

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1458

H. P. 1233

House of Representatives, March 24, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Benoit of South Portland.

Cosponsors: Representative Cunningham of New Gloucester and Representative Soule of Westport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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 § 6024 is enacted to read:

§ 6024. 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 or if the dwelling unit is unsuitable for rental to a family with children under Title 22, chapter 252.

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 is 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. Exemptions. This section does not apply to any tenancy for a dwelling unit which is:

- A. Part of a structure containing no more than 5 dwelling units, one of which is occupied by the landlord;**
- B. Is limited by and subject to federal law governing dwelling units authorized, approved, financed or subsidized in whole or in part by a unit of government; or**
- C. Part of a privately owned multi-unit structure, all units of which are occupied by or reserved for tenant households with at least one resident over age 62 in each.**

STATEMENT OF FACT

The high cost of homes, inflated interest rates and a tight mortgage market, have all contributed to the fact that substantial numbers of Maine citizens have been priced out of the housing market. At the same time, many of 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 against families with children in rental housing, is designed to ease that burden somewhat.

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 does not 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 rental housing discrimination against families with children and will prohibit advertising with discriminatory overtones.

Owner-occupied buildings of 5 units or less are exempt from coverage of this bill. Public housing and housing for the elderly are also exempt.