor say aye.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All those opposed. The motion carries.

5. **Petition from Joelle C. Rocha, Esquire, 128 Dorrance Street, Suite 300, Providence, Rhode Island 02903, requesting a Zone Change for the property located on Assessor's Plat 28, Lots 539 and 540 (8-10 Hewitt Street), from R-3 to C1.**

6. **Petition from Joelle C. Rocha, Esquire, Kelly, Souza, Rocha & Parmenter, PC, 128 Dorrance Street, Suite 300, Providence, Rhode Island 02903, requesting to amend Zoning Map/Change of Zoning Designation for the property located on Assessor's Plat 28, Lots 969 (21 Adams Street), Lot 140 (34 Knight Street) and Lot 142 (17 Marcello Street), from R-3 to C-1.**

Discussion was held relative to the foregoing matters.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vice-Chairwoman Castillo
SECONDER:	Councilwoman Harris
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.

7. **Petition from John J. Garrahy, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, requesting to change the zoning district for the properties located on Assessor's Plat 34, Lot 154 (695 Manton Avenue), Lot 393 (699 Manton Avenue) and Lot 394 (697 Manton Avenue, from R-2 to R-3.**

Discussion was held relative to the foregoing matter.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vice-Chairwoman Castillo
SECONDER:	Councilwoman Harris
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller – 5.


9. **An Ordinance in Amendment of Chapter 23, “Streets, Sidewalks and Public Places”, Article I, Entitled: “In General”, of the Code of Ordinances of the City of Providence, by adding Section 23-38, “Emergency Snow Parking Ban”.**

CHAIRWOMAN RYAN: We have an amendment to add into the record,
can we mark the amendment as 9A.

Discussion was held relative to the foregoing matter.

RESULT:	CONTINUED WITH VOTE [4 TO 1]
MOVER:	Councilwoman Harris
SECONDER:	Vice-Chairwoman Castillo
AYES:	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilwoman Harris and Councilor Miller – 4.
OPPOSED:	Councilman Narducci – 1.

ADJOURNMENT: On motion of Vice-Chairwoman Castillo, Seconded by Councilwoman Harris, it is voted to adjourn the meeting at 7:37 o'clock P.M.


First Deputy City Clerk


Assistant Clerk

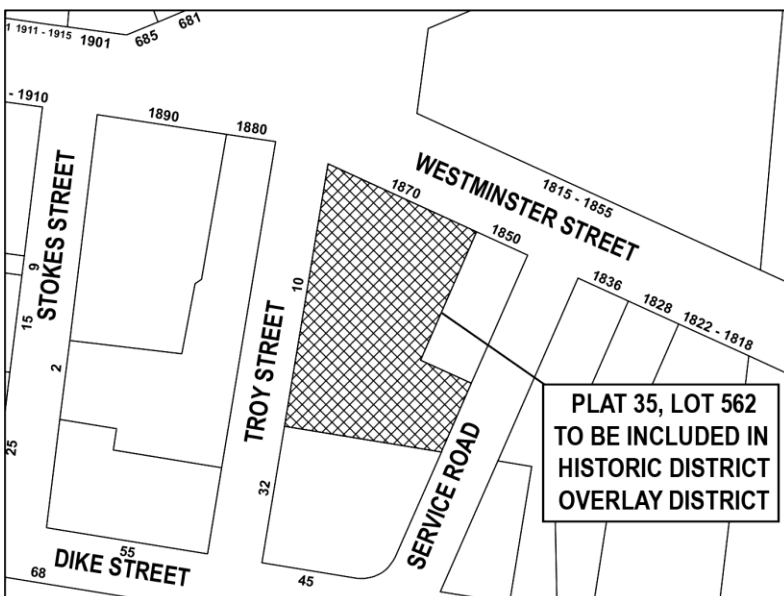
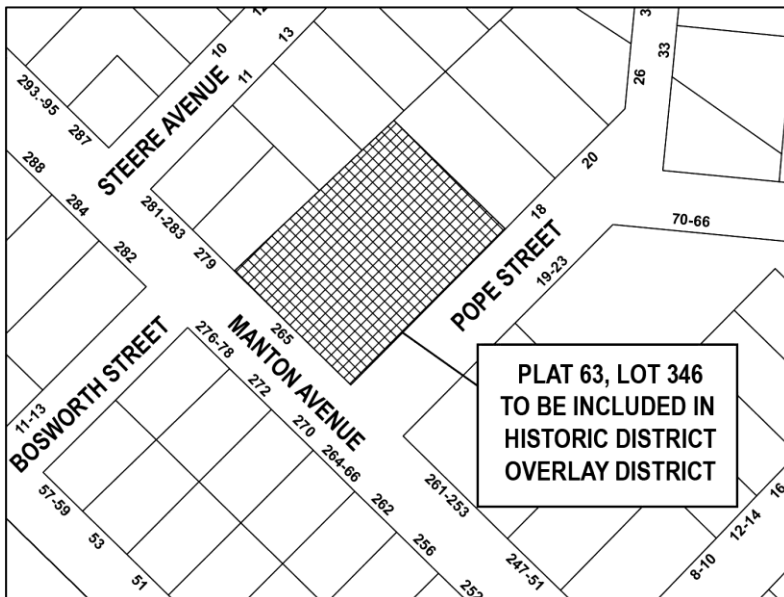
City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE," APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICTS OF PLAT 63, LOT 346 AND PLAT 35, LOT 562 TO INCLUDE SAID LOTS IN THE HISTORIC DISTRICT OVERLAY DISTRICT**

