



MaineHousing
MAINE STATE HOUSING AUTHORITY

STATE OF MAINE
ANALYSIS OF IMPEDIMENTS
TO
FAIR HOUSING CHOICE

October 2024

If you feel you have experienced discrimination
in the housing industry, please contact:

Maine Human Rights Commission
Office of the Commission
51 State House Station
Augusta, Maine 04330
Telephone: 207-624-6290
e-mail: info@mhrc.maine.gov

Boston Regional Office of FHEO
U.S Department of Housing and Urban Development
Thomas P. O'Neil, Jr. Federal Building
10 Causeway Street, Room 308
Boston, Massachusetts 02222-1092
Telephone: (617) 994-8300
Toll Free: (800) 827-5005
TTY: (800) 877-8339

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Analysis of Impediments to Fair Housing Choice

Jurisdiction: Maine

Date: October 11, 2024

Executive Summary

Overview

The State of Maine is committed to affirmatively furthering fair housing. As a recipient of federal housing funding from the U.S. Department of Housing and Urban Development (HUD), Maine is required to analyze impediments to fair housing choice and then specify planned actions that will help to overcome the identified impediments. Maine's Analysis of Impediments to Fair Housing Choice (AI) is intended to satisfy this requirement and to ensure ongoing progress in reduction and elimination of barriers to full and equal access to safe, warm, affordable housing for all residents of Maine.

HUD defines impediments to fair housing choice as set forth in local, state and federal law. In Maine, impediments include:

- Any actions, omissions, or decisions taken because of race, color, sex, sexual orientation, gender identity, physical or mental disability, familial status, religion, ancestry, or national origin which restrict housing choices (direct discrimination).
- Any actions, omissions, or decisions which have the effect of restricting housing choices on the basis of race, color, sex, sexual orientation, gender identity, physical or mental disability, familial status, religion, ancestry, or national origin (indirect discrimination).

The State AI is intended to:

- Serve as the substantive, logical basis for informed housing planning and development.
- Provide essential and detailed information to policymakers, administrative staff, housing providers, lenders, and fair housing advocates who have an obligation, or moral imperative, to address impediments to fair housing choice.
- Assist in building public support for fair housing efforts.

Lead Agency

The Maine State Housing Authority (MaineHousing) is responsible for the preparation and primary implementation of Maine's AI.

Consultation

Over the course of the past year, MaineHousing has held focused discussions with our partners and others about affordable housing and impediments to that housing, with participation throughout from the Maine Department of Economic and Community Development. Further, MaineHousing solicited input from all interested members of the public via an online survey, promoted via partners and public organizations as well as a press release and social media platforms. Below is a list of topics discussed or surveyed, and the organizations or parties participating in those discussions.

1. Homeless, Hard to House Populations

- Maine's Continuum of Care
- Maine's Statewide Homeless Council
- Directors of Maine's homeless shelters
- Publicly funded institutions and systems of care
- Persons with lived experience

2. Affordability

- Maine Affordable Housing Coalition
- Business and Civic Leaders
- Public Housing Authorities
- Efficiency Maine
- Interested members of the public

3. Community Development

- Local Governments
- Maine Municipal Association
- Maine Community Development Association
- Public Housing Authorities
- Maine Chapter of the American Association of Retired Persons
- Interested members of the public

4. Low Income/Special Needs Residents

- Area Agencies on Aging
- Maine Council to End Domestic Violence
- Interested members of the public

5. Protected Class Members, Fair Housing

- Maine Human Rights Commission
- Pine Tree Legal
- Disability Rights Council

- Maine Department of Health and Human Services
- Maine Equal Justice
- Maine’s Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations
- Interested members of the public

6. Housing Quality

- Maine Community Action Agencies
- Interested members of the public

Methodology

The methodology for the State of Maine AI includes the following components:

- A review of the Legal Framework under which Fair Housing laws are enforced.
- An Assessment of Fair Housing Data, which reviews Fair Housing complaints alongside economic, demographic, and housing data in Maine.
- A summary of Identified Impediments to Fair Housing Choice.
- A detailed Action Plan to address the identified impediments.

