

RULES AND REGULATIONS PERTAINING TO THE RHODE
ISLAND COMMISSION FOR HUMAN RIGHTS

2002. Processing of Charges under Title 34, Chapter 37.

A) Procedures:

- 1) the procedures set forth in the Rules 1 – 17 of the Commission Rules and Regulations shall apply with respect to charges filed under Title 34, Chapter 37 as provided in Rules 1 – 17 of the Commission Rules and Regulations and as applicable;

B) Upon the filing of a charge:

- 1) the Commission will serve notice upon the complainant acknowledging such filing and advising the complainant of the time limits and choice of forums provided in the Act;
- 2) the Commission shall, not later than ten (10) days after such filing, serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of such respondent under the Act, together with a copy of the original charge;
- 3) each respondent may file, not later than ten (10) days after receipt of notice from the Commission, an answer to such charge;
- 4) the Commission shall commence an investigation before the thirtieth (30th) day after the receipt of the charge of the alleged discriminatory housing practice and complete such investigation within one hundred (100) days after the filing of the charge, unless impracticable to do so;
- 5) if the Commission is unable to complete the investigation within one hundred (100) days after the filing of the charge, the Commission shall notify the complainant and respondent in writing of the reasons for not doing so;
- 6) the Commission shall make final administrative disposition of a charge within one year of the filing of the charge, unless impracticable to do so;
- 7) if the Commission is unable to make final administrative disposition of a charge within one year of the filing of the charge, the Commission shall notify the complainant and respondent in writing of the reasons for not doing so;
- 8) in addition to the right to sue procedures set forth in Rule 17 of the Commission Rules and Regulations, when a complaint issues after a finding of probable cause, any party may elect to have the claims asserted in that complaint decided in a civil action in lieu of an administrative hearing. The election must be made not later than twenty (20) days after the receipt by the electing person of service of the complaint. The person making such election shall give notice of doing so to the Commission, the attorney general, and to all other complainants and respondents to whom the charge relates; ~~and~~

- 9) if an election is made as discussed above in Rule 2002(B)(8) of the Commission Rules and Regulations:
 - (a) the complainant, the Commission or the attorney general may commence and maintain a civil action on behalf of the aggrieved person in the Superior Court as provided in Section 28-5-28 within ninety (90) days after receipt of notice of an election. The Commission shall commence and maintain an action seeking appropriate relief for an aggrieved party and vindication of the public interest, if neither the attorney general nor the complainant has commenced a civil action on behalf of the aggrieved person. If the complainant commences a civil action on behalf of the aggrieved person, the Commission shall intervene in the case on behalf of the public interest. If the attorney general commences a civil action on behalf of the aggrieved person, the Commission may intervene on behalf of the public interest;
 - (b) any party may claim a trial by jury. Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action;
 - (c) the Superior Court may make orders consistent with Section 34-37-5(H) of the General Laws of Rhode Island and may also award (1) punitive damages and (2) such damages as the court deems just and proper;
- 10) if the Commission, after investigation, determines that probable cause exists, it shall have the power to issue and cause to be served upon any person or respondent a complaint stating the charges in that respect;
- 11) the Commission's probable cause determination shall have the same meaning as reasonable cause as defined in the Fair Housing Act of 1968, as amended, Section 810(g)(1)& (2);
- 12) if none of the parties makes an election as provided above, a Commission attorney, acting as the Civil Prosecutor, shall either maintain the administrative action seeking appropriate relief for an aggrieved party and vindication of the public interest, or, if the complainant is represented by an attorney or proceeds pro se, participate in the administrative action on behalf of the public interest.