

Cumberland County, Maine

Analysis of Impediments to Fair Housing  
Choice

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## Table of Contents

### Executive Summary

I.	Introduction .....	1
II.	Map of Cumberland County .....	4
III.	Demographics .....	5
IV.	Review of State Fair Housing Laws .....	15
V.	Fair Housing Complaints .....	16
	Maine Human Rights Commission	
VI.	Fair Housing Initiatives Program .....	19
	Pine Tree Legal Services	
VII.	Summary – MHRC & Pine Tree Legal Services .....	23
VIII.	Predatory Lending .....	27
IX.	Property Tax Policies .....	28
X.	Our Own Research .....	29
XI.	HUMDA Data .....	31
XII.	Barriers to Affordable Housing .....	32
XIII.	Conclusions & Recommendations for Next Steps .....	39

### Appendices

	Maine Fair Housing Laws .....	40
	Housing Applicant Inquiry Guide .....	42

## I. INTRODUCTION

Beginning in 2007 Cumberland County became the first and remains today the only county in New England to receive a direct allocation HUD Community Development Block Grant (CDBG) funds. Cumberland County is defined as an “urban county” and joins the cities of Auburn, Bangor, Biddeford, Lewiston & Portland as one of six HUD “entitlement jurisdictions” in the State of Maine. Our urban county program contains 25 separate municipalities – all the cities and towns of Cumberland County with the exception of the Towns of Brunswick & Frye Island and the City of Portland.

Throughout this report the terms “Cumberland County” or the “County” will refer to the entire county. The 25 member Cumberland County Urban County Entitlement Jurisdiction will be referred to as the “Entitlement Jurisdiction” or “E.J.”

### Defining “Fair Housing”

“Fair housing” refers to the legal principle of ensuring equal access to housing and housing services. Title VIII of the Civil Rights Act of 1968 is known as the Fair Housing Act. The 1968 law made it illegal to discriminate in the sale, rental, financing or insurance of a dwelling, or in any other type of housing-related transaction on the basis of race, religion, national origin or color. Gender was added in 1974 with disability and familial status added in 1988. The State of Maine has three additional protected classes: ancestry, sexual orientation and receipt of public assistance (for purposes of rental housing and public accommodations)

HUD defines an impediment to fair housing choice as “any actions, omissions, or decisions taken because of race, color, religion, ancestry, sex, age, disability, familial status or national origin which restrict or have the effect of restricting housing choices or the availability of housing choices.” Fair Housing Choice is the ability of persons of similar income levels, regardless of their race, color, religion, ancestry, sex, disability, familial status or national origin to enjoy the same privileges in making housing decisions as the general public at-large.

Although not a federally protected class, the issue of income will also be commented on in this document as a major impediment to housing choice. Income is a significant factor affecting an individual’s or family’s housing condition. Low-income people are left with little choice concerning where or under what conditions they live. Significant numbers of people in the protected classes are low-income and therefore, this Analysis of Impediments to Fair Housing will address income as a fair housing impediment.

## HUD Requirements

The U.S. Department of Housing & Urban Development (HUD) requires all entitlement grantees to certify that they will affirmatively further fair housing. To comply with this certification jurisdictions are required to undertake fair housing planning of which the Analysis to Impediments is an integral part.

HUD requires all grantees to undertake three basic activities:

- Conduct an Analysis of Impediments to Fair Housing Choice within the jurisdiction;
- Take appropriate actions to overcome the effects of the impediments identified through the analysis and;
- Maintain records reflecting the analysis and actions taken.

Further, HUD interprets these broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction
- Promote fair housing choices for all persons
- Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, national origin, ancestry, sex, familial status, or disability
- Promote housing that is structurally accessible to and usable by all persons,
- particularly persons with disabilities
- Foster compliance with the non-discrimination provisions of the Fair Housing Act

## The Limitations of County Government in Maine

Consistent with the governmental structure of the State of Maine, Cumberland County does not control land use authority within the jurisdiction. Each of the 25 municipal members of the urban county entitlement program is entirely self-governing with a long and strong tradition of “home rule authority”. These municipalities control land use activity, zoning ordinances, building codes, fees, and all manner of local ordinances.

The above should not be seen as an excuse or disclaimer concerning the County Entitlement Jurisdictions responsibilities concerning fair housing. It’s a description of the political structure of our local governments, one that differs significantly from most urban county entitlement jurisdictions throughout the country.

## Cumberland County

Cumberland County is geographically large and diverse, stretching from the shores of Casco Bay to the lakes and foothills of the White Mountains. While classified as an “urban county” by HUD, it retains significant rural agricultural and forested regions in an area of 836 square miles.

Complimenting this geographical diversity is a wide variance among our cities and towns, in size, relative wealth, population densities, and demographic diversity. Two of our communities are off-shore islands with a third a long narrow peninsula and three islands connected by bridges. Several suburban communities close to the City of Portland are quite prosperous. Many inland towns retain elements of their rural agricultural and forestry heritage. Communities in the Lakes Region have a substantial tourism based economy with wide seasonal fluctuations in population and employment. South Portland and Westbrook are small cities with the complex issues and diverse populations

Many changes are taking place within the County. New State laws affecting fair housing have been enacted; demographics continue to change including an inflow of immigrants from around the world and an aging population.

## Methodology

There are no “perfect” data sets for the unique 25 member communities of the Cumberland County Urban Entitlement Jurisdiction. County-wide data includes the City of Portland and the Town of Brunswick. Metropolitan Statistical Area (MSA) data includes communities from Biddeford to Bath, well outside our territory. This issue relates to some of our mapped data as well. Some of the research completed by Pine Tree Legal Assistance is at a state-wide level.

Our goal is to paint a picture, to compile a story and to acquire a greater understanding of the issues. Our 25 communities are part of the region; we’re a part, and a very important part, of our State. In sum, we’re using the best information we could reasonably capture.

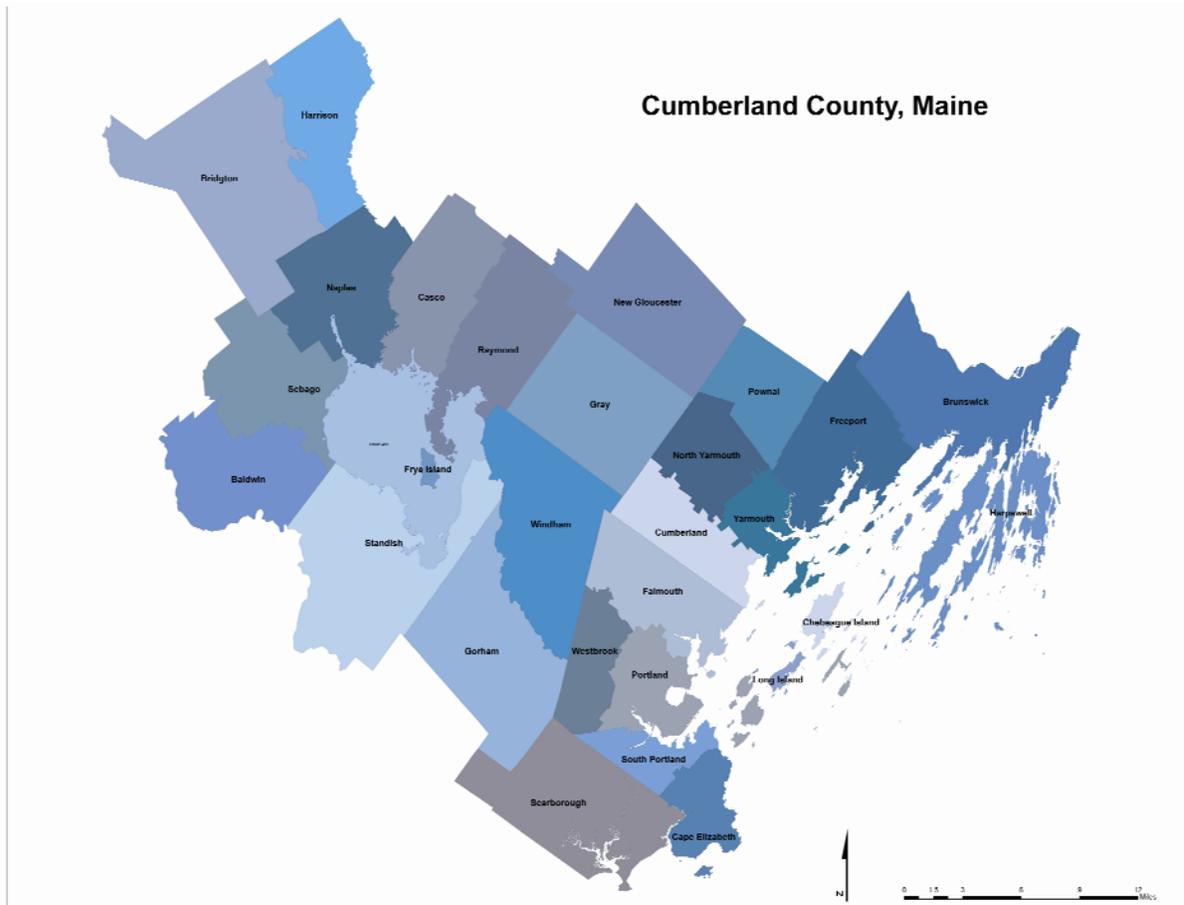
## The Analysis

This Analysis to Impediments to Fair Housing Choice was completed by Aaron Shapiro, Community Development Director and Elizabeth Trice, Grants & Special Projects Coordinator. The work, funded by the County’s CDBG entitlement funds, occurred during the summer of 2010.

## Summary

This report will analyze the conditions of fair housing and recommend actions to address impediments that exist or may exist. It will prescribe steps to be taken by the Cumberland County Urban Entitlement Jurisdiction to address fair housing and fair housing related issues over the coming years.

## II. CUMBERLAND COUNTY MAP



### III. CUMBERLAND COUNTY DEMOGRAPHICS

This section summarizes Cumberland County demographic data in general and as it relates to the protected classes under Federal law and the Maine Human Rights Act. These laws protect against discrimination on the basis of race, color, sex, familial status (families with children under eighteen), national origin, disability, ancestry, sexual orientation and with respect to rental housing and public accommodation purposes, receipt of public assistance.

#### General Demographic Data

##### Population

The communities of the Cumberland County Entitlement jurisdiction have a population of approximately 189,000 people (2008 estimate). It's estimated that the population of the E.J. will increase by approximately 10,000 persons to just under 200,000.

##### Age

The most significant age related issue is the aging of the large post World War II generational cohort. The population of retirees and elders is increasing and will continue to do so in the coming two decades.