Identified Impediments to Fair Housing Choice

In the identification of impediments, MaineHousing includes both significant concerns and established impediments. We define concerns and impediments as follows:

- A concern is any issue that may substantially contribute to the creation of an impediment.
- An impediment has the effect of limiting the availability of housing choice on the basis of race, color, sex, sexual orientation, gender identity, physical or mental disability, familial status, religion, ancestry, or national origin.

Based on the review of evidence, surveys, and discussions with the public that was conducted for the State of Maine AI, MaineHousing found that the following impediments to Fair Housing remain salient issues in Maine.

1. **Lack of affordable housing.** Maine has a well-identified shortage of available housing, which is causing an affordability crisis. Housing cost burden has increased among renters and homeowners. Additionally, with the oldest median age in the nation, Maine needs a stock of housing available for in-migration, domestic or foreign, to sustain its labor markets.
2. **Barriers for protected classes.** While Maine’s population remains predominantly white, there are growing subpopulations with diverse racial, ethnic, and cultural backgrounds. There

is also increasing awareness of a variety of gender, sexual, and religious identities. This growing diversity reveals new barriers and sheds new light on existing barriers.

3. **Lack of availability and access to housing for persons with disabilities.** Maine's reported rate of disability is nearly 30% higher than the national average. The lack of accessible units was raised in public comments and the Fair Housing surveys, and the need for accessible housing is only expected to increase as a result of Maine's aging population.
4. **Community planning and zoning decisions that impede affordable housing.** Many local ordinances meant to limit density have the effect of excluding new residents from access to high opportunity areas. Action by local officials is needed to address these barriers, re-examining planning and zoning policies that may have a disparate impact.
5. **Limited access to neighborhood opportunities and community assets.** Shifting economic conditions mean that many households, in addition to struggling with affordability, simply can't access housing in proximity to the jobs, education, healthcare, or other community assets or opportunities that are needed.
6. **Lack of understanding of fair housing and availability of programs that affirmatively further fair housing.** Educational efforts need to continue to assist public and private entities to comply with state and federal laws regarding housing discrimination, while also ensuring the households understand their rights.

Legal Framework

The Maine Human Rights Act (“MHRA”), 5 M.R.S. §4551 et seq., is Maine’s anti-discrimination law that prohibits discrimination on the basis of a protected class in employment, housing, places of public accommodation, education, and the extension of credit. The MHRA mirrors the major provisions of the Federal Fair Housing Act (“FFHA”), the Americans with Disabilities Act of 1990 (“ADA”), and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), extending protections to classifications not covered under the federal laws, as described below. The Maine Human Rights Commission (the *Commission*) is charged with enforcing the MHRA with the purpose “to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented.” The Commission attempts to resolve complaints, to interpret the MHRA, to provide administrative guidance, and to enforce the MHRA in the public interest.

Over the last several years there have been substantial amendments to the MHRA. The MHRA was expanded to include gender identity as a protected class (§§4552, 4571, 4572, 4573-A, 4581, 4581-A, 4583, 4591, 4592, 4595, 4596). Additionally, in employment, as it relates to the extension of credit and access to public accommodations, the MHRA was expanded to include a prohibition on the basis of age, and with respect to employment and housing on the basis of familial status (§4552). The MHRA was also amended to prevent discrimination or retaliation on the basis of an assertion of rights under the MHRA (§4552).

The 2023 Second Regular Session of the 131st Legislature, which convened January 3, 2024 and adjourned April 17, 2024 made a few additional changes to the MHRA which were procedural in nature:

- 5 M.R.S. §4603, Rulemaking; review, was amended to add “On or before January 15, 2024 and at least once every 10 years thereafter, the Commissioner of Education and the commission shall jointly review rules adopted pursuant to this section and, if the Commissioner of Education and the commission determine that those rules must be amended to reflect changes in statute and best practices to ensure an individual's right to freedom from discrimination in education, the Commissioner of Education and the commission shall as soon as practicable initiate rulemaking in accordance with this section.”
- 5 M.R.S. §4612, Procedure on Complaints, was amended to update the right-to-sue letter language providing clarification on when the Commission will issue a letter and when an investigation will end.
- 5 M.R.S. §4613, Procedure in Superior Court, was amended to raise the dollar threshold limits for compensatory damages.
- 5 M.R.S. §4622, Limitations on attorneys’ fees and damages; procedures, was updated add “If the commission issued a right-to-sue letter, the plaintiff may not be awarded attorney's fees, civil penal damages or compensatory and punitive damages unless the plaintiff establishes that the plaintiff received the right-to-sue letter before filing the civil action.”

