

Fair Housing: Your Right to Rent or Own a Home

What does "Fair Housing" mean?

In Maine we have both state and federal “fair housing” laws. These laws are meant to protect your right to live somewhere without facing illegal housing discrimination. Under these laws people or businesses renting or selling housing, including their employees, cannot treat you differently, because of your:

- race;
- color;
- national origin;
- ancestry (where you or your family came from);
- religion;
- sex;
- sexual orientation;
- gender identity and gender expression;
- disability;
- living with minor children, an adult dependent, being pregnant, or adopting a minor child (called “familial status” in the law);
- getting public assistance (such as TANF, general assistance, SSI, HCV (formerly Section 8), or MaineCare);
- having a permanent Protection from Abuse Order; or
- protecting your or someone else’s Fair Housing rights by taking action like making a complaint to the Maine Human Rights Commission or acting as a witness in a Fair Housing case.

This is a full list of all areas covered under both state and federal law. There are differences between them. Later in this article there are complete lists of what is covered specifically under the federal Fair Housing Act and the Maine Human Rights Act.

These laws also protect you if someone thinks you belong to one of these protected groups, even if you do not. They also cover all people living in the United States no matter their immigration status. This means that a landlord cannot refuse to rent to you, charge you extra, evict you, or deny you housing related services for any of these reasons.

[Read more about protections for children here](#)

[Read more about fair housing protections based on disability here.](#)

How do the disability protections work?

People with disabilities must be treated the same as anyone else. And they don’t have to disclose that they have disabilities.

If you have a disability and you need a change to the rules or a physical change to your unit, you can tell your landlord or property manager that you have a disability and request a reasonable accommodation

or modification. The change must be related to your disability and necessary for you to enjoy your home the same as a person without disabilities.

To learn more see [“Fair Housing for People with Disabilities.”](#)

[Get information about the right to assistance animals.](#)

What housing is covered?

Fair Housing rules apply to most housing, whether you rent or buy a home. Covered **rental housing** includes:

- apartments and houses owned by private landlords
- "subsidized housing," like public housing run by a housing authority.
- condominiums
- single room occupancies
- children's homes
- nursing homes
- farmworker housing
- race track housing
- RV parks
- residential hotels
- dorms
- mobile home parks
- mobile home lots
- summer bungalows
- group homes
- transitional housing
- many shelters

No one can advertise a unit in a discriminatory way or make discriminatory statements. There are a few small exceptions for all other types of discrimination. For example: some parts of the federal law do not apply if the owner/landlord lives in the building and has no more than 4 rental units. The state law does not cover a 2-unit building where the owner/landlord lives in one of the units. It also does not cover an owner/landlord renting out 4 rooms or fewer in their own home.

What if I get worse treatment because I reported a landlord, or helped someone to report?

The laws also say that it is illegal for anyone to threaten you, or treat you wrongly, because you tried to enforce fair housing laws. If this happens, [you can get help](#). Witnesses, caseworkers, and others who help you with your case are also protected from retaliation.

Note: We use the term 'landlord' in this article because it is easy to understand, but these laws apply to anyone involved in renting you your housing. Some examples are property managers, housing authorities, landlords, and any of their employees.

Can a landlord refuse to rent to me because I have children or an adult dependent?

No. The laws say that landlords cannot refuse to rent to people with children, adult dependents, because you are pregnant, or trying to get custody of a child.

There are exceptions for certain housing that is set aside as elderly housing. Also, housing codes can limit the number of people who can safely live in a housing unit, depending on its size. It can be legal to refuse to rent the unit if you have too many people. Check with your local building code office or [call Pine Tree Legal Assistance](#) if you have questions.

[Read more about the federal law here.](#)

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Can a landlord treat me differently because I get help from the town, the state, or the U.S government?

Maine law says that you must be treated the same as other tenants. This means that the landlord cannot charge you a different rent or fees, or make different rules for you just because you get public benefits.

Landlords may refuse to participate in the Housing Choice Voucher (formerly Section 8) program. But if they take your voucher they must at least treat you the same as other tenants. They may have to do more for you under the Housing Choice Voucher rules.

Note: We use the term ‘landlord’ in this article because it is easy to understand, but these laws apply to anyone involved in renting you your housing. Some examples are property managers, housing authorities, landlords, and any of their employees.

What if someone is threatening or harassing me?

It is also illegal for anyone to harass you because of your race, color, religion, national origin, ancestry, disability, sex, sexual orientation, gender identity or expression, or receipt of a permanent protection from abuse order. This includes your landlord, a maintenance employee, or a neighbor. Pine Tree Legal helps people with these cases also, where they involve housing discrimination.