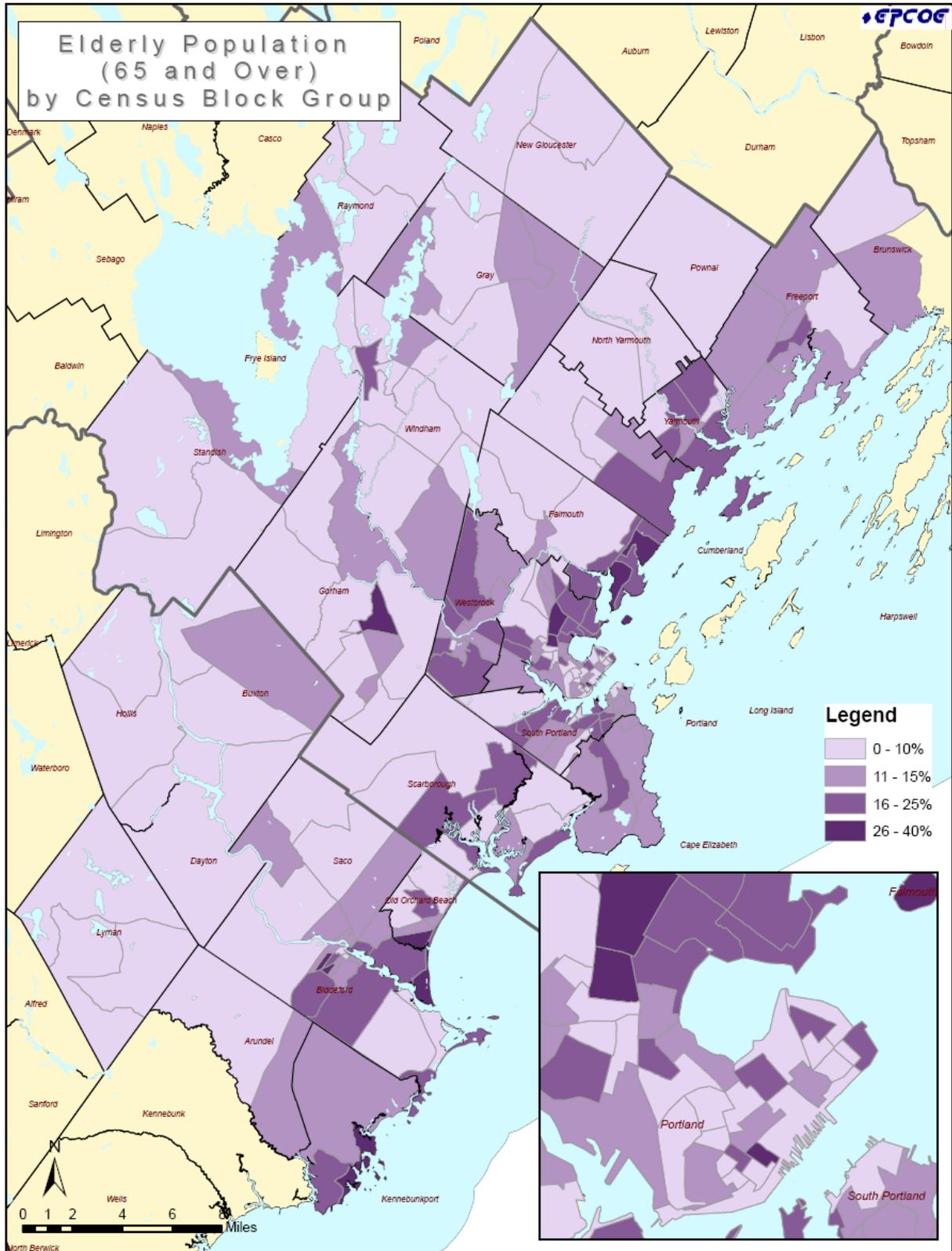
Overall, future changes will reflect national trends, including modest increases in the school-age population and sharp growth in the older age groups.

- Ages 0-29: By 2025, the school-age population and young adults under 30 will also show a modest increase of 7%.
- Ages 30-54: By 2025, this age group in their prime earning years will decrease by 2%.
- Ages 55-74: By 2025, this age group, the post World War II generation ("baby boomers"), will double in size.
- Over 75: By 2025, this age group, some of whom are early "boomers", will increase 65%.<sup>1</sup>

The senior population over 65 is concentrated in two types of locations: along the coast and lake fronts, where they can enjoy recreational activities, and in village and downtown locations, where they can avail themselves of urban amenities, including access to public transit, medical care, and cultural life.

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<sup>1</sup> University of Southern Maine's Center for Business and Economic Research



## Income

Cumberland County is home to the most prosperous households in the state. Seven of the communities with the highest median household income in Maine – Cape Elizabeth, Cumberland, Falmouth, North Yarmouth, Yarmouth, Scarborough, and Pownal - are located in the Cumberland County Entitlement Jurisdiction. Indeed, over the last 15 years, median household income in the Entitlement Jurisdiction, which now stands at \$57,400, has tracked higher than the County, State, New England, and National averages.

Despite its relative wealth, prosperity is not shared equally across the County. Overall, married couples with children, who are predominately White, fare best, earning \$64,808. Households owning homes also fare well, earning \$54,140, almost twice the income of renters, who have a median income of under \$30,000. Among minorities, Black families, who are predominately African immigrants, fare worst, earning \$31,086. Many renters are single persons living alone, who have an average income of less than \$30,000. The least well off are seniors living alone, followed by single mothers. Residents of the affluent Portland suburbs of Cape Elizabeth, Cumberland, Falmouth, North Yarmouth, Yarmouth and have median household incomes ranging from \$75-\$90,000. Residents of the City of Westbrook and the outlying towns of Harrison and Bridgton have median household incomes of \$40-\$45,000

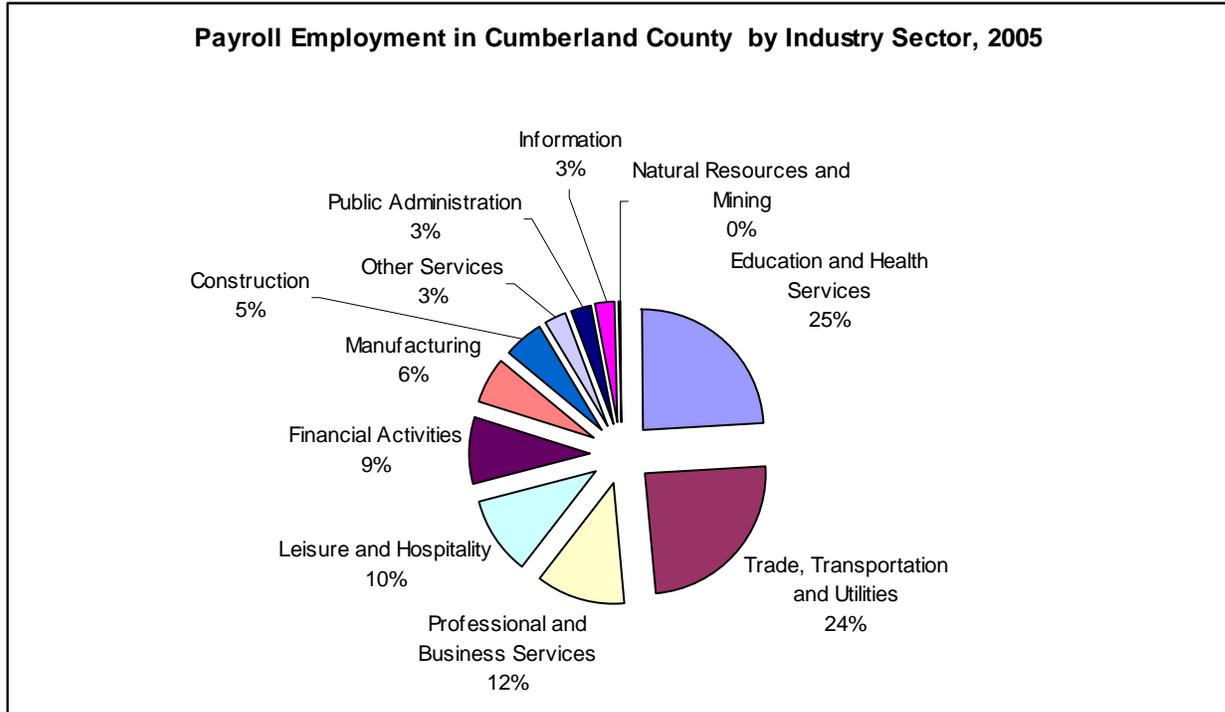
## Employment

Cumberland County (including the city of Portland) hosts 170,591 payroll jobs representing 29% of all the jobs in the state. Anchored by two large hospitals, Education and Health Services comprises the largest employment sector, 25%. Transportation, Trade and Utilities, embodied by retail giant L.L. Bean, is the second largest sector, at 24%. Manufacturing, topped by Idexx Laboratories in Westbrook, comprises 6% of the region's employment. As of 2005, there were eleven employers with over 1,000 employees, seven located in the city of Portland, and four, in the Entitlement Jurisdiction.

Cumberland County bounced back from the recession of the early 1990's to record a robust gain of almost 20%, or 26,407 jobs. Over the last decade, however, the employment base by industry sector has changed dramatically. Following global and national trends, the manufacturing sector lost 7% of its employment base. By far, the biggest change was in the services sector, which gained 15,542 jobs, more than all of the other sectors combined. The second largest net change was in the retail, which gained 5,068 jobs.

In the current decade, job growth closely mirrors state, regional, national trends. In 2000, the County posted robust gains that outpaced the state, region, or nation. The collapse of the informational technology sector in 2001 hit New England particularly hard, and its effects were mimicked in Greater Portland.

Since then, the region seemed to be bouncing back until 2005, when Jordan's Meats in Portland and Sanmina-SCI in Westbrook, both manufacturing companies, closed their plants resulting in a loss of 600 jobs. Cumberland County suffered from the 2008 recession, but not as badly as the rest of the country.



Source: Maine Department of Labor

**Largest Employers in Greater Portland, 2005**

<u>Company Name</u>	<u>Address</u>	<u>City</u>
<a href="#">Anthem Blue Cross Blue Shield</a>	Gannett Dr # 4E130	South Portland
<a href="#">Hannaford</a>	Pleasant Hill Rd	Scarborough
<a href="#">Idexx Distribution Inc</a>	Idexx Dr	Westbrook
<a href="#">L L Bean Inc</a>	Casco St	Freeport
<a href="#">Maine Medical Center</a>	Bramhall St	Portland
<a href="#">Mercy Health System of Maine</a>	State St	Portland
<a href="#">Mercy Hospital</a>	State St	Portland
<a href="#">S &amp; D Coffee Inc</a>	Warren Ave	Portland
<a href="#">TD Banknorth Inc</a>	Portland Sq	Portland
<a href="#">Unum Life Insurance CO-America</a>	Congress St	Portland
<a href="#">US Post Office</a>	Forest Ave	Portland

Source: Maine Department of Labor

## Employment and Wages by Industry Sector, 1990-2000

### Cumberland County

Industry Sector	Employers at Year-end			Average Employment			Average Weekly Wage		
	1990	2000	% Change	1990	2000	% Change	1990	2000	% Change
<b>Total</b>	<b>8,459</b>	<b>10,818</b>	<b>28%</b>	<b>137,060</b>	<b>163,467</b>	<b>19%</b>	<b>\$420</b>	<b>\$587</b>	<b>40%</b>
Agriculture, Forestry, & Fishing	153	247	61%	900	1,420	58%	\$306	\$456	49%
Mining and Construction	1,128	1,193	6%	7,196	8,011	11%	\$471	\$644	37%
Manufacturing	406	492	21%	16,988	15,843	-7%	\$520	\$766	47%
Transportation & Public Utilities	286	426	49%	6,239	7,481	20%	\$547	\$722	32%
Wholesale Trade	644	851	32%	9,504	9,909	4%	\$537	\$748	39%
Retail Trade	1,951	2,103	8%	32,169	37,237	16%	\$153	\$366	139%
Finance, Insurance, & Real Estate	712	1,009	42%	12,301	13,967	14%	\$573	\$865	51%
Services	2,993	4,226	41%	37,366	52,908	42%	\$409	\$573	40%
State Government	26	36	38%	4,311	4,155	-4%	\$441	\$577	31%
Local Government	160	235	47%	10,086	12,537	24%	\$409	\$547	34%

*Average wages may be influenced by seasonal factors, bonus and retroactive payments, high proportions of part-time workers, or large amounts of overtime work.*

*Source: Maine Department of Labor*

### Protected Classes

#### A. Ethnic and Racial Populations

Although Cumberland County is the most diverse region in the state, Maine remains one of the least racially and ethnically diverse states in the country. Almost half of the region's minority population lives in Portland, so the County entitlement jurisdiction has a very low minority population of 3.3%. Asians comprise the largest minority group, followed by Blacks and Hispanics. From 1990 to 2000, the minority population in the region more than doubled, from 5,880 to 12,697. Portland is a Federal secondary refugee resettlement area, so many of the minority population are refugees from Asia and Africa. In addition, there are many non-minority refugees from Eastern Europe. The largest numbers of minorities can be found South Portland, Westbrook, Windham, and Gorham, which is home to a campus of the University of Southern Maine.