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: “The City of Providence Zoning Ordinance,” approved November 24, 2014, as amended, is hereby further amended, as shown on the accompanying maps, by applying the Historic District Overlay District to Lot 346 on Plat 63 (265 Manton Avenue) and to Lot 562 on Plat 35 (1860 Westminster Street) of the City of Providence Official Zoning Maps - Overlay Zoning Districts. Such lots shall be included in the Providence Landmarks District-Industrial and Commercial Buildings District (PLD-ICBD).



SECTION 2: This ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 23, “STREETS, SIDEWALKS AND PUBLIC PLACES”, ARTICLE I, ENTITLED: “IN GENERAL”, OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, BY ADDING SECTION 23-38, “EMERGENCY SNOW PARKING BAN”**

Be it ordained by the City of Providence:

SECTION 1. Chapter 23, “Streets, Sidewalks, and Public Places,” Section 38, is hereby amended as follows:

Sec. 23-38. - Reserved. Emergency Snow Parking Ban

If, as a result of severe weather, the accumulation of snow and ice on the public ways of the City is expected to be four inches or more, causing or resulting in the parking of vehicles in a position or manner that may impede or prevent public works snow removal vehicles from properly clearing all city roads curb to curb, the Director of Public Works shall, along with the professional discretion of the Public Safety Commissioner, the Director of Providence Emergency Management Agency, the Director of Planning, the Director of Arts, Culture + Tourism, the contracted climatologist and the Mayor, implement a residential parking ban and a staggered parking ban for commercial districts.

SECTION 2. This Ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 16, "OFFENSES AND MISCELLANEOUS PROVISION", ARTICLE II, ENTITLED: "DISCRIMINATION", OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, BY AMENDING SECTIONS 16-54, "DEFINITION OF TERMS," 16-55, "UNLAWFUL HOUSING PRACTICES," 16-63, "FUNCTION AND DUTIES OF COMMISSION," 16-64, "POWERS OF COMMISSION," AND 16-65, "CERTIFICATION OF BONA FIDE QUALIFICATIONS"**

Be it ordained by the City of Providence:

Section 1. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 54, is hereby amended as follows:

Sec. 16-54. - Definition of terms.

- (a) *Bona fide qualifications* refers to a valid consideration of race and color, sex, sexual orientation, religion, marital status, disability, age or country of ancestral origin which has been certified as such by the commission or by the Rhode Island Commission on Human Rights.
- (b) *Charge* is that which is brought by a complainant alleging an unlawful practice or that which is filed by the commission following an investigation.
- (c) *Commission* means the Providence Human Relations Commission, its agents and employees.
- (d) *Complaint* means that which is issued by the commission on its own behalf or in the behalf of the complainant and subsequent to a probable cause determination.

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.

Discounts means any reduction of the normal charge for products or services. Includes those offered on a free basis.

- (e) *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, ~~or~~ country of ancestral origin, or lawful source of income or because of the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or lawful source of income of any person with whom they are or may wish to be associated, ~~and which is not required by business necessity.~~
- (f) *Employment agency* includes any person undertaking with or without compensation to procure opportunities to work, or to procure, recruit, refer, or place employees.
- (g) *Employee* does not include any person employed by his or her parents, spouse or child.
- (h) *Employer* includes the city and all its departments and authorities, and all persons employing seven (7) or more individuals within the City of Providence, or any person acting as the agent of an employer either directly or indirectly. The term does not apply to a religious corporation, religious association, religious educational institution, or religious society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its religious activities.
- (i) *Educational facilities* means any public or private institution of learning.

