



March 31, 2022

The Honorable Raymond A. Hull
Chairman
House Committee on Municipal Government & Housing

RE: H 7722 – “An Act Relating to Property – Rhode Island Fair Housing Practices Act”

Dear Chairman Hull and Committee Members:

On behalf of the more than 6,000 members of the Rhode Island Association of REALTORS® (RIAR), we thank you for the opportunity to comment on H 7722, which seeks to prohibit a home seller’s agent from receiving buyer “love letters” when receiving offers to purchase real property from.

RIAR is committed to equity, sensitivity, and respect for all our members and the public we serve. As an association, we actively take supportive positions on legislation that promote diversity and reduce discrimination in the communities that we serve. Our association’s leadership and staff consistently guide, monitor, and report the impact and progress of our initiatives toward that end.

We are appreciative of the General Assembly for supporting legislation that RIAR and legislators have championed relative to fair housing. Moreover, we appreciate the sponsors of H 7722 for seriously considering legislation that aims to address discrimination during the homebuying process. While RIAR agrees with the intent of H 7722, we are concerned about legal challenges if the bill were to be signed into law as drafted.

In a hot real estate market, such as Rhode Island’s, sellers often receive numerous offers for their property, which may include what is known as a buyer “love letter”. These letters are used to make a personal connection with the seller. Although, H 7722 does not define buyer “love letters”, the real estate industry is aware of a tactic that is used by some buyers to stand out to a seller, especially in thriving markets with low inventory and bidding wars. Unfortunately, the letter may include details about the buyer’s family, race, religion, or other characteristics that could lead to violations of the federal Fair Housing Act and the Rhode Island Fair Housing Practices Act.

In 2021, the Oregon State Legislature approved House Bill 2550, which prohibits buyers from providing “love letters” and personal photographs to sellers.¹ Oregon is the first and

¹ <https://gov.oregonlive.com/bill/2021/HB2550/>

only state to approve a law that addresses buyer “love letters”. While RIAR agrees with the intent of the new Oregon law and Rhode Island House Bill H 7722, our members are concerned that a Rhode Island law could present similar legal challenges being played out in Oregon.

H 7722 includes the same language that has been legally contested in the case of Oregon’s new buyer “love letter” law:

“In order to help a seller avoid selecting a buyer based on the buyer’s race, color, religion, sex, sexual orientation, national origin, marital status or familial status as prohibited by the Fair Housing Act (42 U.S.C. § 3601, et seq.), a seller’s agent shall reject any communications other than customary documents in a real estate transaction, including photographs provided by a buyer.”

Recently, United States District Judge Marco A. Hernandez issued a preliminary injunction blocking the new Oregon law saying it violates the First Amendment by restricting free speech.² Consistent with the court’s legal opinion regarding Oregon House Bill 2550, RIAR is concerned that H 7722 doesn’t specify what “customary documents” include and does not specifically prohibit “love letters”. Thus, H 7722 would ban any written communication between a buyer and seller.

During the last year, RIAR has consistently communicated the potential liabilities and fair housing violations that buyer “love letters” could produce during the real estate transaction.³ To avoid legal challenges, RIAR recommends the bill’s sponsors work with RIAR on educating consumers and sellers on potential fair housing violations associated with buyer “love letters”.

Therefore, RIAR urges this committee to take no action on H 7722 and continue working with RIAR on fair housing initiatives that promote diversity, equity, and inclusion in Rhode Island’s real estate market.

Sincerely,



David Salvatore
Government Affairs Director

² <https://www.oregonlive.com/news/2022/03/federal-judge-blocks-oregons-first-in-nation-ban-on-homebuyer-love-letters.html>

³ <https://www.rirealtors.org/news/2021/03/30/legal/a-word-of-caution-about-buyer-love-letters/>