Over the past 30 years, Portland has experienced waves of immigration that fluctuate according to economic and political instability in the world, such as the Vietnam War, the famine in Ethiopia, and the break-up of the Soviet Union. While some come by choice or economic necessity, others arrive as refugees fleeing political persecution. According to Catholic Charities, the primary provider of refugee resettlement services in Maine since 1975, the influx of refugees has

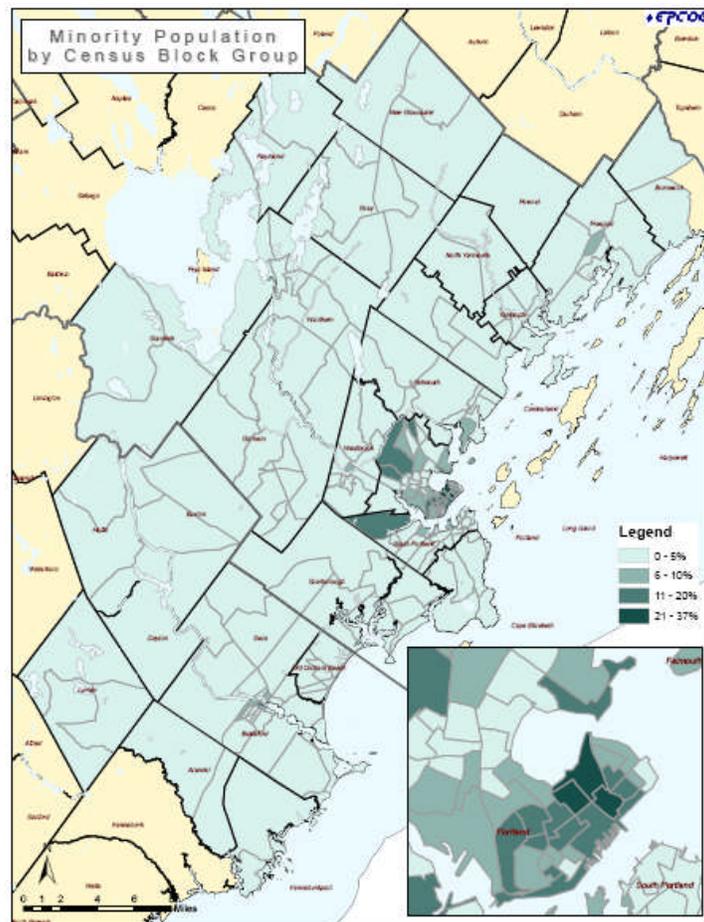
slowed considerably since the terrorist attack of 9/11, declining to less than 200 per year. Virtually all refugees since then, primarily from Afghanistan, Iran, Russia, and Africa, are joining family members who are already in Maine. There is virtually no information on the location of minority homeowners outside of Portland, South Portland, and Westbrook. Because surrounding suburban and rural towns have less than 50 households in any particular racial or ethnic group, information on their tenure status has been withheld by the Census.

**Race & Ethnicity in Cumberland County, 1990-2000**

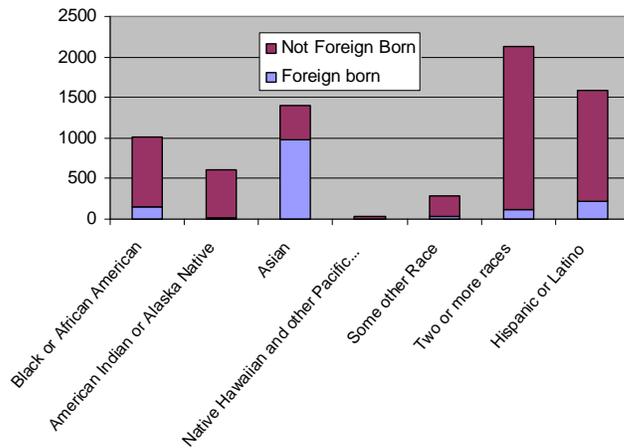
	1990	Percent of Population	2000	Percent of Population	Net Change
White alone	237,255	97.6%	252,915	95.2%	15,660
Black	1,565	0.6%	2,815	1.1%	1,250
American Indian, Eskimo, or Aleut	628	0.3%	763	0.3%	135
Asian or Pacific Islander	2,147	0.9%	3,806	1.4%	1,659
Other race	392	0.2%	923	0.3%	531
Two or more races	*	*	3,014	1.1%	*
Hispanic, White alone	1,148	0.5%	1,376	0.5%	228
<b>Total</b>	<b>243,135</b>	<b>100%</b>	<b>265,612</b>	<b>100%</b>	<b>22,477</b>

\*Respondents could only select one race in the 1990 Census

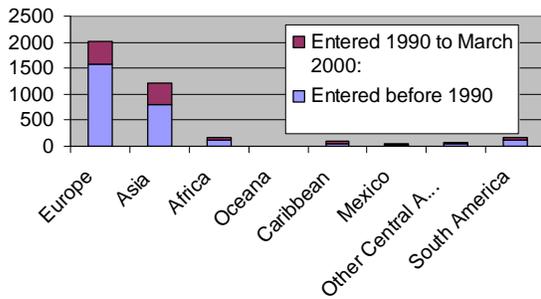
Source: U.S. Census Bureau



**Minority Population by Race and Place of Birth;  
Cumberland County minus Portland, 2000**



**Foreign Born Population by Origin and Year of Entry; Cumberland County minus Portland**



## B. National Origin and Ancestry

Maine is well below average vs. the nation as a whole in the percentage of population who are foreign born, and more than 1 in 4 foreign born Maine people were born in Canada. Immigration data from the Department of Homeland Security shows a recent trend toward higher immigration from Africa – including Somalia, Kenya and the Sudan.

Maine people do, however, report diverse ancestry. Nearly two thirds of Mainers can be accounted for by five ancestries. French (including French Canadian) barely edges out English for most common and Irish, German and Scotch ancestry complete the top five.

Less than 8% of Maine people speak a language other than English while at home, but there are a wide variety of languages spoken. Of significance to fair housing, most speakers of these languages also speak English well.

According to the American Community Survey, 4 languages or language groups are spoken at home by more than 1000 people who also do not speak English well. These languages are: French, Spanish, Chinese and African languages. For the African languages, about one in four people also speak English well. For Arabic and most of the Asian Languages it's about one in two.

It is difficult to tell how many people with limited English proficiency are children under the age of 18, and how many are accounted for by the same household. It is also difficult to tell how many speakers of less common languages might also be proficient in other languages, such as French or Arabic. Maine's Office of Multicultural Affairs expects better data to be available as a result of the 2010 census, and we will revisit language data when results from the Census become available.

### C. Sex and Familial Status

In recent years, Maine has become the state with the highest median age population. As the population ages, the percentage of families with children under the age of 18 declines. Maine ranks near the bottom of states in percentage of families with children. Significantly, nearly 1 in 3 Maine families with children is headed by a single parent with nearly 3 out of 4 single parent families headed by a female.

Cumberland County is comprised of 107,989 households. Over 60% are families, and the balance, non-families, including persons living alone. The 1990's witnessed a dramatic change in the composition of households. Overall, average household size decreased 4% from 2.49 persons per household to 2.38 people per household. This decrease was caused by a variety of factors, including lower birth rates, increased longevity among the elderly, higher divorce rates, and more elderly and young people living independently in their own households. The fastest growing households in the region include persons living alone, 29% increase from 1990 to 2000, and single fathers, 54% increase from 1990 to 2000. In the future, the U.S. Census Bureau expects the downward trend in average household size to moderate.

This decrease in household size exerts a tremendous impact on housing development. During the 1990's, the population in Cumberland County grew 9%, while the number of households increased 14%. This imbalance creates a demand for housing because it takes more homes to house *fewer people*.

## Household Growth in Cumberland County, 1990-2005

	1990	2000	2005	% Change, 1990-2000
Total Households	94,512	107,989	114,043	14%
<b>1 person:</b>	23,775	30,710	33,218	29%
Male householder	8,754	12,101	N/A	38%
Female householder	15,021	18,609	N/A	24%
Seniors living alone	9,726	11,029	11,210	13%
<b>2 or more persons:</b>	67,211	77,279	80,825	15%
<i>Family households:</i>	63,087	67,699	70,024	7%
Married-couple family:	51,258	54,109	52,645	6%
With related children	24,112	24,083	22,056	0%
No related children	27,146	30,026	30,589	11%
Other family:	11,829	13,590	17,379	15%
Male householder, no wife present:	2,524	3,377	4,683	34%
With related children	1,260	1,945	2,768	54%
No related children	1,264	1,432	1,915	13%
Female householder, no husband present:	9,305	10,213	12,696	10%
With related children	5,937	6,478	8,168	9%
No related children	3,368	3,735	4,528	11%
<i>Nonfamily households:</i>	7,650	9,580	10,801	25%
Male householder	4,124	5,199	N/A	26%
Female householder	3,526	4,381	N/A	24%
<b>Average household size</b>	2.49	2.38	2.32	-4%
<b>Average family size</b>	3.01	2.95	2.90	-2%

Source: U.S. Census Bureau

### D. People with Disabilities

The Census Bureau defines disability as a “long-lasting physical, mental, or emotional condition” that can make it difficult for a person to perform important activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. The inability to perform such essential activities can impede a person’s ability to go outside the home alone or to work at a job or business.

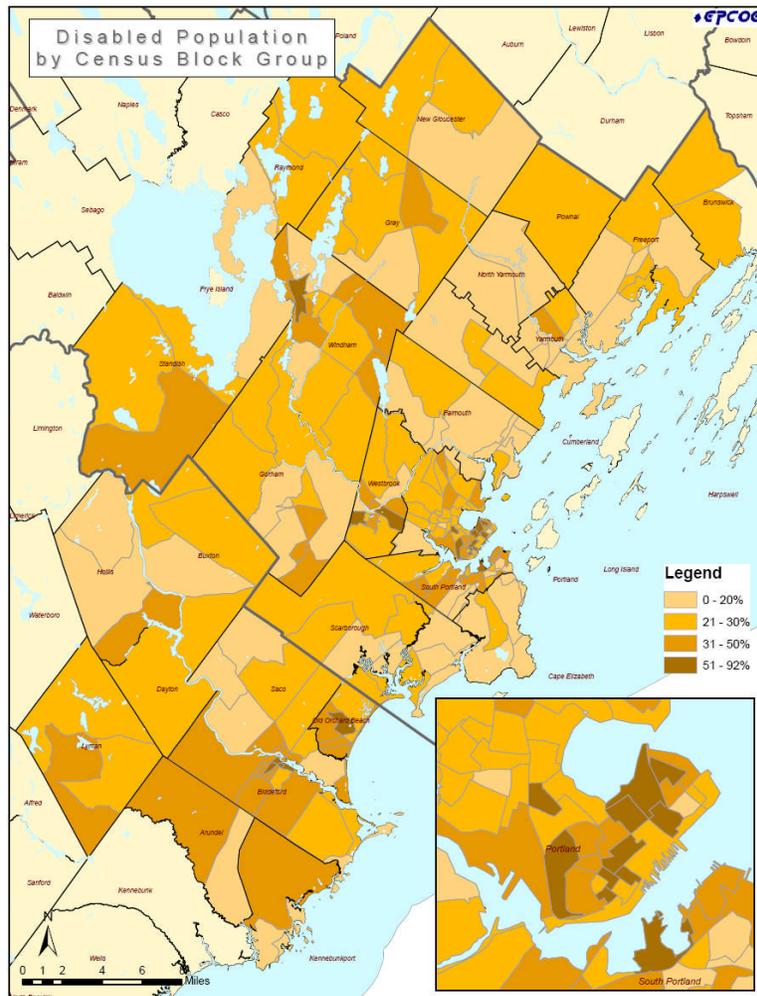
Census Bureau data shows Maine people report disabilities at a rate approximately one third higher than the national average. One of every six people in Cumberland County, or 42,102 residents, report having a disability. Of those who are working age, 60% are employed. The incidence of disability is much higher among the elderly, almost 40% of whom report having a disability.