Severe or continued harassment may be a hate crime. For help, contact your local police department or the [Maine Attorney General’s Civil Rights Division](#):

6 State House Station
Augusta, Maine 04333
Telephone: (207) 626-8800
TTY # (207) 626-8865

What if I am trying to buy a house, and a seller, realtor, or money lender discriminates against me?

These rules also apply if you are trying to buy a home.

- A seller cannot refuse to sell to you or make it harder for you to buy.
- A real estate agent cannot refuse to serve you.
- No lender of a housing-related loan can refuse you a loan or make it harder for you to get a loan.

Where can I file a complaint about discrimination?

If you have questions, or need legal help, contact your nearest Pine Tree Legal Assistance office.

There are two government offices that take complaints about housing discrimination, the Maine Human Rights Commission (MHRC) and the United States Department of Housing and Urban Development (HUD). Some fair housing protections come from Federal laws and some come from the laws of the state of Maine. There are some important differences in these laws that mean you will need to decide which office to complain to based on timing and which laws cover the reason why you were discriminated against.

You should file a complaint with MHRC if it's been 300 days or less since you were discriminated against and the discrimination involves your:

- race;
- color;
- national origin;
- ancestry (where you or your family came from);
- religion;
- sex;
- sexual orientation;
- gender identity and gender expression;
- disability;
- living with minor children, an adult dependent, being pregnant, or adopting a minor child (called "familial status" in the law);
- getting public assistance (such as TANF, general assistance, SSI, HCV (formerly Section 8), or MaineCare);
- having a permanent Protection from Abuse Order; or
- protecting your or someone else's Fair Housing rights by taking action like making a complaint to the Maine Human Rights Commission or acting as a witness in a Fair Housing case.

You should file a complaint with HUD if it's been 365 days or less since you were discriminated against and the discrimination involves your:

- race;
- color;
- national origin;

- religion;
- sex;
- disability; or
- living with minor children, being pregnant, or adopting a minor child (called “familial status” in the law).

If you file with HUD and the timing of the discrimination is still under the 300 day limit, HUD will send your complaint to the MHRC.

To file a complaint with the Maine Human Rights Commission you have four options:

1. You can fill out a written complaint and drop it off in person at 19 Union Street, 2nd Floor in Augusta. [Access a blank complaint form here.](#)
2. You can fill out a written complaint and mail it to:

Maine Human Rights Commission
51 State House Station
Augusta, Maine 04333-0051

[Access a blank complaint form here.](#)

3. You can file a complaint using the MHRC online intake form. [Access the MHRC online intake form here.](#)
4. You can also call the Maine Human Rights Commission at (207) 624-6290 or email request@mhrc.maine.gov and ask for help filing a complaint.

[United States Department of Housing and Urban Development \(HUD\)](#)

With a few exceptions, HUD requires you to complete an online form, and does not accept phone calls related to reporting discrimination. [Access HUD’s webform for reporting discrimination here.](#) If you require language or technological assistance, or need to request reasonable accommodations for a disability, you can contact HUD at: 800-669-9777. If approved, you will be sent a paper version of the webform, called a 903 form. Once the paper 903 form has been completed, you need to mail it to the following address:

San Francisco Regional Office of FHEO
U.S. Department of Housing and Urban Development
One Sansome Street Suite 1200
San Francisco, CA 94104

What will happen if I file a complaint?

Here is a brief description of how the state and federal agencies handle fair housing complaints. To keep it simple, we will assume here that you are filing a complaint against your landlord.

What will happen if I file a complaint with the Maine Human Rights Commission (MHRC)?

As described in the last section, the first step in filing a complaint with the MHRC is to fill out and return an intake questionnaire. If the MHRC helps you draft your complaint, they will send it to you to be signed and notarized. After you file a signed, notarized complaint, the MHRC will send a copy to the landlord and give the landlord a chance to respond. You will get a copy of the landlord's response, if they respond. You will have a chance to respond to their statement.

MHRC Investigation:

An MHRC investigator will start an investigation after the complaint is filed. The investigator is not the final decision-maker in your case. They look into your complaint by talking to people involved and looking at evidence. The investigator can choose to follow different processes to collect more information about your case. The investigator may hold a meeting called an "Issues and Resolution Conference," the investigator may hold separate meetings with you and the landlord or talk to you by phone or, the investigator may not talk to either party at all. It is important that you give all of the information you have about your case to the investigator as soon as possible. If there are people you think the investigator should hear from, get affidavits or written statements from those individuals and give them to the investigator. If you aren't able to get statements, make sure to give the investigator their contact information and tell the investigator how they are involved. The investigator may or may not interview people that you identify as witnesses. But, if you send affidavits or written statements they will be included in your complaint file.