- (j) *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.
- (k) *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.
- (l) *Labor organization* includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.
- 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.
- (m) *Public accommodation* refers to any public resort, accommodation, assemblage, amusement, business, or establishment that provides a service or function, personal, or otherwise licensed, or unlicensed, including but not limited to inns, taverns, bars, roadhouses, hotels, motels, trailer parks, camp sites, restaurants, diners, or any place where food or beverage is sold, retail stores and establishments, dispensaries, clinics, hospitals, rest homes, nursing homes, rest rooms, bathhouses, barber shops, beauty parlors, trade schools or vocational establishments, theaters, motion picture houses, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, athletic or recreational facilities, seashore accommodations, public libraries, garages, all public conveyances operated on land, water, in the air or underground, as well as the stations and terminals thereof, public halls and rooms and public stairs and elevators of buildings or other public accommodations, public housing projects, clubs, societies, fraternities, sororities, associations, or other organizations that are public or quasi-public, banks, finance companies, insurance companies, building and construction companies, other businesses; traffic and other courts, and licensing and regulating bodies and all public policies, programs, and activities. Nothing herein contained shall be construed to include, or apply to, any place of accommodation which is by its nature distinctly private; provided, that where public use is permitted, that use shall be covered by this article.
- ~~(n) *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.~~
- (o) *Sexual discrimination* shall be deemed to include situations where an individual, acting independently, is discriminated against because of gender.
- ~~(p) *Discounts* means any reduction of the normal charge for products or services. Includes those offered on a free basis.~~

Section 2. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 55, is hereby amended as follows:

Sec. 16-55. - 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~~A. To discriminate or directly or indirectly make or cause to be made any written or oral inquiry concerning race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any prospective purchaser, occupant, or tenant of such housing accommodation;
 - ~~b~~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 or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or lawful source of income of such individual;
 - ~~c~~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 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 or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or lawful source of income;
 - ~~d~~D. To directly or indirectly discriminate against any person because of his or her race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or 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 whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, whether secured or unsecured:
 - ~~a~~A. To discriminate or to directly or indirectly make or cause to be made any written or oral inquiry concerning the race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin of any individual seeking such financial assistance, or of existing or prospective occupants or tenants of such housing accommodation, nor shall any such person to whom such application is made, directly or indirectly discriminate in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance against any applicant because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or lawful source of income of such applicant, or of the existing or prospective occupants or tenants thereof;
 - ~~b~~B. To discriminate or to directly or indirectly deny or limit such application for financial assistance on the basis of an appraiser's, whether independent or not, evaluation of the property or neighborhood under consideration, when such evaluation is based on discriminatory criteria.
- (3) For any person, agent, firm, corporation or association, whether or not acting for monetary gain, to directly or indirectly induce, attempt to induce, prevent or attempt to prevent the sale, purchase, rental, or letting of any housing accommodation by:
 - ~~a~~A. Implicit or explicit representations regarding the existing or potential proximity of real property owned, used, or occupied by persons of any particular race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or lawful source of income;

~~b~~B. Implicit or explicit representations regarding the effects or consequences of any such existing or potential proximity, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities;

~~e~~C. Implicit or explicit false representations 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, so as to promote the continuance or maintenance of segregated housing or so to retard, obstruct, or discourage integrated housing on or in any street, block, or neighborhood.

(4) Except where based on a valid affirmative action program or recordkeeping or reporting requirements:

~~a~~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 or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;

~~b~~B. To use any form of housing or loan application which contain questions or entries directly or indirectly pertaining to race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, or country of ancestral origin;

~~e~~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 or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, country of ancestral origin, or lawful source of income of such group.

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

(6) 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;

~~(7)~~(b) Nothing contained in this section shall be construed to:

(1) ~~to~~ 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

(4) prohibit an owner of a housing accommodation from refusing to rent to a person based on their lawful source of income if the housing accommodation is three (3) units or less, one of which is occupied by the owner.

(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 lawful source of income.

(d) Private Enforcement Actions:

(1) An individual aggrieved by an unlawful housing practice in violation of this chapter may bring a civil action in a court of competent jurisdiction for appropriate relief.

(2) As used in subsection (1), "appropriate relief" means damages for injury or loss caused by each violation of this chapter, including, but not limited to permanent or temporary injunction, punitive damages, costs, reasonable attorney fees, and the types of relief described in section 16-76.

(3) Any action taken by the City or Commission does not preclude any private individual from seeking a private right of action under this section.

Section 3. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 63, is hereby amended as follows:

Sec. 16-63. - Function and duties of commission.