The disabled population is widely dispersed throughout the county. The highest concentrations live in Portland, South Portland and Westbrook, where there is access to public transit, as well as North Windham.

Maine's working age (18 to 64) female population has nearly a 30% higher rate of disability than the national average, while working age Maine men report disability rates nearly 40% higher. Some of the difference could be due to the prevalence of employment in Maine's inherently more dangerous rural industries (farming, woodcutting, and fishing), although the data on disabilities in Maine children suggests that is not the full explanation.

Data on Maine's children (<18) is even further from the national norm than data on working age Maine people. Female children in Maine are 50% more likely to have a reported disability while male children are two thirds more likely.

It is important to note that despite the significantly higher levels of disability identified, the data does not indicate any significant difference in proportion of the population with independent living, self-care, ambulatory or cognitive difficulties.



## E. Sexual Orientation

While reliable data on sexual orientation in the general population is unavailable, the US Census Bureau does collect and report data on unmarried partner households, including same sex partners. Although the percentage of total households containing same sex partners is slightly higher in Maine than nationwide, these numbers are exceedingly small – well below 1% but are likely understated. State law protecting this population is discussed in the next section.

## F. Receipt of Public Assistance

Although the percentage of Maine families with incomes at or below the Federal Poverty Level (FPL) is lower than the national average, the proportion of Maine families receiving Supplemental Security Income and/or Public Assistance is well above the national average.

Those Maine families at or below FPL are nearly twice as likely to receive benefits while families above the FPL are about 25% more likely to receive benefits.

## **IV. REVIEW OF MAINE STATE FAIR HOUSING LAWS**

In 1971 the State Legislature enacted the Maine's Human Rights Act (the Act) and created the Maine Human Rights Commission. The law addresses discrimination in six sub-sections: employment, housing, public accommodation, credit and education.

The Act defines unlawful discrimination in housing in lengthy legalistic terms but the preamble to the Act says volumes: "The opportunity for an individual to secure decent housing in accordance with the individual's ability to pay, and without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status is hereby recognized as and declared to be a civil right."

Among the many provisions of the Act are prohibitions on inquiries concerning race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, or familial status of any prospective purchaser, occupant or tenant of a housing accommodation. This concept is further expounded in similar fashion prohibiting discrimination in the showing, advertisement, price, terms or conditions of sale or rental of units.

While not covered by Federal laws, it is unlawful in Maine in the furnishing of rental housing to refuse to rent, or impose different terms on tenancy on any individual who is a recipient of federal, state, or local public assistance, including housing subsidies because of the individual's status as recipient.

## **Recent Changes in Maine Fair Housing Laws**

### Addition of Sexual Orientation to Maine Human Rights Act

In March 2005, the Maine Legislature passed LD 1196, amending the Maine Human Rights Act, to prohibit discrimination on the basis of sexual orientation in employment, housing, credit, public accommodation, and education. The act defines “sexual orientation” as a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. In November of 2005, a referendum seeking to repeal the new law was rejected by Maine voters and the law became effective at the end of 2005. The law exempts religious organizations that do not receive public funds.

### New Definition of Disability under the Maine Human Rights Act

In June of 2007, the Maine Human Rights Act was amended to change the definition of “disability.” The term “disability” now covers any physical or mental impairment that either (a) “requires special education, vocational rehabilitation, or related services” or (b) “significantly impairs physical or mental health,” which means “having an actual or expected duration of more than six months and impairing health to a significant extent as compared to what is ordinarily experienced in the general population.” Second, the amendment includes a “safe harbor” of nearly thirty specific medical conditions that qualify as per se disabilities under the Maine Human Rights Act. These per se disabilities include such conditions as abnormal vision or hearing loss, heart disease, diabetes, and major depressive disorders.

### Zoning Protections for Group Homes

In 1997, Maine enacted Title 30-A Section 4357-A to further the state policy that persons with disabilities not be excluded by municipal zoning ordinances from the benefits of normal residential surroundings; a community living arrangement is deemed a single-family use of property for the purposes of zoning. The statute defines “community living arrangement” as a housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

## **V. FAIR HOUSING COMPLAINTS**

### Introduction

Established in 1971, the Maine Human Rights Commission is the state agency charged with the responsibility of investigating and resolving complaints of unlawful discrimination in the areas of employment, housing, education, access to public accommodations, and extension of credit. For housing related

complaints, the Commission investigates all Maine complaints that are filed with the US Department of Housing and Urban Development (HUD) as well as any that may be filed with state agencies. The Commission provides presentations about housing discrimination to a variety of groups, including private and public housing providers, tenants, advocacy groups, and social service providers.

State-Wide Complaints Filed with the Maine Human Rights Commission

Of the 508 housing-related discrimination cases handled by the State Commission between July 1, 2004 and June 30, 2009, no reasonable grounds for discrimination were found for approximately one quarter of cases. Another quarter of cases were settled before a finding was determined, 15% were withdrawn and 15% remain open. With most of the remaining cases being disposed of without findings for various reasons, only 36 cases (7.1%) ended with a finding of reasonable grounds. That's for the entire State.

Cumberland County E.J. - Complaints Filed with the Maine Human Rights Commission

All housing related discrimination cases originating in the 25 communities of the Cumberland County Entitlement Jurisdiction were examined. During the period July 1, 2004 to June 30, 2009 the Commission handled 59 complaints from 48 different persons from the Cumberland County Entitlement Jurisdiction. This constituted 11% of all housing- related cases state-wide brought to the Commission. Multiple complaints from the same individual almost always dealt with the same issue, at the same time, resolved in the same manner and were tallied only once.

Cases by municipality

South Portland	16	(+8 from the same persons)
Scarborough	11	
Westbrook	4	
Cape Elizabeth	3	
Windham	3	(+2 from the same person)
Gray	2	
Gorham	2	(+1 from the same person)
Standish	2	
Bridgton	1	
Casco	1	
Cumberland	1	
Harpswell	1	
Raymond	1	
<b>Total</b>	<b>48</b>	

### Cases by Type

General Disability	16	33%
Psychiatric Disability	8	17%
Income Source	9	19%
Race	4	8%
Family Status	3	6%
National Origin	2	4%
Sex (sexual harassment)	3	6%
Retaliation (?)	2	4%
<b>Total</b>	<b>48</b>	

### Results of Cases

No cause found	17	35%
Successful conciliation	4	8%
Settlement with benefits	12	25%
Withdrawn with benefits	8	17%
Withdrawn without benefits	2	4%
Complainant failed to cooperate	4	8%
No jurisdiction	1	2%
<b>Total</b>	<b>48</b>	

### Analysis of Fair Housing Complaints to the Maine Human Rights Commission

While in no way diminishing the issue of housing discrimination or its effect on an individual or household, the data demonstrates that incidents **reported** are rare. Over the five year period spanning July, 2004 – June 2009 ten cases in Cumberland County on average are filed with the Commission per year. Of the total of 48 cases for the period: 17 (35%) were dismissed without cause; 1 (2%) the Commission had no jurisdiction; 2 (4%) were withdrawn and; 4 cases (8%) the complainant failed to cooperate. Thus, 50% of the cases filed can be viewed as not containing a valid fair housing issue.

Of the remaining 24 (50%) cases: 4 (8%) moved to successful conciliation; 12 (25%) were settled with benefits; 8 (17%) cases were withdrawn but settlements were reached and; 2 (4%) were withdrawn without the receipt of benefits.

Again, without diminishing the challenges that violations of fair housing laws bring to complainants, this very small number of cases occurs within a population of over 200,000 persons residing in over 80,000 housing units with upwards of 20,000 of those as rentals housing.

### Recent Cases

In an effort to have the information in this report as current as possible we reviewed cases presented at MHRC meetings from September 21, 2010 – June 28, 2010. 44 total cases of all types were presented. Of all these cases, 7 were housing related cases, though case #H09-0464 and #H09-0030(A-C) appear to

be the same case. Of these 6 cases, one occurred in Cumberland County. The case involved the actions of a condominium's management agent and the condominium's officers. Reasonable grounds for discrimination were found and a settlement resolution is in process.

## **VI. FAIR HOUSING INITIATIVES PROGRAM**

Fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) assist people who believe they have been victims of housing discrimination.

Pine Tree Legal, which provides free legal services to low-income Maine people, has been the recipient of FHIP grants in Cumberland County. Pine Tree received a FHIP education and outreach grant in FY 2002 and was awarded FHIP private enforcement grants in FY 2005, 2006, 2008, and 2009 (currently in process thru 2011). FHIP funds are used to achieve reasonable accommodations for persons with disabilities (including resolving evictions); to file individual complaints with HUD/Maine Human Rights Commission; to conduct tests and file tester-based complaints with HUD/Maine Human Rights Commission; to represent complainants in court; to give community presentations (usually in April, Fair Housing Month - unfortunately there was no interest at the city of Portland this past April); to develop and update client education materials; and, like all HUD discretionary grantees, to affirmatively further fair housing.

### Testing

Pine Tree Legal is aware of and has tested for race and national origin discrimination (including using new immigrants as testers). Pine Tree has filed individual discrimination cases in Cumberland County on disability, national origin and race, familial status, and gender (usually gender harassment). Notably, in 2006 the Pine Tree tester coordinator did a project with deaf testers.

Pine Tree handled approximately 33 Cumberland County fair housing cases in 2008 and 64 cases in 2009. 16 (50%) of the 2008 cases and 25 (40%) of the 2009 cases involved reasonable accommodations for individuals with disabilities. The discrepancy in the number of cases they handle in each year is the direct result of the amount of funding they receive for the work. It does not reflect the number of inquiries they received.

It is important to note that not all protected classes have been the subject of tests. The ability to test protected classes depends on Pine Tree's ability to recruit members of the class to serve as testers. Pine Tree reports that the larger the class, e.g. families with children or individuals with disabilities, the easier it is to recruit testers. The tests only represent a small part of the housing process, i.e. the inquiry and application stage. Discrimination can and does take place during all parts of the housing process: signing a lease, living in the unit, etc.

The high percentage of familial status discrimination in this year's tests is the result of landlords illegally inquiring into the number of children living with or ages of the prospective tenants. Pine Tree staff think it may be an even bigger problem than the numbers suggest. In the vast majority of tests in which the landlord gave testers applications, the applications contain illegal inquiries into familial status. One reason why the practice is so prevalent is that generally landlords do not have an adequate understanding of housing discrimination laws and are unaware they are making an illegal inquiry. Pine Tree also expressed that familial status discrimination is considered less offensive in the general community than racial discrimination or religious discrimination. Seeing an advertisement in the paper reading, "no Blacks" or "no Jews" offends more people than when landlords say, "no children." However, no protected class should be more or less protected than others.