The Commission also proposed Rule amendments to the Procedural Rule (Chapter 2), the Employment Rule (Chapter 3), the Public Accommodations Rule (Chapter 7), and the Housing Rule (Chapter 8) to reflect current practices and changes made to the MHRA over the last several years.

State and Federal Fair Housing Laws Comparison

<p>Maine Human Rights Act (5 M.R.S. § 4551 et seq.) ("MHRA")</p>	<p>Prohibitions</p> <p>Prohibits discrimination in employment, housing, education, the extension of credit, or access to public accommodations based on:</p> <ul style="list-style-type: none"> • Race • Color • Sex, sexual orientation or gender identity • Physical or mental disability • Religion • Ancestry or national origin <p>Additionally:</p> <p>In employment, the extension of credit and access to public accommodations prohibits discrimination on the basis of:</p> <ul style="list-style-type: none"> • Age <p>In employment and housing prohibits discrimination on the basis of:</p> <ul style="list-style-type: none"> • Familial status <p>In employment prohibits discrimination on the basis of:</p> <ul style="list-style-type: none"> • Previous assertion of a claim or right against a prior employer because of a protected activity. <p>Prohibits discrimination or retaliation on the basis of an assertion of rights under the MHRA or interference with an individual's right to be free from discrimination prohibited under the MHRA.</p>
	<p>Definition of Physical or Mental Disability</p> <p>Defines "physical or mental disability" in broader terms than the FFHA, ADA or Section 504 to include:</p> <ul style="list-style-type: none"> • A physical or mental impairment that substantially limits one or more of a person's major life activities, significantly impairs physical or mental health, or requires special education, vocational rehabilitation or related services.
	<p>Public Assistance</p> <p>Prohibits landlords and public accommodations from refusing to rent to or imposing different rental terms on individuals who receive federal, state, or local public assistance primary because of the individual's status as a recipient.</p>
	<p>Exemptions</p> <p>The MHRA includes exemptions for:</p>

	<ul style="list-style-type: none"> • Housing for older adults from the prohibition against familial discrimination • Occupancy limitations in non-commercial housing owned and operated by religious organizations for its membership unless the membership is restricted because of race, color or national origin • The rental of a single-family unit in an owner-occupied two-family dwelling and the rental of four or fewer rooms in an owner-occupied single-family dwelling without a broker
	<p>Advertising</p> <p>Prohibits discriminatory advertising in all housing.</p>
	<p>Assistance Animals & Service Animals</p> <p>An Assistance Animal is an animal that has been determined necessary for an individual with physical or mental disability to mitigate the effects of a physical or mental disability by a licensed health professional with knowledge of the disability-related need or an animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability.</p> <p>A Service Animal is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals are not service animals. The work or tasks performed must be directly related to the individual's disability. Crime deterrent effects, emotional support, well-being, comfort and companionship do not constitute work or tasks for the purpose of classifying a dog as a Service Animal.</p> <p>The MHRA prohibits discrimination in housing based on a person's use of an assistance animal and prohibits discrimination against a person's use of a service animal in public places.</p>
	<p>Reasonable Accommodations</p> <p>A reasonable accommodation may include making existing facilities used by employees readily accessible to and useable by individuals with disabilities and job restructuring, part-time or modified work schedules, reassignment, leaves of absence, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters and other similar accommodations for individuals with disability.</p> <p>Reasonable accommodations may not be considered reasonable if the entity can demonstrate that making the modifications or taking certain steps would fundamentally alter the nature of the services being provided or would result in an undue burden.</p>

Accessibility

Multifamily Housing with 4 or more dwelling units

New Construction Requirements

At least one accessible entrance on an accessible route into and throughout the project.

Accessible public and common use areas.

All dwelling units must be adaptable unless structurally unable to do so. For multistory buildings with an elevator, all units must be adaptable. For multistory buildings without an elevator, all of the first floor units must be adaptable.

