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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON 23-H 6062 & 23-H 6129, AN ACT RELATING TO PROPERTY – RESIDENTIAL LANDLORD AND TENANT ACT & AN ACT RELATING TO CRIMINAL PROCEDURE – PUBLIC DEFENDER April 25, 2023

Especially in the past few years, the acute need for healthy, equitable, safe, and accessible housing and robust tenant protections has become particularly clear. For this reason, the ACLU of RI is strongly in support of both H 6062, which would enact a Tenants’ Bill of Rights, and H 6129, which would create a division in the public defender’s office dedicated to providing legal representation to individuals facing an eviction proceeding.

While H 6062 is an important bill in entirety, we note our particular support and appreciation for the provision which entitles individuals who are engaged in an eviction matter, and who are unable to afford counsel and who have children living with them, to the services of a public defender. Especially for indigent tenants who may be facing adverse housing actions, asking such individuals to navigate a complex court system without adequate legal supports and effective resources only engenders circumstances where the deck is stacked against them from the outset. Instead, allowing access to critical public services – such as legal help – could be the difference between maintaining housing for a family or homelessness. For these same reasons, we are strongly supportive of H 6129, which would set up a broader infrastructure for such representation.

It is no secret that housing in Rhode Island is in a dire situation, and the importance of stable and affordable housing is indisputable. Ensuring that, at the very least, clients in the most need of legal counsel will be provided it at such a crucial moment provides an important due process protection and increases equity in a complicated and stressful system.

Finally, in the interest of enhancing the strength of the protections of H 6062, we do urge one minor amendment to the legislation, which is to include “immigration or citizenship status” in the list of protected classes on page 2, lines 2-5. Not only would this address a very insidious type of racial profiling by restricting the ability for a landlord to stereotype and inquire after a tenant or potential tenant’s immigration status, but it would prevent landlords from inappropriately leveraging a tenant’s immigration status to restrict reports of housing violations or complaints about living conditions.

For these reasons, we urge passage of these bills and the inclusion of this important amendment in H 6062. Thank you for your consideration of our views.