Another prevalent issue mentioned by Pine Tree is sexual harassment of tenants by landlords or landlords' employees. There are a few landlords about whom Pine Tree has received complaints from more than 10 clients. Issues range from disparaging remarks to propositions to trade sex for rent. The majority of victims are single mothers and many are also disabled and/or racial minorities. Because these groups are already at an economic disadvantage, they are particularly vulnerable to victimization.

One additional issue that shows up in the statewide results is discrimination based on receipt of public assistance, which is prohibited by Maine law.

Included below are the results of Fair Housing testing completed by Pine Tree Legal Assistance throughout the state of Maine over the past five years. Also included is information regarding tests done specifically in Cumberland County in 2009. The availability of data is dependent on the information that's tracked. This generally coincides with grant requirements, which typically have not been specific to Cumberland County. Cumberland County data includes the City of Portland and the Town of Brunswick, which are not part of our entitlement jurisdiction.

Statewide Fair Housing Test Results 2009 (year to date)

Class	Total # of Tests	Tests without evidence of discrimination	%	Tests with some evidence of discrimination	%	Tests with strong evidence of discrimination	%
DISABILITY	9	7	78	1	11	1	11
DISABILITY/ SOURCE OF INCOME	2	0	0	1	50	1	50
FAMILIAL STATUS	17	4	24	1	6	12	70
SEXUAL ORIENTATION	7	7	100	0	0	0	0
SOURCE OF INCOME	11	10	91	0	0	1	9
RACE	8	7	88	1	12	0	0
RELIGION	11	7	64	4	36	0	0
SEX	2	1	50	0	0	1	50
<b>Total</b>	<b>67</b>	<b>43</b>	<b>62</b>	<b>8</b>	<b>14</b>	<b>16</b>	<b>24</b>

Cumberland County Fair Housing Test Results 2009 (Year-to-date)

Class	Total # of Tests	Tests without evidence of discrimination	%	Tests with some evidence of discrimination	%	Tests with strong evidence of discrimination	%
DISABILITY	2	1	50	0	0	1	50
DISABILITY/ SOURCE OF INCOME	1	0	0	1	100	0	0
FAMILIAL STATUS	4	0	0	0	0	4	100
SEXUAL ORIENTATION	3	3	100	0	0	0	0
SOURCE OF INCOME	2	1	50	0	0	1	50
RACE	4	4	100	0	0	0	0
RELIGION	1	0	0	1	100	0	0
SEX	1	1	100	0	0	0	50
<b>Total</b>	<b>18</b>	<b>10</b>	<b>50</b>	<b>2</b>	<b>25</b>	<b>6</b>	<b>31</b>

Statewide Fair Housing Test Results 10/2007 – 9/2008

Class	Total # of Tests	Tests without evidence of discrimination	%	Tests with some evidence of discrimination	%	Tests with strong evidence of discrimination	%
RACE / NATIONAL ORIGIN	24	19	79	5	21	0	0
FAMILIAL STATUS	4	0	0	2	50	2	50
RELIGION	2	2	100	0	0	0	0
DISABILITY	1	0	0	1	100	0	0
NATIONAL ORIGIN	5	3	60	2	40	0	0
<b>TOTALS</b>	<b>36</b>	<b>24</b>	<b>48</b>	<b>10</b>	<b>42</b>	<b>2</b>	<b>10</b>

Statewide Fair Housing Test Results 10/2005 – 9/2006

Class	Total # of tests	Tests without evidence of discrimination	%	Tests with some evidence of discrimination	%	Tests with strong evidence of discrimination	%
RACE	13	11	84%	1	8%	1	8%
RACE / NATIONAL ORIGIN	6	6	100%	0		0	
FAMILIAL STATUS	23	7	30%	6	26%	10	43%
RECEIPT OF PUBLIC ASSISTANCE	15	4	27%	1	7%	10	66%
DISABILITY	14	11	79%	1	7%	2	14%
Sexual Orientation	4	4	100%				
<b>TOTALS</b>	<b>75</b>	<b>43</b>	<b>57%</b>	<b>9</b>	<b>12%</b>	<b>23</b>	<b>31%</b>

Statewide Fair Housing Test Results 10/2004 – 9/2005

Class	Total # of Tests	Tests without evidence of discrimination	%	Tests with some evidence of discrimination	%	Tests with strong evidence of discrimination	%
RACE	7	7	100%	0	0	0	0
RACE / NATIONAL ORIGIN	13	9	69%	4	31%	2	15%
FAMILIAL STATUS	19	12	63%	7	37%	5	26%
RECEIPT OF PUBLIC ASSISTANCE	17	11	65%	6	35%	2	11%
DISABILITY	16	13	81%	3	19%	2	12%
<b>TOTALS</b>	<b>72</b>	<b>52</b>	<b>72%</b>	<b>20</b>	<b>28%</b>	<b>11</b>	<b>15%</b>

**VII. SUMMARY OF MAINE HUMAN RIGHTS COMMISSION COMPLAINTS & FAIR HOUSING TESTS**

Federal law prohibits discrimination on the basis of race, color, religion, sex, familial status (families with children under eighteen), national origin, and disability. The Maine Human Rights Act includes all of the federal protections and adds three additional categories: ancestry, sexual orientation, and with respect to rental housing and public accommodation purposes, receipt of public assistance. This section discusses the protected classes and provides information regarding each group including impediments. Please note that discrimination complaints investigated by the Maine Human Rights Commission may allege discrimination on more than one basis.

Race

Census data indicates that Maine is overwhelmingly white though Cumberland County has the largest minority population of any region of the state. Because the minority population is small it can be difficult to discern patterns of discrimination.

Pine Tree Legal Assistance rental testing investigations have documented racially discriminatory practices, such as misrepresenting the availability of rental units and offering different terms and conditions to minorities. Statewide housing

discrimination based on race was claimed in nearly 17% of Commission cases between July 2004 and June 2009 and 8% of Cumberland County cases

### Color

A little over 8% of complaints filed with the Commission included allegations of discrimination based on color and none in Cumberland County.

### National Origin or Ancestry

Discrimination complaints based on national origin or ancestry were included in less than less than 7% of all complaints filed with the Commission in the time period considered and 4% in Cumberland County.

Pine Tree Legal's testing program reviewed 2 cases of apparent discrimination strong enough to bring complaints before the Maine Human Rights Commission. In one test, the tester from Africa was told that he needed to pay first month's rent, last month's rent, a security deposit equal to one month's rent, and the \$20.00 application fee when he applied for the apartment. The other tester was told to pay only the \$20.00 application fee when she applied with the remainder only due if the apartment was rented to her.

Pierrot Rugaba, the Director of Immigrant and Refugee Services for Catholic Charities of Maine lists lack of affordable housing, lack of adequately sized units (many immigrant families consist of as many as 8 to 10 members), and language barriers as key impediments to the population he serves. Typically, his organization serves 200 people per quarter. While he said that he rarely sees evidence of overt discrimination, he does run into cases where landlords seem resistant to rent to immigrant families based on certain perceptions, although he notes that this can often be addressed through education. Mr. Rugaba also expressed concern about immigrants who do not have interpreters and who may sign leases without knowing the legal implications of what they are signing. Catholic Charities makes interpreters available to immigrants during their initial negotiations with potential landlords.

### Religion

Housing complaints based on religion accounted for less than 2% of those investigated by the Commission and none in Cumberland County. Pine Tree Legal Assistance was contacted in 2007 by one family alleging religious discrimination in housing.

## Gender

Housing complaints filed with the Commission based on gender are less than 5% of complaints received. Complaints have been filed by both women and men. Pine Tree Legal Assistance has documented instances of discrimination against victims of domestic violence. In Cumberland County during the period 6% of cases concerned gender and another 4% used the term "retaliation". It is believed that many of these cases concerned sexual harassment of female tenants by male landlords or other tenants.

## Disability

Housing discrimination based on disability was claimed in over three fourths of the Commission's cases. This is significant. Most of the disability-based cases concern requests for accommodations and/or modifications necessary to allow a person with disabilities equal access and/or full use and enjoyment of their home. In these cases there is no violation of the law until a housing provider denies a request for a reasonable accommodation and/or modification. Many cases are settled without litigation because the provider agrees to the request for accommodation.

Pine Tree Legal performed 16 tests based on disability in 2005. Three of these tests resulted in complaints to HUD and the Maine Human Rights Commission. Of the 12 tests involving testers who were deaf, two revealed strong evidence of discrimination.

There are a number of advocacy organizations for persons with disabilities in Maine. Maine Human Rights Commission staff has engaged in outreach efforts with many of them and has provided fair housing training to housing providers as well. Social service and health care providers refer many complaints to the Commission. Pine Tree Legal directly helps individuals' secure reasonable housing modifications and accommodations and advises people who make their requests independently.

Tenants may be unaware of what they can request. Even if they understand what they can request, they may not understand who is responsible for paying for the accommodation or modification. Landlords also may have inadequate understanding or information. Lack of available accessible rental units may be an impediment.

## Familial Status

Familial status is defined as families with children under age 18 and includes households in which a minor is domiciled with parents, persons with legal custody of a minor, pregnant women, and families in the process of receiving legal custody of a minor. A landlord may not deny housing to a person or family

because of the presence of children, limit families with children to certain floors or areas of buildings, increase required security deposits for families with children, or alter typical lease provisions for families with children.

Familial status claims were included in nearly 15% of Maine Human Rights Commission housing cases. Pine Tree Legal had seven of nineteen testers turned away based on familial status in 2004. Over one third of the landlords refused to rent to families with children for reasons such as concerns about damage, noise level, apartment size and in pre-1975 buildings, potential lead paint dangers. Three of the testers were told directly that children were not welcome, while two testers were not shown available units that were shown to testers without children. Discrimination based on familial status was found in each of the cities where testing was performed.

Familial status discrimination exists in classified advertising through the use of terms or pictures that indicate a preference for singles or adults. Pine Tree Legal filed complaints against three Maine newspapers that printed advertisements that were overtly discriminatory. The ads stated that the apartments were “not suitable for children” and “good for single person or quiet couple.” In addition, in recent years, children have been a growing segment of the homeless population in Maine. A recent study found one in four state assisted homeless persons to be under age 18.

#### Receipt of Public Assistance

Under Maine law, landlords cannot refuse to accept public assistance for a rental unit. About 10% of the Maine Human Rights Commission cases included claims of discrimination based on source of income.

In 2004, Pine Tree Legal conducted 17 tests for discrimination based on receipt of public assistance; five of the tests revealed evidence of discrimination. The discrimination ranged from the words “No HUD” or “No Section 8” in an advertisement, to statements by landlords that people with Section 8 might “trash the place.”

Testing for the grant year beginning in October 2005 revealed landlords rejected nine of eighteen testers who presented themselves as recipients of public assistance. Some landlords did not want to repair units that would not pass housing authority inspections; some did not want to work with the local housing authority or its paperwork; some thought people with public assistance might “trash the place”; and others stated that people with public assistance did not have a “monetary incentive to act responsibly.”

## Sexual Orientation

Maine added sexual orientation as a protected class in 2005. According to the Maine Human Rights Commission, there have been a few complaints filed charging housing discrimination based on sexual orientation. The bulk of sexual orientation complaints have been in the employment area. The first case in which the Commission found reasonable cause in connection with a housing complaint based on sexual orientation occurred in September 2007. In that case, the Commission upheld a complaint from two gay men who said they were illegally asked about the nature of their relationship when they tried to rent a house. Pine Tree Legal's testing program has just started to look into this area.