At least 2% of all parking spaces must be accessible.

Rehabilitation Requirements

New construction requirements apply to substantial rehabilitation (rehabilitation equal to 75% or more of replacement cost)

Publicly Funded Housing with 20 or more units on a single parcel

New Construction Requirements

At least 10% of ground floor* units and at least 10% of upper floor units must be accessible for persons with mobility impairments. If there is no elevator, then only 10% of the ground floor* units must be accessible for persons with mobility impairments. In addition, at least 2% of the units must be accessible persons with hearing/visual impairments – no overlap with 10% requirement.

*ground floor includes first floor with units (which may not be the first floor of the building) and all floors at grade level, which may be more than one floor.

Parking - generally, one space for each unit with accessible mobility features and at least one van space for each 6 accessible spaces. If less than 1:1 parking, pro rate based on the number of units with accessible mobility features.

Rehabilitation Requirements

	<p>Same number of units as new construction requirements, but only required to provide accessible routes, accessible doors, adaptable bathrooms, and tactile warnings on doors to hazardous areas.</p> <p>Complaint Process</p> <p>Any person who believes they have been subjected to unlawful discrimination covered by the MHRA may file a complaint with the Commission.</p> <p>The complaint should be filed as soon as possible after the act of discrimination occurs, but must be filed within 300 days of the date of discrimination.</p> <p>Once a complaint is received, the Commission provides a copy to the Respondent along with a Request for Information and Documents. Following receipt of an answer from the Respondent and the requested documentation, an investigator is assigned to each case.</p> <p>The investigator holds a fact-finding conference to discuss the facts of the case. Both the Complainant and the Respondent attend as well as any witnesses that may be relevant to the discussion of facts.</p> <p>The parties may agree to a settlement that resolves the issues raised in the complaint. If a settlement is not reached, the investigator will write an Investigator’s Report and make a recommendation to the Commission.</p> <p>If either party objects to the recommendation provided by the investigator they must file a written submission of disagreement. The Commission will review the Investigator’s Report and any submissions of disagreement and listen to oral argument before voting on a case at a scheduled Commission Meeting, which is open to the public.</p>
<p>Federal Fair Housing Act (42 U.S.C. §§ 3601-19) (“FFHA”)</p>	<p>Prohibitions</p> <p>Protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities.</p> <p>Prohibits discrimination in housing because of:</p> <ul style="list-style-type: none"> • Race • Color • National origin • Religion • Sex (including gender identity and sexual orientation) • Familial Status • Disability

	<p>Examples of actions that constitute illegal discrimination when taken because of race, color, religion, sex (including gender identity and sexual orientation), disability, familial status or national origin:</p> <p>1) Sale & Rental Housing:</p> <ul style="list-style-type: none"> • Refusal to rent or sell housing • Refusal to negotiate for housing • Making housing unavailable • Setting different terms, conditions or privileges for sale or rental • Providing different housing services or facilities • Falsely denying housing is available • Making, publishing or printing notices, advertisements or statements that indicates preferences, limitations or discrimination • Using different qualification criteria • Evicting a tenant or a tenant’s guest <p>2) Mortgage Lending:</p> <ul style="list-style-type: none"> • Refusal to make a mortgage loan • Refusal to provide information regarding loans • Imposition of different terms or conditions on a loan • Refusal to purchase a loan • Discriminating in appraising a dwelling <p>3) Harassment</p> <p>4) Threats, coercion, intimidation or interference with anyone exercising a fair housing right or assisting other who exercise the right</p> <p>5) Retaliation against a person who filed a fair housing complaint</p>
	<p>Definition of Persons with Disabilities</p> <p>The FFHA defines a person with a disability to include: Individuals with a physical or mental impairment that substantially limits one or more major life activities, who are regarded as having such an impairment and have a record of such an impairment.</p>
	<p>Protections for Persons with Disabilities</p> <p>Provides additional protections for Persons with Disabilities requiring housing providers to make reasonable accommodations and allow reasonable modifications that may be necessary to allow persons with disabilities to enjoy their housing.</p> <p>Also requires certain multifamily housing to be accessible to persons with disabilities.</p>

