

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 321

S.P. 99

In Senate, January 20, 2005

An Act Relating to Unlawful Housing Discrimination

Reported by Senator HOBBS of York for the Maine Human Rights Commission pursuant to the Maine Revised Statutes, Title 5, section 4566, subsection 11.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

2
3 **Sec. 1. 5 MRSA §4581, sub-§2.** as amended by PL 1997, c. 85,
4 §1, is repealed.

6 **Sec. 2. 5 MRSA §4581, sub-§2-A** is enacted to read:

8 **2-A. Definitions.** As used in this subchapter, unless the
9 context otherwise indicates, the following terms have the
10 following meanings.

12 A. "Housing for older persons" means housing:

14 (1) Provided under any state or federal program that
15 is specifically designed and operated to assist elderly
16 persons as defined in the state or federal program;

18 (2) Intended for and solely occupied by persons 62
19 years of age or older; or

20 (3) Intended and operated for occupancy by at least
21 one person 55 years of age or older per unit. To
22 qualify as housing for older persons under this
23 subparagraph, the housing must meet at least the
24 following criteria:

26 (a) At least 80% of the dwellings are occupied by
27 at least one person 55 years of age or older per
28 unit; and

29 (b) The owner or manager has published and
30 adheres to policies and procedures that
31 demonstrate an intent to provide housing for
32 persons 55 years of age or older.

33 B. "Public assistance" means federal, state or local public
34 assistance, including medical assistance and housing
35 subsidies.

36
37
38 **Sec. 3. 5 MRSA §4581, sub-§3, ¶¶A and B.** as enacted by PL 1989,
39 c. 245, §3, are amended to read:

40 A. Persons residing in the housing as of the date of
41 enactment of this subsection who do not meet the
42 requirements of subsection 2 2-A, paragraph ~~B--or--C~~ A,
43 subparagraph (2) or (3), provided that new occupants of the
44 housing ~~shall~~ must meet the age requirements of subsection 2
45 2-A, ~~paragraphs B and C~~ paragraph A, subparagraph (2) or
46 (3); or

2 B. Unoccupied units, provided that the units are reserved
for occupancy by persons who meet the age requirements of
4 subsection 2 2-A, paragraphs--B--and--C paragraph A,
subparagraph (2) or (3).

6 **Sec. 4. 5 MRSA §4582.** as amended by PL 1991, c. 99, §§13, 14,
16 and 17, is further amended to read:

8 **§4582. Unlawful housing discrimination**

10 It is unlawful housing discrimination, in violation of this
12 Act:

14 For any owner, lessee, sublessee, managing agent or other
16 person having the right to sell, rent, lease or manage a housing
accommodation, or any agent of these, to make or cause to be made
18 any written or oral inquiry concerning the race or color, sex,
physical or mental disability, religion, ancestry, national
20 origin ~~or~~, familial status or receipt of public assistance of any
prospective purchaser, occupant or tenant of the housing
22 accommodation; or to refuse to show or refuse to sell, rent,
lease, let or otherwise deny to or withhold from any individual
24 housing accommodation because of the race or color, sex, physical
or mental disability, religion, ancestry, national origin ~~or~~,
26 familial status or receipt of public assistance of the
individual; or to issue any advertisement relating to the sale,
rental or lease of the housing accommodation ~~which that~~ indicates
28 any preference, limitation, specification or discrimination based
upon race or color, sex, physical or mental disability, religion,
30 ancestry, national origin ~~or~~, familial status or receipt of
public assistance; or to discriminate against any individual
32 because of race or color, sex, physical or mental disability,
religion, ancestry, national origin ~~or~~, familial status or
34 receipt of public assistance in the price, terms, conditions or
privileges of the sale, rental or lease of any housing
36 accommodations or in the furnishing of facilities or services in
connection with any housing accommodations; or to evict or
38 attempt to evict any tenant of any housing accommodation because
of the race or color, sex, physical or mental disability,
40 religion, ancestry, national origin ~~or~~, familial status or
receipt of public assistance of the tenant;

42 For any real estate broker or real estate sales person, or
44 agent of one of them, to fail or refuse to show any applicant for
a housing accommodation any accommodation listed for sale, lease
46 or rental, because of the race or color, sex, physical or mental
disability, religion, ancestry, national origin ~~or~~, familial
48 status or receipt of public assistance of the applicant or of any
intended occupant of the accommodation; or to misrepresent, for
50 the purpose of discriminating because of the race or color, sex,