## **VIII. PREDATORY LENDING & FORECLOSURES**

Predatory lending includes unfair loan terms or credit practices that harm the borrower and help create a credit system that promotes inequality by steering borrowers to unnecessarily expensive credit. Several general practices are widely accepted as predatory, such as excessive points and fees, excessive total broker compensation, abusive prepayment penalties, mandatory arbitration clauses, and refinancing loans without a net tangible benefit to borrowers. A 2006 report, *Predatory Mortgages in Maine: Recent Trends and the Persistence of Abusive Lending in the Subprime Mortgage Market*, by the Coastal Enterprise Inc. (CEI) and the Center for Responsible Living (CRL) analyzed data on Maine's subprime mortgage market and the ratio of subprime to prime mortgages attained in Maine by several of the protected classes. It is important to remember that, while predatory lending often results in subprime loans, not all sub-prime loans are predatory in nature. In fact, the report notes that "The Maine subprime mortgage market is largely dominated by non-bank lenders and mortgage brokers, many of whom lend responsibly." The report goes on to note that while the subprime mortgage market has spawned a variety of predatory practices, "This market has expanded access to credit to consumers who might not qualify for prime mortgages..."

The data showed that although Native Americans, African Americans and Latinos received only a small percentage of sub-prime loans in Maine, borrowers from these minority groups disproportionately obtained their mortgage loans from sub-prime lenders.

African Americans received 31.3 percent of their home purchase loans from sub-prime lenders while Caucasians received only 6.9 percent of their home purchase loans from sub-prime lenders. In 2003, both African-Americans and American Indians were 2.7 times more likely to receive a subprime refinance than a white borrower. Many other national and local studies have also found that minority borrowers receive disproportionately large shares of their mortgage loans from subprime lenders.

Although these studies do not attempt to distinguish between subprime and predatory lending, the prevalence of subprime mortgages made to the various protected classes places these classes at higher risk of falling prey to predatory lending practices.

Recent events in the housing markets, nationally and in Maine, have led to dramatically increased foreclosure rates, especially in subprime mortgages. Although available foreclosure data sources reviewed do not include data on race, ethnicity or any of the other protected classes, we can infer that these people are disproportionately affected by foreclosure solely based on the large proportion with subprime mortgages.

## **IX. PROPERTY TAX POLICIES**

Under Maine law, local assessors act as agents of the State in performing property tax assessment duties. Those duties are imposed by State law and cannot be altered by a vote of the local legislative body or municipal officers. In assessing taxes on real and personal property, assessors are required to “apportion and assess them equally” (i.e., assess them at a relatively uniform rate with comparable property in the district) according to the “just value” (fair market value) of the property in question, Maine Constitution, art. IX, § 8. There are no local option taxes in Maine, property tax or otherwise.

Counties have no direct role in the assessment of property taxes. In Cumberland County, the only role the County has in the property tax assessment process is an indirect one, in that the County Board of Assessment Review hears residential tax abatement appeals from decisions of local assessors in those municipalities without a local board of assessment review. Of the 28 municipalities in Cumberland County, only 10 do not have a local board of assessment review. The law is well established that property tax abatements may only be granted if the taxpayer demonstrates that the assessment is “manifestly wrong,” i.e., that the property is substantially overvalued, the assessment is the result of unjust discrimination or the assessment is fraudulent or illegal.

Public sector tax policies affect fair housing choice in direct and indirect manners. Maine Legislature policies governing the creation of Tax Increment Financing (TIF) Districts are direct impacts. The public sector support of transit services or parks and recreational programming or educational opportunities are considered indirect effects to fair housing choice. However, the level of taxation directly impacts the funding for specific services across Cumberland County and the affordability of housing within its various municipalities. The costs associated with the provision of specific public sector services increases the costs for all residents, whether they reside in owner occupied or rented units. However, there are no known discriminatory taxation practices by municipalities in Cumberland County.

Several forms of residential property tax relief do exist for resident homeowners, veterans and blind persons through tax exemption programs. Others may qualify for some tax relief based on their income under the Maine Residents Property Tax and Rent Refund "Circuit Breaker" Program. There are also current use programs available for certain types of property – farmland, open space, tree growth and working waterfront.

## **X. OUR OWN RESEARCH**

### Craig's List

Cumberland County's Grants and Special Projects Coordinator, Elizabeth Trice conducted a modest research project by examining apartment rental advertising appearing on the popular website craigslist.org. This investigation was conducted during the week of July 20, 2010.

Results of the investigation found:

- A search for the words "Section 8" and "Voucher" resulted in 5 ads in Cumberland County Entitlement Jurisdiction communities.
- 4 ads listed section 8 voucher holders as specifically welcome.
- One listing said "not approved for section 8" – it's unclear what the advertiser meant by this.

"\$875 Brunswick. 3 BEDROOM 1.5 BATH HOME WITHIN WALKING DISTANCE TO DOWNTOWN BRUNSWICK. NICE YARD FOR KIDS. NO PETS AND NON-SMOKERS. SECURITY DEPOSIT. MUST BE ABLE TO PASS CREDIT CHECK. NOT APPROVED FOR SECTION 8."

- A search for "English" "Foreign" "Latino" "blacks" "Hispanics" "language" resulted in no ads
- A search for "kids" or "children" resulted in 9 listings, all saying the place was great or otherwise suitable for children.

A search for the word "couple" generated 20 results; 6 of which were clearly non-discriminatory. The other 14 stated some preference for couple or single; usually these were one-bedroom units. A few stated preference for couple or family.

- "great for single person or couple"
- Perfect for one person or a couple.
- Ideal for a retired couple or someone just starting out.
- This would be great for a single person or couple.
- Great spot for single or couple.

- Amazing lifestyle for professor, retired couple, very artistic ambience, large and comfy for three people, sleeping porch in summer for guests.
- Great for singles or couple.
- Ideal for a couple or family.
- Looking for the right individual, or couple who values the balance of quality and price!
- For the sake of liability -- Please be employed, and 22 or older..
- Perfect for a new couple or friends that want to share a nice space.
- Looking for a single or a couple that are quiet and clean.
- I'm looking for a quite couple or family.

A search using the key words "Man" "Woman" "Female" "Male" "Working" resulted in no listings.

A search using the key word "professional" resulted in two listings

- This is a great apartment for a single professional or student.
- \$650 / 1br - 1 B/R 1 Person (Gray ME) perfect for single professional
- Looking for single professional but will consider couple

### Avesta Housing

The Cumberland County Entitlement Jurisdiction is home to Avesta Housing, the largest developer of affordable housing in Maine.

Avesta Housing is a mission driven non-profit providing rental housing for families and seniors. They own and manage over 1,200 units in Southern Maine with 511 in Cumberland County, outside the City of Portland. Their largest development in the County is the 139 unit Brick Hill family housing development in South Portland.

Avesta develops about 100 new units per year, all of them accessible or adaptable. All their family units have 2 or 3 bedrooms with amenities including playgrounds, community rooms and services for youths, teens and mothers. While much of Avesta's recent work has been focused in the City of Portland they look for development opportunities throughout the region.

Conversations with development professionals at Avesta uncovered several barriers to development outside Portland. These include:

- Maine State Housing Authority (MaineHousing) requirements for Low-income Housing Tax Credit developments: While these requirements are well intentioned focusing development in service center communities with sidewalks and public transit, they dramatically reduce the potential communities and sites for housing;
- Limited locations with water and sewer service;

- Some suburban and rural communities are less willing to host family housing developments, fearing additional school students will result in higher taxes. This may affect willingness to rezone land for multi-family housing.
- While others may point to zoning regulations as a factor limiting multi-family housing development, Avesta's staff site the absence of necessary infrastructure (water, sewer, 3-phase power) as the critical challenge in selecting appropriate sites.

In the past three years Avesta has had only one fair housing case.

## **XI. HOME MORTGAGE DISCLOSURE ACT (HUMDA)**

Given the racial and ethnic demographics of the region, analysis of the HUMDA data is somewhat limited. The number of mortgage applications made by minority racial and ethnic populations is extremely small. Minor differences on small base numbers create large percentage fluctuations. Even with this caveat taken, at least on the conventional mortgage side, denial rates for whites and non-white applicants appear dramatically different. Denial rates for FHA, FSA/RHS and VA mortgages are similar across racial and ethnic groups.

### Portland-South Portland-Biddeford Maine MSA 2007

#### Conventional Mortgage Applications

Black	47
Hispanic	60
Hispanic & All Racial Minorities	347
White	8427

#### Conventional Mortgages - Denial Rates

Black	25%
Hispanic	25%
Hispanic & All Racial Minorities	21%
White	13%

#### FHA, FSA/RHS & VA Mortgages

Black	12
Hispanic	9
Hispanic & All Racial Minorities	43
White	586

#### FHA, FSA/RHS & VA Mortgages – Denial Rate

Black	16%
Hispanic	11%
Hispanic & All Racial Minorities	14%
White	12%

## Reasons for Mortgage Denial

For FHA, FSA/RHS & VA mortgages, so few minority or women applicants were denied loans that no conclusions can be drawn. At one and two cases denied over a possibility of eight denial categories (debt-to-income ratio, employment history, credit history, collateral, insufficient cash, unverifiable information, credit application incomplete, or mortgage insurance denied) no conclusions can be made.

For convention mortgages the numbers are somewhat larger though still of limited value to draw significant conclusions. Denials for all applicants regardless of race, ethnicity or sex are highly concentrated in two categories – debt-to-income ratio and credit history. For the 2007 year the denial rate for African-Americans are somewhat more concentrated in these categories. For white applicants denials are spread somewhat further to issues of collateral and incomplete applications. Denials for male, female and joint (male/female) applicants were very similar across all denial categories.

## **XII. BARRIERS TO AFFORDABLE HOUSING**

### Regulatory

Through planning, regulation and resource, municipalities can exert a powerful influence on the housing supply through the following means:

- Creation of a vision and master plan for communities, downtowns and neighborhoods
- Implementation of land-use policy
- Site plan review of housing projects
- Provision of public infrastructure, including water, sewer and roads
- Development of public facilities, including schools and fire stations
- Direct sponsorship of housing projects, including land acquisition and building construction

Economies of scale dictate that the more units that can be developed on a particular parcel of land, the lower the overall cost of any particular unit sold or rented. Also, when only very low density is allowed, there is a tendency to create larger units. Through zoning, towns can reduce density or increase density. The most obvious way is to specify the maximum density permitted in a particular district. A less obvious way is to allow flexibility in meeting dimensional standards or parking requirements, which then allows more of the lot to be used for housing. Studies have shown, for example, that the cost of parking alone at the usual two spaces per unit can add up to 25% onto the cost of a unit. If parking could be shared with an adjacent use, the additional square footage could be used to create additional units, thereby lowering the per unit cost of the project.

Throughout Cumberland County, the maximum allowable density varies radically by town. The more urban areas, including Portland, South Portland, Westbrook, Brunswick and Freeport, allow at least eight units per acre in selected districts. Eight units per acre is the minimum threshold necessary to support certain public investments such as public sewer, public transit and to allow businesses to be viable to a walking clientele. Suburban towns, including Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Windham, and Yarmouth, allow a maximum of four units per acre, even in areas that are served by public sewer.

In 2006, GrowSmart Maine contracted with regional planning commissions statewide to conduct a build-out analysis of their service center communities. With the assistance of the Cities of Portland, South Portland and Westbrook, the Greater Portland Council of Governments constructed an inventory to determine whether there is sufficient land and properties available in those communities to absorb all commercial and residential growth projected for the region by 2025. GPCOG concluded that, with few exceptions, the service center communities do have sufficient land available to accommodate future growth.