	<p>Exemptions</p> <p>The FFHA includes exemptions for:</p> <ul style="list-style-type: none"> • Housing for older adults from the prohibition against familial discrimination • Occupancy limitations in non-commercial housing owned and operated by religious organizations for its membership unless the membership is restricted because of race, color, or national origin • The sale or rental of single family homes by an owner who does not own more than 3 homes at one time and without a broker • Rooms or units in owner-occupied multifamily housing with four or fewer units
	<p>Advertising</p> <p>Prohibits discriminatory advertising in all housing.</p>
	<p>Service Animals</p> <p>Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider’s pet restrictions. Housing providers cannot refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.</p> <p>The FFHA requires a housing provider to allow a reasonable accommodation involving an assistance animal in situations that meet the following conditions:</p> <ul style="list-style-type: none"> • A request was made to the housing provider by or for a person with a disability • The request was supported by reliable disability-related information, if the disability and the disability-related need for the animal were not apparent and the housing provider requested such information, and • The housing provider has not demonstrated that: <ul style="list-style-type: none"> ○ Granting the request would impose an undue financial and administrative burden on the housing provider ○ The request would fundamentally alter the essential nature of the housing provider’s operations ○ The specific assistance animal in question would pose a direct threat to the health or safety of others despite any other reasonable accommodations that could eliminate or reduce the threat ○ The request would result in significant physical damage to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage

	<p>Reasonable Accommodations</p> <p>A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.</p> <p>Reasonable accommodations may be denied if the request was not made by or on behalf of a person with a disability or if there is no disability related need for accommodation. Additionally, a request may be denied if it is not reasonable, meaning it would impose an undue financial burden on the housing provider or it would fundamentally alter the nature of the provider’s operations.</p>
	<p>Accessibility</p> <p><u>Multifamily Housing with 4 or more dwelling units</u></p> <p><i>New Construction Requirements</i></p> <p>At least one accessible entrance on an accessible route into and throughout the project.</p> <p>Accessible public and common use areas.</p> <p>All dwelling units must be adaptable unless structurally unable to do so. For multistory buildings with an elevator, all units must be adaptable. For multistory buildings without an elevator, all of the first floor units must be adaptable.</p> <p>At least 2% of all parking spaces must be accessible.</p> <p><i>Rehabilitation Requirements</i></p> <p>None. Only applies to new construction.</p>
	<p>Complaint Process</p> <p>Complaints can be filed with the Office of Fair Housing and Equal Opportunity (“FHEO”) by writing a letter that includes the Complainant’s name and address, address of the house or apartment that the Complainant was trying to rent or buy, date of the incident, and a short description of what happened. Complaints may also be filed online or by telephone.</p> <p>All allegations must be filed within one year of the last date of the alleged discrimination.</p> <p>The FHEO will begin the investigation process shortly after receiving an allegation. Through the investigation process the FHEO will assist and</p>

	encourage parties to reach an agreement. If an allegation cannot be resolved voluntarily, the FHEO may issue finding from the investigation. If the law has been violated, HUD or the Department of Justice may take legal action to enforce the law.
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.)	<p>Prohibitions</p> <p>Prohibits discrimination in programs and activities receiving federal financial assistance on the basis of:</p> <ul style="list-style-type: none"> • Race • Color • National Origin
Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency	Seeks to ensure that persons with limited English proficiency are guaranteed equal access to federally-assisted programs through the provision of appropriate language assistance services (i.e. interpreters or written translation of documents).
Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) (“Section 504”)	<p>Prohibitions</p> <p>No otherwise qualified individual with a disability shall, solely by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any executive agency or the United States Postal Service.</p> <p>Definition of Disability</p> <p>An individual with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities. The term physical or mental impairment may include, but is not limited to, conditions such as visual or hearing impairment, mobility impairment, HIV infection, developmental disabilities, drug addiction, or mental illness. In general, the definition of “person with disabilities” does not include current users of illegal controlled substances. However, individuals would be protected under Section 504 (as well as the ADA) if a purpose of the specific program or activity is to provide health or rehabilitation services to such individuals.</p> <p>The term “major life activity” may include, but is not limited to, seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, speaking, or working.</p> <p>Definition of “program or activity”</p> <p>All of the operations of the following, any part of which is extended federal financial assistance:</p> <ul style="list-style-type: none"> • A department, agency, special purpose district or other instrumentality of a state or of a local government • The entity of such state or local government that distributes such assistance

