

§4581. Right to freedom from discrimination in housing; exceptions

The opportunity for an individual to secure housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, ancestry, national origin or familial status or because the individual has sought and received an order of protection under Title 19-A, section 4007, is hereby recognized as and declared to be a civil right. [PL 2021, c. 366, §7 (AMD); PL 2021, c. 476, §2 (AMD).]

1. Number of occupants. Nothing in this subchapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this subchapter regarding familial status apply with respect to housing for older persons.

[PL 2007, c. 243, §1 (AMD).]

2. Definition. As used in this section, "housing for older persons" means housing:

A. Provided under any state or federal program that the United States Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program; [PL 2011, c. 613, §10 (AMD); PL 2011, c. 613, §29 (AFF).]

B. Intended for, and solely occupied by, persons 62 years of age or older; or [PL 1989, c. 245, §3 (NEW).]

C. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this paragraph, the housing must meet at least the following factors:

(2) That at least 80% of the dwellings are occupied by at least one person 55 years of age or older per unit; and

(3) The publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. [PL 1997, c. 85, §1 (AMD).]

[PL 2011, c. 613, §10 (AMD); PL 2011, c. 613, §29 (AFF).]

3. Requirements. Housing does not fail to meet the requirements for "housing for older persons" by reason of:

A. Persons residing in the housing as of the date of enactment of this subsection who do not meet the requirements of subsection 2, paragraph B or C if new occupants of the housing meet the age requirements of subsection 2, paragraphs B and C; or [PL 2011, c. 613, §10 (AMD); PL 2011, c. 613, §29 (AFF).]

B. Unoccupied units if the units are reserved for occupancy by persons who meet the age requirements of subsection 2, paragraphs B and C. [PL 2011, c. 613, §10 (AMD); PL 2011, c. 613, §29 (AFF).]

[PL 2011, c. 613, §10 (AMD); PL 2011, c. 613, §29 (AFF).]

4. Housing accommodation exceptions. The following exceptions apply in this chapter:

A. This chapter does not prohibit the rental of any dwelling owned, controlled or operated for other than a commercial purpose by a religious corporation to its membership unless such membership is restricted on account of race, color or national origin; and [PL 2011, c. 613, §10 (NEW); PL 2011, c. 613, §29 (AFF).]

B. Except as provided in section 4581-A, subsection 1, paragraph C and section 4581-A, subsections 2 and 3, this chapter does not apply to:

(1) The rental of a one-family unit of a 2-family dwelling, one unit of which is occupied by the owner; or

(2) The rental of not more than 4 rooms of a one-family dwelling that is occupied by the owner. [PL 2011, c. 613, §10 (NEW); PL 2011, c. 613, §29 (AFF).]

[PL 2011, c. 613, §10 (NEW); PL 2011, c. 613, §29 (AFF).]

SECTION HISTORY

PL 1971, c. 501, §1 (NEW). PL 1973, c. 347, §8 (AMD). PL 1973, c. 705, §7 (AMD). PL 1975, c. 355, §8 (AMD). PL 1975, c. 358, §11 (AMD). PL 1975, c. 770, §35 (RPR). PL 1989, c. 245, §3 (AMD). PL 1991, c. 99, §12 (AMD). PL 1997, c. 85, §1 (AMD). PL 2005, c. 10, §13 (AMD). PL 2007, c. 243, §1 (AMD). PL 2011, c. 613, §10 (AMD). PL 2011, c. 613, §29 (AFF). PL 2021, c. 366, §7 (AMD). PL 2021, c. 476, §2 (AMD).

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