2 physical or mental disability, religion, ancestry, national
3 origin ~~or~~, familial status or receipt of public assistance of the
4 applicant or intended occupant, the availability or asking price
5 of a housing accommodation listed for sale, lease or rental; or
6 for any reason to fail to communicate to the person having the
7 right to sell or lease the housing accommodation any offer for
8 the same made by any applicant; or in any other manner to
9 discriminate against any applicant for housing because of race or
10 color, sex, physical or mental disability, religion, ancestry,
11 national origin ~~or~~, familial status or receipt of public
12 assistance of the applicant or of any intended occupant of the
13 housing accommodation; or to make or cause to be made any
14 written or oral inquiry or record concerning the race or color,
15 sex, physical or mental disability, religion, ancestry, national
16 origin ~~or~~, familial status or receipt of public assistance of any
17 applicant or intended occupant; or to accept for listing any
18 housing accommodation when the person having the right to sell or
19 lease the same has directly or indirectly indicated an intention
20 of discriminating among prospective tenants or purchasers on the
21 ground of their race or color, sex, physical or mental
22 disability, religion, ancestry, national origin ~~or~~, familial
23 status, or receipt of public assistance; or when the broker knows
24 or has reason to know that the person having the right to sell or
25 lease the housing accommodation has made a practice of
26 discrimination since July 1, 1972;

27
28 For any person to whom application is made for a loan or
29 other form of financial assistance for the acquisition,
30 construction, rehabilitation, repair or maintenance of any
31 housing accommodation, whether secured or unsecured, or agent of
32 the person, to make or cause to be made any oral or written
33 inquiry concerning the race or color, sex, physical or mental
34 disability, religion, ancestry, national origin ~~or~~, familial
35 status or receipt of public assistance of any individual seeking
36 financial assistance, or of existing or prospective occupants or
37 tenants of housing accommodations; or to discriminate in the
38 granting of financial assistance, or in the terms, conditions or
39 privileges relating to the obtaining or use of any financial
40 assistance, against any applicant because of the race or color,
41 sex, physical or mental disability, religion, ancestry, national
42 origin ~~or~~, familial status or receipt of public assistance of the
43 applicant or of the existing or prospective occupants or tenants;
44 or

45
46 ~~For any person furnishing rental premises or public~~
47 ~~accommodations to refuse to rent or impose different terms of~~
48 ~~tenancy to any individual who is a recipient of federal, state or~~
49 ~~local public assistance, including medical assistance and housing~~
50 ~~subsidies primarily because of the individual's status as~~
~~recipient, or~~

2 For any form of public housing or any housing that is
4 financed in whole or in part with public funds offering housing
6 accommodations, containing 20 or more units, constructed on or
8 after January 1, 1984, or begun to be remodeled or enlarged at an
10 estimated total cost of more than \$100,000 after January 1, 1984,
12 to not have at least one unit for each multiple of 20 of those
14 units designed so as to be accessible to and useable by persons
16 with physical disability. Plans to reconstruct, remodel or
18 enlarge an existing building when the estimated total cost
20 exceeds \$100,000 are subject to this section, when the proposed
22 reconstruction, remodeling or enlargement substantially affects
that portion of the building normally accessible to the public.
For purposes of this section, a newly constructed housing unit is
determined accessible to and useable by persons with physical
disability if it meets the requirements of the 1981 standards of
construction, Section 4.34, Dwelling Units, adopted pursuant to
Title 25, chapter 331. A remodeled, renovated or enlarged
housing unit is determined accessible to and useable by persons
with physical disability if it meets the requirements of the
following 4 parts of the 1981 standards of construction adopted
pursuant to Title 25, chapter 331:

- 24 1. **Accessible route.** 4.3 accessible route;
- 26 2. **Doors.** 4.13 doors;
- 28 3. **Adaptable bathrooms.** 4.34.5 adaptable bathrooms; and
- 30 4. **Tactile warnings.** 4.29.3 tactile warnings on doors to
32 hazardous areas.

34 With respect to any form of public housing or any housing
36 that is financed in whole or in part with public funds offering
38 housing accommodations containing 20 or more units for which
40 construction is begun after October 1, 1988, no less than 10% of
42 the ground level units and a minimum of 10% of the upper story
44 units connected by an elevator must be accessible to and useable
46 by persons with physical disability. For purposes of this
48 section, a newly constructed housing unit is determined
50 accessible to and useable by persons with physical disability if
it meets the requirements of the 1986 standards set forth by the
American National Standards Institute in the publication,
"Specifications for Making Buildings Accessible to and Useable by
Physically Handicapped People," ANSI A 117.1-1986. A remodeled,
renovated or enlarged housing unit where the remodeling,
renovating or enlarging is begun after October 1, 1988, is
determined accessible to and useable by persons with physeal
physical disability if it meets the requirements of the following
4 parts of the 1986 American National Standards Institute

standards: 4.3 accessible routes; 4.23 doors; 4.34.5 adaptable
2 bathrooms; and 4.29.3 tactile warnings on doors to hazardous
4 areas.

4

6

SUMMARY

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This bill provides the same protections against housing
discrimination to recipients of public assistance as to all other
10 protected classes.