- (a) The commission shall act in a policy and advisory capacity, and its functions and duties shall be to further amicable relations among various segments of the population which together comprise the City of Providence; to help make it possible for each citizen, regardless of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or other bases of discrimination prohibited by ordinance, to develop talents and abilities without limitation, to aid in permitting the community to benefit from the fullest realization of its human resources, and to preserve and further the good name of Providence and its people for tolerance and fair play, and promote better relations among all people.
- (b) In order to accomplish the objectives herein set out, the commission shall advise the mayor, city council and other offices of the city on problems affecting human and intergroup relations; make studies, surveys and investigations to provide accurate information and data for orderly and constructive community development, and to recommend such measures as are deemed necessary to carry out the objectives for which the commission has been created; consult with, obtain cooperation and coordinated effort on the part of all agencies, both public and private, which function in the field of human relations, including schools, law enforcement agencies, welfare, youth, and other similar organizations; utilize the resources of individuals and groups toward the improvement of inter group relations, to combat those misconceptions and prejudices which set group against group, and to eliminate discriminatory practices and policies.

Section 4. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 64, is hereby amended as follows:

Sec. 16-64. - Powers of commission.

The commission is hereby empowered:

- (1) To provide for execution within its jurisdiction of the policies embodied in this article;
- (2) To safeguard all individuals within its jurisdiction from discrimination because of race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or other bases of discrimination prohibited by ordinance;
- (3) To receive, initiate, investigate, hear and determine charges of violations of the provisions of this article forbidding discrimination;
- (4) Compel the attendance of witnesses and the production of evidence relevant to the matter in question for investigatory and determinative purposes by subpoena issued by the city council upon request in writing by said commission, and obtain enforcement of said subpoena in superior court;
- (5) Issue remedial orders after notice and hearing, requiring cessation of violations;
- (6) Employ an executive director, hearing examiners, clerks, agents and employees;
- (7) Accept grants, gifts or bequests, public or private, to help finance its activities;

- (8) Enter into deferral [referral] or other cooperative working agreements with the United States Equal Employment Opportunity Commission created by Title VII of the Federal Civil Rights Act of 1964 and with the Rhode Island Commission on Human Rights, and with any federal or state agency in order to achieve the purposes of this article;
- (9) To enact by majority vote of its members such rules and regulations as it may deem necessary and in the public interest to carry out the terms and conditions set out in this article. Such rules and regulations shall be signed by the chairperson of the commission and attested to by the executive director, and a copy shall be filed with the city clerk;
- (10) To elect a chairperson and other officers, and establish committees and advisory councils as it shall deem appropriate for the purposes of this article;
- (11) To render each year to the mayor and city council a full written report of all its activities and of its recommendations.

Section 5. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 65, is hereby amended as follows:

Sec. 16-65. - Certification of bona fide qualification.

Upon the filing of a petition by any interested person, the commission may determine whether a bona fide qualification should be certified for any position, housing, or public accommodation, credit or loan eligibility or education practice based on race or color, sex, sexual orientation, gender identity or expression, religion, marital status, disability, age, ~~or~~ country of ancestral origin, or other bases of discrimination prohibited by ordinance.

Section 6. Chapter 16, "Offenses and Miscellaneous Provisions," Article II, "Discrimination," Section 76, is hereby amended as follows:

Sec. 16-76. - Order and Compliance .

(a) If upon all the testimony taken, the commission shall determine that the respondent has engaged in or is engaging in unlawful practices, the commission shall issue and cause to be served upon such respondent an order requiring such respondent to cease and desist from such unlawful practices, and to take such further affirmative and other action as will effectuate the purposes of this article, including compliance reports; provided only, that any such order establishing remedial ratios shall be limited in time and scope to that which is required to eliminate or correct the effects of practices forbidden by this article, and that in no case shall the commission require the employment of a person or persons not otherwise qualified. The commission in its discretion may award the complainant for:

(1) All damages sustained as a result of the unlawful act, including damages sustained through pain, humiliation and mental suffering;

(2) Payment of cost, including all reasonable attorney fees incurred at any time as a result of the unlawful act; ~~and~~

(3) Punitive damages;

(4) Other specific or equitable relief, such as access to the dwelling at issue (or a comparable dwelling); and

(5) Any other provisions to vindicate the public interest, including apologies; educational and training efforts; and affirmative activities to remediate past discriminatory practices, or prevent future ones.

(b) Upon submission of the reports of compliance the commission, if satisfied therewith, may issue a finding that the respondent has ceased to engage in unlawful practices.

Section 7. This ordinance shall take effect six (6) months after passage.