

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1572

H.P. 1134

House of Representatives, April 16, 2019

An Act To Enact the Maine Fair Chance Housing Act

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: ACKLEY of Monmouth, BAILEY of Saco, HICKMAN of Winthrop,
MAREAN of Hollis, SYLVESTER of Portland, Senators: DESCHAMBAULT of York,
MOORE of Washington, ROSEN of Hancock.

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

2 **Sec. 1. 5 MRSA §4611**, as amended by PL 2011, c. 613, §18 and affected by §29,
3 is further amended to read:

4 **§4611. Complaint**

5 Any aggrieved person, or any employee of the commission, may file a complaint
6 under oath with the commission stating the facts concerning the alleged discrimination,
7 except that a complaint must be filed with the commission not more than 300 days after
8 the alleged act of unlawful discrimination. In addition, any person may file a complaint
9 pursuant to section 4632 or section 4635.

10 **Sec. 2. 5 MRSA §4635** is enacted to read:

11 **§4635. Use of criminal history information**

12 A person aggrieved by a current or prospective housing provider's violation of section
13 4714 may file a complaint with the commission. The commission shall investigate and
14 review such complaints, as described in section 4612, and shall keep a record of all
15 complaints, reports of problems or concerns and suggestions regarding the
16 implementation, compliance and effect of chapter 337-D. The commission also shall
17 conduct periodic reviews with private housing providers to assess compliance with that
18 chapter.

19 **1. Civil fine; mediation.** If the commission finds that a private housing provider has
20 violated section 4714, 4715 or 4716:

21 A. For a first or 2nd violation, the housing provider is subject to a civil fine not to
22 exceed \$100; and

23 B. For each subsequent violation, the housing provider shall submit to an
24 investigation conducted pursuant to section 4612.

25 The commission shall collect the fine in a civil action and forward it to the Treasurer of
26 State for deposit to the General Fund.

27 **2. Compliance counseling.** The commission shall provide counseling to a private
28 housing provider the commission has found to be in violation of chapter 337-D to ensure
29 future compliance by the private housing provider with chapter 337-D.

30 **Sec. 3. 5 MRSA c. 337-D** is enacted to read:

31 **CHAPTER 337-D**

32 **MAINE FAIR CHANCE HOUSING ACT**

33 **§4711. Short title**

34 This chapter may be known and cited as "the Maine Fair Chance Housing Act."

1 **§4712. Declaration of policy**

2 It is the declared public policy of the State to ensure that equitable access to safe,
3 decent and affordable housing extends to all residents of the State, including individuals
4 involved in the criminal justice system and their families.

5 **§4713. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Criminal history information.** "Criminal history information" includes criminal
9 history record information as defined in Title 16, section 703, subsection 3 and other
10 information regarding the criminal history of an applicant, from whatever source.

11 **2. Housing provider.** "Housing provider" means an entity that owns, leases,
12 manages or develops housing in the State and any agent, such as a property management
13 company, that makes tenancy decisions on behalf of such an entity.

14 **3. Political subdivision.** "Political subdivision" has the same meaning as in Title
15 30-A, section 2252.

16 **4. State.** "State" means the State or any office, department, agency, authority,
17 commission, board, institution, hospital or other instrumentality of the State.

18 **§4714. Limitations on use and disclosure of criminal history information**

19 **1. Inquiry only after conditional offer of housing.** A housing provider may not
20 inquire into or consider an applicant's criminal history information until the housing
21 provider has determined that the applicant meets all other qualifications for tenancy.

22 **2. Confidential.** Criminal history information obtained or in the possession of the
23 State or any housing provider is confidential. A housing provider may not distribute or
24 disseminate criminal history information except as required by law. Information that
25 pertains to an applicant's criminal background check obtained in conjunction with a
26 housing decision by the State or a political subdivision is confidential unless disclosure is
27 specifically required by law.

28 **§4715. Violation by a private housing provider**

29 **1. Maine Human Rights Commission.** An individual who is aggrieved by a private
30 housing provider's violation of this chapter may file a complaint with the Maine Human
31 Rights Commission pursuant to section 4635. A private housing provider who violates
32 section 4714 is subject to fines and shall submit to an investigation by the commission, as
33 specified in section 4635, subsection 1.

34 **2. Civil action.** An aggrieved individual may bring a civil action in a court of
35 competent jurisdiction against a private housing provider that has violated section 4714
36 and, upon prevailing, is entitled to such legal or equitable relief as the court may
37 determine appropriate and reasonable attorney's fees and costs.