	<ul style="list-style-type: none"> • A college, university, or other postsecondary institution or a public system of higher education • A local educational agency, vocational education or other school system • An entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such entity or such entity is principally engaged in the business of providing education, health care, housing, social services or parks and recreation • An entire plant or other comparable, geographically separate facility to which federal financial assistance is extended • Any other entity which is established by two or more entities described above
	<p>Modifications</p> <p>Requires that landlords provide reasonable modifications (i.e. structural changes) and other accommodations to persons with disabilities. Recipients of federal financial assistance must pay for the cost of modifications or structural changes.</p>
	<p>Service Animals</p> <p>Individuals with a disability may request to keep an assistance animal as a reasonable accommodation to a housing provider's pet restrictions.</p>
	<p>Reasonable Accommodations</p> <p>A reasonable accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job.</p> <p>In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.</p> <p>Whether a particular accommodation is reasonable depends on a variety of factors and must be decided on a case-by-case basis. The determination of whether a requested accommodation is reasonable depends on the answers to two questions. First, does the request impose an undue financial and administrative burden on the housing provider? Second, would making the accommodation require a fundamental alteration in the nature of the provider's operations? If the answer to either question is yes, the requested accommodation is not reasonable. However, even where a housing provider is not obligated to provide a particular accommodation because the particular accommodation is not reasonable, the provider is still obligated to provide other requested accommodations or alternative accommodations to the one initially requested that do qualify as reasonable.</p>

Accessibility

Federally-assisted multifamily housing with 5 or more dwelling units

New Construction Requirements

At least one accessible entrance on an accessible route into and throughout the project.

Accessible public and common use areas. If the building has multiple floors and no elevator or accessibility to the upper floors, at least one of each amenity must be on the first floor and must be accessible.

At least 5% of units accessible for persons with mobility impairments **plus** at least 2% of units must be accessible for persons with hearing/visual impairments – no overlapping units.

Rounding: Always round the number of units up. Ex. 21 units * 5% = 1.05, rounded up is 2 units.

Scattered Sites: To the maximum extent feasible and subject to reasonable health and safety requirements, accessible units must be distributed throughout the project and sites and available in a sufficient range of sizes and amenities so that choice of living arrangements is, as a whole, comparable to and integrated with those available to other residents.

Parking varies based on type and number of spaces - generally, at least one accessible space for each unit with accessible mobility features and at least one van space for each 6 accessible spaces. If less than 1:1 parking, pro rate based on the number of units with accessible mobility features.

Rehabilitation Requirements

New construction requirements apply to substantial rehabilitation (rehabilitation equal to 75% or more of replacement cost) of housing with 15 or more units.

For other rehabilitation, all alterations must be made accessible until new construction requirements are met. This means every element or feature that is altered in **every unit** must be made accessible in accordance with the new construction requirements. In these situations developers should comply with the new construction requirements as it is usually more cost-effective and avoids partially accessible units.

Complaint Process

If an individual believes they have been discriminated against in programs or activities that the U.S. Department of Health and Human Services (“HHS”)

	<p>operates or to which HHS provides federal financial assistance, they may file a complaint with the Office of Civil Rights (“OCR”). The complaint may be filed for the individual or someone else.</p> <p>If the individual believes they have been discriminated against because of a disability by a state or local government health care or social services agency, they may file a complaint with OCR on behalf of themselves or someone else.</p> <p>For housing, complaints are handled by the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity.</p> <p>Once a complaint is received by OCR it has the legal authority to review and investigate the complaint. The investigation may include interviewing witnesses and the Complainant, obtaining documentation, and making visits to appropriate sites.</p> <p>Following the investigation, OCR issues a letter presenting its decision. If an individual’s rights were violated, the health care provider or state or local government agency will be granted a specific time period to correct the violation or OCR will provide a plan of correction.</p> <p>If the health care provider or state or local government agency is unwilling to take corrective action, the OCR will recommend initiating enforcement proceedings.</p>
<p>Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-12165) (“ADA”)</p>	<p>Prohibitions</p> <p>Prohibits discrimination based on disability in programs and activities provided or made available by public entities.</p> <p>This includes housing when the housing is provided or made available by a public entity regardless of whether the entity receives federal financial assistance.</p> <p>Prohibits private entities that own, lease, and operate places of public accommodation from discriminating on the basis of disability and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards.</p> <p>Definition of Disability</p> <p>A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.</p>