Despite recognition of the necessity of density, rural and suburban towns have lagged in their response. The safest approach for towns has been to allow for accessory dwelling units. These traditional “in-law apartments” are recognized as a way for families to allow for an elderly person to live nearby or, conversely, for an elderly household to earn rental income. While towns do allow accessory units as a permitted use in residential zones, few, if any, have created a separate ordinance with standards for square footage, design, parking, and other considerations.

Under MRSA Title 30-A subsection 4349-A, the State may only spend growth-related capital investments dollars, including State Program CDBG funds, in areas designated for growth, such as might be identified in a comprehensive plan or already served by public sewer. At the regional level, the most powerful incentive would be tying future road construction funds to increased density. Such a policy has been studied by the Portland Area Comprehensive Transportation Committee (PACTS) but no agreement or implementation plan has been adopted.

The Cumberland County Entitlement Jurisdiction Municipal Oversight Committee (MOC) has not, to date, required projects to be in growth areas or set any other land use policy-based rules.

## Special Needs Housing

Disabilities often limit the ability of an individual to earn income sufficient to compete in the traditional housing market. Under the Federal Fair Housing Act, a person with a disability is defined as "any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment." Disabilities encompass a broad range of conditions, including hearing, mobility and visual impairments, chronic alcoholism, mental illness, AIDS, or mental retardation, that substantially limit one or more major life activities, including walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

Some individuals with disabilities require full-time, supervised care that is best offered in an institutional setting such as a hospital or nursing home. But the vast majority functions independently in their own apartments, homes, or community-based living arrangements. One such living arrangement is the group home. A group home is typically a single-family home owned by a service provider that is adapted for occupancy by persons with disabilities.

Generally a group home functions like a single-family household: each resident occupies their own room but shares the laundry, bathroom, toilet, kitchen and common living areas with others. The service provider generally provides staff support based on the individual needs of the residents.

Large facilities can be regulated as institutions and thus restricted to certain areas of town. But under MRSA Title 30-A, §4357-A, Maine municipalities are required in their zoning ordinance to treat group homes of up eight persons in the same manner as single family homes. A review of Fair Housing literature reveals the far-reaching implications of this simple definition:

- 1) *The zoning ordinance should provide a definition of a group home that classifies it as a single family home. If there is also a definition of "family" in the ordinance, it must not involuntarily exclude group homes by limiting the number of unrelated persons.*
- 2) *Group homes should be treated in the zoning ordinance as a residential, not commercial use, and allowed by right in any zone wherever single-family homes are permitted.*
- 3) *Zoning ordinances should not require site plan review as a condition of approval, which would give abutters the opportunity to defeat the proposal based on innocuous concerns such as traffic.*

Excluding foster care, there are just under 100 group homes offering 400 units dispersed throughout 14 different towns in Cumberland County. However, because group homes are licensed by the Maine Department of Health and

Human Services in the same manner as foster care and nursing homes, the exact number cannot be confirmed without a visual inspection.

More than half of these structures are located within the City of Portland, which treats residences of up to 16 persons as a single-family home. Group homes range in size from 2 to 16 beds. Local zoning ordinances in Cumberland County were examined to determine consistency with State law as well as judicial interpretations of the Fair Housing Act. Of the region's 27 towns, six towns do not have zoning, and two were unavailable for inspection. Based on this review, the only towns in Cumberland County with ordinances consistent with state and federal law are the Town of North Yarmouth and the City of Portland.

This region-wide review of local zoning revealed numerous inconsistencies. The task was complicated by the fact that no town specifically uses the term "group home" in their ordinance. Actual terms used to encompass the definition of a group home include *assisted living*, *community home*, *congregate housing*, *sheltered care*, and *residential care facility*. Inconsistencies noted include the following:

- Group homes were defined in the zoning ordinance but not specifically permitted anywhere in town.
- There were no terms found to define a group home, and thus no specific mention as a permitted use in any zone.
- The ordinance included a definition of family that restricted it to no more than five unrelated persons.
- Group homes in any form were limited to the town's retirement overlay district which, while flexible, poses an unreasonable regulatory burden.
- Group homes were treated as a conditional or special exception use requiring site plan review.
- Group homes were not specifically permitted in all zones where single-family homes were permitted.
- Group homes were treated as commercial uses, such as a nursing or boarding home.

Unless challenged in court, these inconsistencies are likely to stand, since amendments to specifically allow group homes would be likely to stir local controversy. Even so, a review of pending or adjudicated cases before the Maine Supreme Court revealed no lawsuits dealing with group homes. Since there are group homes in more than half of the towns in Cumberland County, clearly they are winning local approval. But how proposals for group homes are actually treated when they come before the Planning Board is beyond the scope of this study.

Supportive housing and access to services enable persons with disabilities to lead independent lives in the community. Estimating the need for such housing and services is an inexact science.

The decennial Census provides useful data on the number of people with certain disabilities by age, but it does not answer the question about whether those with certain conditions need special assistance. Similarly, special studies provide useful data on the prevalence of certain conditions, such as mental illness, in the general population, but no information on how many such persons require services at a particular point in time. In estimating the provision of housing and services to persons with disabilities, it is useful to “follow the dollars”. Community-based services, whether Meals on Wheels or counseling are usually subsidized with tax dollars – both state and federal, that can be tracked to estimate the number of services provided.

**Subsidized Housing in Cumberland County by Town, 2005**

MUNICIPALITY	Project-Based				SECTION 8 VOUCHERS				Total	Renters under 50%	Gap
	Family	Elderly	Disabled	Special	Family	Elderly	Disabled	Special			
Baldwin	0	0	0	0	1	0	0	0	1	14	13
Bridgton	56	48	8	14	20	0	0	0	146	205	59
Brunswick	140	183	14	6	294	0	0	0	637	1,070	433
Cape Elizabeth	0	22	0	0	2	0	0	0	24	105	81
Casco	0	0	0	8	20	0	0	0	28	110	82
Chebeague I.	*	*	*	*	*	*	*	*	*	*	*
Cumberland	0	6	0	6	6	0	0	0	18	50	32
Falmouth	35	79	0	0	6	0	0	0	120	195	75
Freeport	162	42	0	0	36	0	0	0	240	285	45
Frye Island	0	0	0	0	0	0	0	0	0	0	0
Gorham	0	125	0	16	53	0	0	0	194	410	216
Gray	0	17	0	1	26	0	0	0	44	120	76
Harpswell	0	0	0	0	12	3	1	0	16	135	119
Harrison	0	0	0	0	9	0	0	0	9	45	36
Long Island	0	0	0	0	0	0	0	0	0	14	14
Naples	0	20	0	0	11	0	0	0	31	80	49
New Gloucester	0	0	0	9	13	0	0	0	22	50	28
North Yarmouth	0	0	0	0	0	0	0	0	0	20	20
Portland	2,164	1,578	16	172	1,483	20	50	0	5,483	7,085	1,602
Pownal	0	0	0	0	0	0	0	0	0	8	8
Raymond	0	24	0	0	8	0	0	0	32	50	18
Scarborough	97	38	0	23	24	0	0	0	182	325	143
Sebago	0	0	0	0	2	0	0	0	2	24	22
South Portland	360	509	6	153	349	0	0	0	1,377	1,315	-62
Standish	0	12	0	3	23	0	0	0	38	150	112
Westbrook	325	447	0	36	396	0	0	0	1,206	1,175	-31
Windham	8	60	0	30	40	0	0	0	138	335	197
Yarmouth	56	22	0	0	7	0	0	0	85	255	170
<b>Totals</b>	<b>3,403</b>	<b>3,232</b>	<b>44</b>	<b>477</b>	<b>2,843</b>	<b>23</b>	<b>51</b>	<b>0</b>	<b>10,073</b>	<b>13,625</b>	<b>3,552</b>

\* Not tabulated

Source: Maine State Housing Authority

## Public Housing

For renters who earn less than half of the region’s median income, subsidized housing is a viable choice. Subsidized housing is comprised of two forms of assistance: *project-based*, or units in housing developments built with federal subsidies; and Section 8 *vouchers*, which are federal rent subsidies that can be used in the private market. In Cumberland County, there are 10,073 subsidized housing units, 7,156 in project-based units and 2,917, in vouchers. This represents 9% of all the housing units in the region. Forty percent of the total lies

in the Entitlement Jurisdiction: 2,883 in project-based units and 1,070 in vouchers. According to the 2000 Census, there are 13,625 households earning less than 50% of the region's median income. With 10,073 units available to meet the demand, there is an estimated gap of 3,552 units. The community with the greatest demand for units is Portland, followed by Brunswick, Gorham, Windham, Yarmouth and Scarborough.

Subsidized housing is not evenly dispersed throughout the county. Less than 14% of the subsidized housing in the county lies outside of the communities of Brunswick, Portland, South Portland, and Westbrook. The City of Westbrook hosts the highest percentage of rental housing that is subsidized, 44%, followed by South Portland, 38%, Freeport, 36%, and Portland, 32%.

Two housing authorities operate within the Cumberland County Entitlement Jurisdiction housing: South Portland and Westbrook. Both housing authorities are performing in accordance with HUD regulations, with Westbrook being recognized as a high performer. Together, they manage a total of 1,019 units. Over two thirds of these units, 695, are reserved for the elderly, with the balance available to families. According to John Gallagher, Director of the Westbrook Housing Authority, the demographic population served by public housing has changed over the last 20 years. While residents were predominantly elderly, now there is an increasing mix of elderly and young residents with developmental and physical disabilities. Not many families, however, are being served.

#### Demand for Public Housing

As is the case throughout the county, there is a robust demand for subsidized housing in the Entitlement Jurisdiction's largest municipalities. The South Portland Housing Authority maintains a waiting list with 250 names for Section 8 vouchers. On average, it takes approximately 10 months for the current last name on the list to be served. For its project-based units, the South Portland Housing Authority has never had a vacancy. The waiting list is capped at 150 households. When a household is placed, another is simply added to the list. Although there are fewer residents in the city of Westbrook, its housing authority maintains an even longer list: 1,367 people are waiting for vouchers. The waiting list for project-based units consists of 149 elderly, 13 disabled, and four households waiting for family units.

#### Physical Condition of Units

The physical condition of project-based units throughout the Entitlement Jurisdiction ranges from good to excellent. The South Portland Housing Authority reports that all of their units are in excellent condition. They recently completed a five-year capital improvement plan that outlines \$2 million for new siding, paint, kitchen cabinets, washer/dryers, windows and flooring.

According to the Westbrook Housing Authority, all of its units are in good condition. The oldest properties, Riverview Terrace and Larrabee Woods, both built in the 1970's, suffer higher than average maintenance costs that necessitate moderate rehabilitation. For example, the units at Larrabee Woods are still served by electric heat, while the units at Riverview share corroding galvanized drainage pipes. Estimated rehabilitation is \$1.2 million: \$15,000 per unit for 60 units at Riverview, and the balance to 25 units at Larrabee Woods. Looking ahead to the future, the housing authority builds with universal design in mind. For example, every bathtub is constructed with integrated plywood backing to facilitate the installation of grab bars.

