

MAINE STATE LEGISLATURE

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New Draft of: S. P. 530, L. D. 1470
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1625

S. P. 620

In Senate, May 19, 1981

Reported by the Minority of the Committee on Judiciary and Printed under
Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Protect Persons with Children against Discrimination in Fair Housing.

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

14 MRSA § 6024 is enacted to read:

§ 6024. Discrimination against families with children prohibited

1. Discrimination prohibited. It is unlawful and opposed to public policy for any landlord to have as a condition precedent to the renting of any dwelling unit a requirement as to the number of children that the prospective tenant may have residing in the unit. A landlord may not discriminate in the price, terms, conditions or privileges of a rental agreement against an individual because the individual has a child or children who shall occupy the unit with that person. A landlord may refuse to rent a dwelling unit to a family if the size of the family, with children, would exceed the number permitted by local zoning or other municipal ordinance or reasonable standards of human health, safety or sanitation or if the dwelling unit is unsuitable for rental to a family with children under Title 22, chapter 252. A landlord subject to this section may set aside not more than 25% of his total number of rental dwelling units for occupancy by tenants without children by providing notice to the Human Rights Commission designating which specific units have been set aside for that purpose.

2. Publicity. It is unlawful and opposed to public policy for any landlord subject to this section to list, announce or advertise a vacancy stating that a

person with children may not apply for or rent a given dwelling unit. Any such listing, announcement or advertisement is prima facie evidence of a violation of this section. This subsection shall not apply to any rental dwelling unit set aside for occupancy by tenants without children under subsection 1.

3. **Relief.** Any violation of this section is unlawful housing discrimination under Title 5, section 4582 and any person aggrieved may assert his rights pursuant to Title 5, chapter 337.

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. Part of a structure containing no more than 5 dwelling units, one of which is a professional office or business;

C. Limited by and subject to superceding federal law governing dwelling units authorized, approved, financed or subsidized in whole or in part by a unit of government; or

D. 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.

5. **Reservation of discretionary rights.** Notwithstanding any provision of this section, a landlord may establish any criteria for occupancy, including maximum occupancy standards, that do not conflict with this section or other applicable laws.

STATEMENT OF FACT

This new draft is a result of the committee's efforts to combine 2 bills dealing with housing discrimination against families with children. It prohibits a landlord from refusing to rent to a prospective tenant merely because they have children. It also prohibits discrimination against families with children on the basis of price or terms, conditions or privileges of a rental agreement. The landlord may refuse to rent to anyone, including families with children, if the number of people to occupy the apartment would exceed the number of people permitted by local agency, municipal ordinance or reasonable standards of human health, safety or sanitation. It retains the prohibition against renting to children currently in the Lead Poisoning Control Act in Title 22.

A landlord may exempt 25% of his total dwelling units from the provisions of this new draft. This new draft also prohibits advertising for tenants without children.

Violations of this new draft will be enforced by the Maine Human Rights Commission.

This law will not apply to:

1. Landlord occupied buildings of 5 units or less;
2. Buildings with 5 units or less if one of these units is used as a professional office or business;
3. Subsidized government housing; or
4. Rental units which are reserved exclusively for the elderly.