	<p>Effective Communication</p> <p>The ADA requires state and local governments and businesses and nonprofit organizations that serve the public to communicate effectively with individuals who have vision, hearing, or speech disabilities (“communication disabilities”). This includes providing appropriate auxiliary aids and services as needed.</p> <p>Service Animals</p> <p>Businesses and nonprofits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go.</p> <p>This also applies to certain types of housing:</p> <ul style="list-style-type: none"> • Housing at public and private universities • Public housing programs run by state, county, and city governments • Emergency shelters <p>Reasonable Accommodations</p> <p>Requires public entities and public accommodations to make reasonable modifications to policies, practices, or procedures to avoid discrimination.</p> <p>This requirement applies unless the public entity can demonstrate that the modifications would fundamentally alter the nature of its service, program, or activity.</p> <p>Accessibility</p> <p><u>State or local government assisted housing and public accommodations. (No threshold number of dwelling units).</u></p> <p><i>New Construction Requirements</i></p> <p>At least one accessible entrance on an accessible route into and throughout the project.</p> <p>Accessible public and common use areas. If the building has multiple floors and no elevator or accessibility to the upper floors, at least one of each amenity must be on the first floor and must be accessible.</p> <p>At least 5% of units accessible for persons with mobility impairments plus at least 2% of units must be accessible for persons with hearing/visual impairments – no overlapping units.</p> <p>Rounding: Always round the number of units up. Ex. 21 units * 5% = 1.05, rounded up is 2 units.</p>
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	<p>Scattered Sites: For projects with more than 15 units in total over multiple sites, each site must meet the 5% and 2% requirements. If there are 15 or fewer units, the requirements apply to the total number of units even if it is a scattered site.</p> <p>Parking varies based on type and number of spaces - generally, at least one accessible space for each unit with accessible mobility features and at least one van space for each six accessible spaces. If more than 1:1 parking, add 2% of excess parking. If less than 1:1 parking, pro rate based on the number of units with accessible mobility features.</p> <p><i>Rehabilitation Requirements</i></p> <p>New construction requirements apply to vacant buildings with 15 or more units.</p> <p>New construction requirements apply to substantial rehabilitation (rehabilitation equal to 75% or more of replacement cost) of housing with 15 or more units.</p> <p>For other rehabilitation, all alterations must be made accessible until new construction requirements are met. This means every element or feature that is altered in every unit must be made accessible in accordance with the new construction requirements. In these situations developers should comply with the new construction requirements as it is usually more cost-effective and avoids partially accessible units.</p>
	<p>Complaint Process</p> <p>An individual who believes that they or someone else was discriminated against based on a disability can file an ADA complaint against a state or local government or a private business that serves the public.</p> <p>Depending on the type of complaint, the Complainant may file a complaint with the appropriate agency online or by mail. https://www.ada.gov/file-a-complaint/</p> <p>After a complaint is filed, it may be referred to the ADA Mediation Program or a federal agency that handles the types of issues raised in the complaint. Complainants may also be contacted for more information. An investigation may occur if it is warranted.</p> <p>If it is determined the law has been broken and no settlement is reached, a lawsuit or other enforcement action may occur.</p>
<p>Executive Order 11063 – Equal Opportunity in Housing</p>	<p>Prohibits discrimination in the sale, rental, leasing, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds against individuals on the basis of:</p>