After you and your landlord have talked to the investigator, either at an Issues and Resolution Conference or through a different conversation, you may have a chance to go to mediation – sometimes called resolution – with a different investigator. If you and your landlord reach an agreement at mediation, both sides must follow it.

If you and your landlord do not agree, then the investigator will write a report. In the report, the investigator says whether or not they think your landlord broke fair housing law under Maine law. This is not a decision but is a recommendation. Once the investigator finishes their report, it will be sent to you, and your case will go to the MHRC Commissioners. The Commissioners are a group of people appointed to make decisions in discrimination complaints.

If you disagree with the investigator's report, you must write a letter to the MHRC within 17 days explaining why you disagree with the investigator's report. If you do not write a "submission of disagreement", the investigator's findings will be accepted by the Commissioners. If either party files a submission of disagreement, your case will be put on the agenda for a Commission Meeting.

Preparing for a Hearing in front of the Commissioners: At the meeting, if you and your landlord attend the meeting, then you will both have the opportunity to explain why you do or do not agree with the investigator. If the party that disagrees with the investigator's recommendation does not attend the meeting, then the Commissioners will often not hear from the party that agrees with the investigator's recommendation.

You cannot give the Commissioners new evidence. But, the Commissioners may ask you questions for you to answer. You can only answer with information that was part of the investigation. After you and your landlord both speak, the Commissioners will vote on your case. The Commissioners will either vote that there are “reasonable grounds” to find discrimination or there are “no reasonable grounds” to find discrimination.

If the Commissioners find “reasonable grounds” that you were treated illegally, MHRC will work with you and the other side, to try to come to an agreement with your landlord. This is called “conciliation” and is a required step. If you can’t come to an agreement, lawyers who work for MHRC may take your case to court. When they take your case to court, they will argue that your landlord discriminated against you. They do not represent you specifically because their interest is protecting the public. It is best to also have your own lawyer to argue for your specific interests. In federal court, you can ask the court to appoint a free lawyer but the court does not have to give you a lawyer. They may tell you one is not available. In Maine the state court cannot appoint you an attorney for your case. But you can pay to hire your own attorney.

You can ask MHRC for a list of attorneys you could hire to represent you. You can also call Pine Tree Legal Assistance to see if we can help.

If the Commissioners find “no reasonable grounds” to believe you were treated illegally, and you disagree, or if they find “reasonable grounds” but decide not to go to court, you can still take your case to court on your own. You have to file in court either within two years of the date of discrimination or 90 days after you receive the letter from the Commission that they found “no reasonable grounds”.

What will happen if I file a complaint with the United States Department of Housing and Urban Development (HUD)?

When you file a complaint, HUD will work with you to determine if you have a case and will help draft a complaint if you do. This process starts with an online or mail-in form named “Report Housing Discrimination” . Once your complaint is accepted and filed, HUD will assign an investigator. HUD will notify your landlord of your complaint and ask for their written response. The HUD investigator will look into your complaint. The goal of the investigator is to determine if “there is reasonable cause to believe” that your landlord broke the Fair Housing Act or other related laws. During the investigation, HUD will also try to help you and your landlord reach an agreement.

If you do not come to an agreement with your landlord and HUD finds “reasonable cause” for discrimination, your case could go to a formal administrative hearing. A government lawyer would present your case for free. You may also have your own lawyer. The case will be heard by an Administrative Law Judge. If the judge finds in your favor, your landlord can be ordered to:

- Pay you (called “damages”);
- Do specific things to set things right;
- Pay a fine to the US government; and
- Pay lawyer's fees and costs.

If either party would rather go to Federal Court, the court will hear your case instead. A government lawyer would bring the case on your behalf. The Court can order the same remedies, plus “punitive damages” — money your landlord would have to pay to you to punish the landlord for their unlawful acts.

Can I file in court first instead of filing a complaint with HUD or MHRC?

Yes, you have the right to file a court case in federal or Maine state court instead of filing a complaint with MHRC or HUD. You must file within two years or less of when you were discriminated against. If you want to file in court, you should talk to an attorney. You may not be able to ask for certain damages if you file in court without first filing a complaint with MHRC or HUD. In federal court, you can ask the court to appoint a free lawyer but the court does not have to give you a lawyer. They may tell you one is not available.

What if someone discriminates against me other than denying me housing?

Maine and federal laws also forbid illegal discrimination in:

- employment
- credit (borrowing money)
- public accommodations (like hotels, stores, social services and public meeting places)
- educational opportunity

If you are discriminated against in any of these areas, you may [ask for help](#) from the Maine Human Rights Commission.

More resources

[Learn more about your Fair Housing rights in Maine](#) – we have a Fair Housing Unit and information available in many languages!

Updated by PTLA: December 2025