

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 781

H. P. 630

House of Representatives, February 26, 1979

Speaker laid before the House and on Motion of Mr. Hughes of Auburn, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Brannigan of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Prohibit Housing Discrimination Against Families with Children.

Be it enacted by the People of the State of Maine, as follows:

14 MRSA § 6022 is enacted to read:

§ 6022. Nondiscrimination against families with children

1. **Nondiscrimination.** It is unlawful and opposed to public policy for any landlord or his agent to have as a condition precedent to the leasing of any dwelling unit a requirement as to the number of children that the prospective tenant may have residing in the unit; provided that any landlord may refuse to lease a dwelling unit if the size of the family with those children would exceed the number permitted by local zoning, municipal ordinance or reasonable standards of human health and sanitation.

2. **Publicity.** It is unlawful and opposed to public policy for any landlord or his agent in listing, announcing or advertising a vacancy to state that a person with children may not apply for or rent a given dwelling unit. Any listing, announcement or advertisement shall be prima facie evidence of a violation of this section.

3. **Remedy.** Any person aggrieved by a violation of this section may bring a civil action against the owner of the dwelling unit. Upon adverse judgment, the

defendant shall be liable for actual damages or an amount equal to one month's rent, whichever is greater, together with court costs and reasonable attorney's fees. The court may also, in its discretion, provide such equitable relief as it deems necessary or proper, including enjoining the defendant from further violations of this section.

4. Exemption. This section shall not apply to any tenancy for a dwelling unit which is part of a structure containing no more than 5 dwelling units, one of which is occupied by the landlord.

STATEMENT OF FACT

More and more Maine families have been and are being priced out of the housing market due to the high cost of homes, mortgages and interest rates. At the same time these families are finding it more and more difficult to find decent rental housing because of the widespread practice of refusing rentals to families with children.

These 2 factors place an unfair burden on many Maine families and this bill, by prohibiting discrimination in rental housing against families with children, is designed to somewhat ease that burden.

In recent years, this practice of discrimination has been growing. Apartment rental ads are filled with "adults only" or "no children" requirements, forcing families to live in substandard apartments, or housing that simply doesn't meet their needs.

This is unfair, contributes to the deterioration of families, places more demands on overburdened social services and ultimately costs the taxpayers. It is unfair to children and contributes to their deprivation of a decent environment in which to grow.

This bill will prohibit the discrimination and prohibit discriminatory advertising.

Exempt from coverage of this bill are owner-occupied buildings of 5 units or less.