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## Legislative Impact Statement

To: Robert E. Craven, Chair House Judiciary Committee  
From: Elisabeth Hubbard, Executive Secretary  
Re: House 5504 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

Tuesday, March 18, 2025

The Governor's Commission on Disabilities' Legislation Committee has developed a Legislative Impact Statement on the bill listed below. The Commission would be pleased to present testimony to the committee. Please contact me (462-01110) if testimony is desired or for additional information.

### **The Commission finds this bill beneficial with suggestions for amendments.**

This bill would provide valuable direction and guidance on the obligation of housing providers to allow service animals and Emotional Support Animals as reasonable accommodations for people with disabilities.

ESAs differ from service animals as they are accommodations in housing, and are covered by Fair Housing Law, not the Americans with Disabilities Act. To be eligible to have an ESA as an accommodation, one must be a person with a disability whose symptoms of their disability would be ameliorated by having an ESA. Many people with disabilities benefit greatly from having an ESA.

There is a great deal of concern over what pets can qualify as emotional support animals (ESAs) and possible abuse of the legal rights people with disabilities have. This has caused fear and mistrust on the part of housing providers, who are wary of false ESAs. It has also caused worry for people who would benefit from an ESA, but are afraid that their stated need will not be taken seriously. When false claims of a pet being an ESA are made, it hurts people with disabilities who have a legitimate need.

We support this bill because it provides valuable clarification as to what is an ESA. Requiring that a healthcare provider have a treatment relationship with the person requesting an ESA means that people with a legitimate need will have the ability to obtain one as an accommodation, but would prevent possible fraud. The Commission felt that 30-days was a reasonable amount of time to establish a relationship.

There are several changes we would recommend. Firstly, the law should not restrict the type of domestic animal that can be an emotional support animal. Some people have allergies to fur or dander and may benefit from an ESA that does not exacerbate allergies such as a fish, domestic iguana, or miniature pig. Therefore p. 5 lines 24-26 should be changed to state that an emotional support animal means a "domestic animal" and not only "a dog or cat". The following sentence should be removed.

Secondly, on page 6, line 9 should be changed from “has a physical location in Rhode Island” to “is licensed in Rhode Island. Many people obtain their health care services from other states either by traveling or through virtual appointments. To use a virtual appointment, the provider must still be licensed in Rhode Island. The Department of Health maintains licenses of these healthcare providers. Imposing a requirement on people seeking an ESA accommodation that their health care provider to have an in-state office would prevent some people from using their actual, legitimate treating provider.

Thank you for your consideration of our testimony.