<b>Public Housing Units in the Cumberland County Entitlement Jurisdiction</b>				
<b>Property</b>	<b># Units</b>	<b>Agency</b>	<b>Street Address</b>	<b>Demographics</b>
Adam Court	10	South Portland Housing Authority	Landry Circle	Elderly/Disabled
Mill Cove Apartments	82	South Portland Housing Authority	10 Soule Street	Elderly/Disabled
Ridgeland Estates	80	South Portland Housing Authority	108 Ridgeland Avenue	Elderly
Landry Village	50	South Portland Housing Authority	51 Landry Circle	Families
St. Cyr Court/Broadway West	100	South Portland Housing Authority	1700 Broadway	Families
Hazard Towers/Broadway East	100	South Portland Housing Authority	425 Broadway	Families
Betsy Ross House	123	South Portland Housing Authority	99 Preble Street	Elderly
<b>Subtotal</b>	<b>545</b>	<b>South Portland Housing Authority</b>		
Main Street	13	Westbrook Housing Authority	783 & 789 Main Street	Families
Larrabee Heights	38	Westbrook Housing Authority	20 Lisa Harmon Drive	Elderly
Larrabee Woods	25	Westbrook Housing Authority	10 Lisa Harmon Drive	Elderly
Mill Brook Estates	100	Westbrook Housing Authority	300 East Bridge Street	Elderly
Presumpscot Commons	29	Westbrook Housing Authority	765 Main Street	Elderly
Riverview Terrace	60	Westbrook Housing Authority	21 Knight Street	Elderly
Larrabee Village	150	Westbrook Housing Authority	30 Lisa Harmon Drive	Elderly
Forest Street School	11	Westbrook Housing Authority	91 Forest Street	Families
Golder Commons	32	Westbrook Housing Authority	6 Lincoln Street	Families
Homestead Village	18	Westbrook Housing Authority	115 Saco Street	Families
<b>Subtotal</b>	<b>474</b>	<b>Westbrook Housing Authority</b>		
<b>Total</b>	<b>1019</b>	<b>Cumberland County Entitlement Jurisdiction</b>		

## **XII. CONCLUSIONS & RECOMMENDATIONS FOR NEXT STEPS**

### **Conclusions**

- 1) Violations of Fair Housing Laws occur. Of particular concern are cases of denial of reasonable accommodations for persons with disabilities and discrimination based on familial status and sex. Sexual harassment by landlords or employees is a significant issue.
- 2) As our refugee and immigrant population moves beyond Portland to communities in the entitlement jurisdiction issues related to language, racial, ethnic and cultural barriers must be addressed.
- 3) Discrimination based on “source of income” does occur.
- 4) There are limited options for affordable rental and ownership housing within some communities of the entitlement jurisdiction, particularly in the suburban communities surrounding Portland, Westbrook and South Portland. Many factors contribute to this situation including zoning restrictions and limited water & sewer utilities.

### **Recommendations**

- 1) Landlord education and training on the issue of reasonable accommodations for persons with disabilities is definitely needed.
- 2) Landlord education and training on general issues of discrimination ranging from familial status, sex, sexual harassment, source of income is definitely needed.
- 3) Tenant education to increase awareness of fair housing laws and rights granted under the law should be provided. Tenants not located in the urban areas surrounding Portland don't have the exposure they may need to this information.
- 4) The opportunity to develop affordable housing, rental or ownership should be available in every community of the County. The introduction of more rental housing, increased housing density and lower cost ownership housing throughout the county's urban, suburban and rural communities must be addressed. This housing should be sited in appropriate areas proximate to commercial, educational and recreational amenities, near future transit corridors – not in less desirable or remote locations.
- 5) Ongoing attention to fair housing must be paid. The Cumberland County Municipal Oversight Committee (MOC) will be educated on fair housing issues and the role affirmatively affirming fair housing plays for all HUD grant recipients.
- 6) Work with municipalities to ensure local ordinances are consistent with state and federal laws concerning group homes and special needs housing.

## APPENDIX

### Fair Housing Laws

Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act) § 3601.

*Declaration of policy:*

*It is the policy of the United States to provide, within constitutional limitations, for Fair Housing throughout the United States.*

Title VIII of the Civil Rights Act of 1968, as amended, is known as the Fair Housing Act. The Fair Housing Act makes it illegal to discriminate in the sale, rental, financing, or insurance of a dwelling, or in any other type of housing-related transaction on the basis of race, sex, religion, national origin, color, disability, or familial status (the presence of children under the age of 18 in the household). In addition, certain multifamily dwellings, constructed after 1991, are required to be accessible to persons with disabilities.

Several exemptions exist in the Fair Housing Act, including:

1. Rental of units where the building contains four or fewer units and the owner resides on the property are exempt from the Fair Housing Act when the services of real estate brokers or rental agents are not used, and the housing is not advertised in a discriminatory way. Housing for older persons is exempt from the familial status provisions of the Fair Housing Act. To qualify for this exemption, either 100% of the units must be occupied by persons 62 years of age or older, or 80% of the units must be occupied by at least one person 55 years of age or older.
2. Rental of single family homes are exempt when the owner owns or benefits from three or fewer single family dwellings, the services of real estate brokers or rental agents are not used, and the housing is not advertised in a discriminatory way (including verbal discriminatory statements).
3. Religious organizations that own and rent dwellings for non-commercial purposes to persons of the same religion are exempt, provided that membership in that religion is not restricted by race, color, or national origin.

The Equal Credit Opportunity Act (1974)

Prohibits discrimination in credit transactions on the basis of race, color, national origin, religion, sex, age (40+), marital status, and receipt of public assistance.

The Equal Credit Opportunity Act imposes an affirmative duty on creditors to notify rejected applicants of the reasons they were denied credit.

#### The Americans with Disabilities Act (ADA) 1990

Guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. Title III of the Act covers all private establishments and facilities considered “public accommodations,” including restaurants, hotels, retail establishments, doctors’ offices, and theaters. People with disabilities must have equal opportunity to access these establishments, both in terms of physical access and in the enjoyment of services. Title II of the ADA applies to all programs, services, and entities. With respect to housing, this includes public housing and housing provided by state colleges and universities.

#### Section 204 of the Rehabilitation Act of 1973

Applies to the availability of services, accessibility, delivery, employment, and the administrative responsibilities of organizations receiving federal financial assistance. Provides protection against discrimination for persons with disabilities in housing and other federal assistance programs. A qualified individual cannot be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity.

#### Architectural Barriers Act of 1968

Accessibility requirements for design and construction and alteration of publicly-owned residential structures. Buildings constructed by, or on behalf of, or leased by the United States, or buildings financed in whole or in part by a grant or loan made by the United States, if such grant or loan authorized standards for design, construction or alterations (i.e. public housing, CDBG programs).

**GUIDE TO HOUSING APPLICANT INQUIRIES**

1. It is unlawful under the Maine Human Rights Act to make or cause to be made any written or oral inquiry concerning the race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin, or familial status of any prospective purchaser, occupant or tenant of the housing accommodation.
2. It is also unlawful for any person furnishing rental premises or public accommodations to refuse to rent or to impose different terms of tenancy on any individual who is a recipient of federal, state, or local public assistance, including medical assistance and housing subsidies, primarily because of the individual's status as recipient.
3. Inquiries are not unlawful if they are consistent with business necessity and are not based on protected-class status.
4. Most housing for older persons, as defined by law, is exempt from the law that prohibits familial status discrimination (except for advertisements) and may inquire about an applicant's familial status. Please contact the Commission if you have any questions about your status as a provider of housing for older persons.
5. The Commission recommends that in selecting tenants, housing providers should focus exclusively on an applicant's legitimate qualifications for the housing offered.
6. Housing inquiries that are made in conformance with the instructions from, or requirements of, an agency or agencies of the local, state, or federal government in connection with the administration of subsidized housing programs are not unlawful under the MHRA.
7. The MHRA does not prohibit asking an applicant to voluntarily provide information that would aid in compliance with a valid affirmative action plan.
8. The list of "lawful" and "unlawful" questions contained herein is not exhaustive. It is meant to illustrate the type of questions that are frequently asked.

(Rev. 3/2010)

**HOUSING APPLICANT  
INQUIRY GUIDE**

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[www.maine.gov/mhrc](http://www.maine.gov/mhrc)**

# HOUSING APPLICANT INQUIRY GUIDE

CATEGORY	EXAMPLES OF LAWFUL INQUIRIES	EXAMPLES OF UNLAWFUL INQUIRIES
<b>ANCESTRY/ NATIONAL ORIGIN</b>	<ul style="list-style-type: none"> <li>• Whether applicant is a U.S. citizen.</li> <li>• Whether applicant is legally eligible to remain permanently in the U.S.</li> <li>• Applicant's current address.</li> <li>• How long applicant has lived in this State or local community.</li> <li>• Former places of residence when necessary to check references.</li> </ul>	<ul style="list-style-type: none"> <li>• Nationality, lineage, ancestry, descent, or birthplace of applicant or relatives.</li> <li>• Applicant's native or primary language.</li> <li>• How applicant acquired the ability to read, write, or speak a foreign language.</li> <li>• Maiden or former name (unless necessary to check references).</li> <li>• Photograph with application.</li> <li>• How long applicant has lived in the U.S.</li> </ul>
<b>RELIGION</b>		<ul style="list-style-type: none"> <li>• Religious denomination, affiliation, place of worship, religious leaders, or religious holidays observed.</li> <li>• Name of religious leader as reference.</li> </ul>
<b>RACE</b>	<ul style="list-style-type: none"> <li>• Criminal convictions that are related to ability to comply with lease.</li> </ul>	<ul style="list-style-type: none"> <li>• Race of applicant or relatives.</li> <li>• Complexion or color of skin or eyes.</li> <li>• Photograph with application.</li> <li>• Arrest record.</li> </ul>
<b>SEX/ PREGNANCY</b>	<ul style="list-style-type: none"> <li>• Names of persons in household.</li> </ul>	<ul style="list-style-type: none"> <li>• Whether applicant is pregnant, has children, or plans to have children.</li> <li>• Marital status.</li> <li>• Maiden name.</li> <li>• Questions asked only of one sex but not of the other, e.g., asking only women about ability to mow lawn or shovel snow.</li> <li>• Sex of persons in household.</li> </ul>
<b>FAMILIAL STATUS</b>	<ul style="list-style-type: none"> <li>• Number of persons in household.</li> <li>• Dates of birth when necessary to conduct background check to determine ability to comply with lease.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of children in household.</li> <li>• Ages of persons in household (unless related to "housing for older persons" exception).</li> <li>• Pregnancy, future childbearing, custody, or adoption plans.</li> </ul>
<b>SEXUAL ORIENTATION</b>		<ul style="list-style-type: none"> <li>• Sexual orientation, gender identity, or gender expression of applicant.</li> <li>• Relationship between household members.</li> <li>• Marital status.</li> <li>• Name of spouse or significant other.</li> <li>• Photograph with application.</li> </ul>
<b>DISABILITY</b>	<ul style="list-style-type: none"> <li>• Whether the person is able to meet the requirements of the lease or rental agreement, if provided with reasonable accommodations for disability, provided this question is asked of all applicants.</li> <li>• If person requests reasonable accommodation or modification, the person may be asked for verification of disability and need for accommodation or modification.</li> <li>• Whether person has a pet.</li> </ul>	<ul style="list-style-type: none"> <li>• Whether the person has any health conditions, unless to determine qualification for a housing program for people with disabilities.</li> <li>• Whether applicant has or has had an alcohol or drug addiction problem.</li> <li>• Whether person needs reasonable accommodations or modifications in order to have equal enjoyment of the premises, unless first requested by the applicant.</li> <li>• Whether person has service, therapeutic, or support animal, unless first identified by the applicant.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Smoking (or non-smoking).</li> </ul>	
<b>RECEIPT OF PUBLIC ASSISTANCE (such as Section 8, TANF, and General Assistance)</b>	<ul style="list-style-type: none"> <li>• The Maine Human Rights Commission recommends that owners and managers avoid making oral or written inquiries that might make a person believe that they were denied housing because of their status as a recipient of public assistance.</li> <li>• It is not unlawful to ask an applicant how he or she intends to pay the rent.</li> </ul>	

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