	<ul style="list-style-type: none"> • Race • Color • Religion • Sex • National origin
<p>Violence Against Woman Act (42 U.S.C. § 14043e-11) (“VAWA”)</p>	<p>Prohibitions</p> <p>Provides housing protections and prohibits housing discrimination for victims of domestic violence, dating violence, sexual assault, and stalking in many of HUD’s housing programs.</p> <p>Housing Protections</p> <p>Under VAWA, someone who has experienced domestic violence, dating violence, sexual assault, and/or stalking:</p> <ul style="list-style-type: none"> • Cannot be denied admission to or assistance under a HUD-subsidized or assisted unit or program because of the VAWA violence/abuse committed against them • Cannot be evicted from a HUD-subsidized unit nor have their assistance terminated because of the VAWA violence/abuse committed against them • Cannot be denied admission, evicted, or have their assistance terminated for reasons related to the VAWA violence/abuse, such as having an eviction record, criminal history, or bad credit history • Must have the option to stay in their HUD-subsidized housing, even if there has been criminal activity directly related to the VAWA violence/abuse • Can request an emergency transfer from the housing provider for safety reasons related to the VAWA violence/abuse committed against them • Must be allowed to move with continued assistance, if the survivor has a Section 8 Housing Choice Voucher • Must be able to provide proof to the housing provider by self-certifying using the HUD VAWA Self-certification (Form HUD-5382), and not be required to provide more proof unless the housing provider has conflicting information about the violence/abuse • Must receive HUD's Notice of VAWA Housing Rights (Form HUD-5380) and HUD's VAWA Self-certification Form (Form HUD-5382) from the housing provider, when they are denied admission to a HUD-subsidized unit or HUD program, when they are admitted to a HUD-subsidized unit or HUD program, and when they receive a notice of eviction from a HUD-subsidized unit or notice of termination from a HUD program • Has a right to strict confidentiality of information regarding their status as a survivor

	<ul style="list-style-type: none"> • Can request a lease bifurcation from the owner or landlord to remove the perpetrator from the lease or unit, and if the housing provider bifurcates, it must be done consistent with applicable federal, state, or local laws and the requirements of the HUD housing program • Cannot be coerced, intimidated, threatened, or retaliated against by HUD-subsidized housing providers for seeking or exercising VAWA protections • Has the right to seek law enforcement or emergency assistance for themselves or others without being penalized by local laws or policies for these requests or because they were victims of criminal activity
	<p>HUD Covered Programs</p> <p>VAWA applies to:</p> <ul style="list-style-type: none"> • Public Housing • Housing Choice Voucher • Project-based Section 8 • Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) • Section 202 Supportive Housing for the Elderly • Section 202 Direct Loan • Section 811 Supportive Housing for Persons with Disabilities • Housing Opportunities for Persons With AIDS (HOPWA) • HOME Investment Partnerships (HOME) • Emergency Solutions Grants • Continuum of Care • Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR) Multifamily Rental Assistance • Section 236 Multifamily Assistance • Housing Trust Fund

Legislative Updates

Legislation enacted or rolled into supplemental funding in Maine over the period from 2019 to 2024 has implemented numerous efforts to address fair housing and housing access more generally, as noted below by legislative session:

129th Legislature

- LD 1318 directed Maine’s DHHS to examine opportunities available pursuant to a home and community-based services federal waiver available including, but not limited to, a state plan amendment to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations; and to collaborate with MaineHousing to leverage resources more effectively to

address the housing needs of persons experiencing chronic homelessness with mental health and/or substance use disorder challenges and other vulnerable populations.

- LD 1523 directs MaineHousing to create a short-term rental subsidy pilot project for persons recovering from substance use disorder to reside in a certified recovery residence that provides medication-assisted treatment.

130th Legislature

- LD 2 requires, upon the request of certain acting parties, that pertinent material be evaluated to prepare a racial impact statement (assessment of the potential impact that legislation could have on historically disadvantaged racial populations), and to study the best method to establish and implement a system of using racial impact statements for legislation.
- LD 484 changed the distribution of revenue from the real estate transfer tax on property transfers by deeds to increase the distribution to the MaineHousing for deposit in the Housing Opportunities for Maine Fund.
- LD 609 established through resolve a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions to investigate low-income and middle-income housing shortages, state laws that affect the local regulation of housing and efforts in other states and municipalities to address housing shortages; to consider measures that would encourage increased housing options in the State; and to review and consider the historical role of race and racism in zoning policies and the best measures to ensure that state and municipal zoning laws do not serve as barriers to racial equality.
- LD 819 established the Maine Gold Standard for Radon Testing and Mitigation Initiative within the Department of Health and Human Services to encourage landlords, homeowners, and home builders to participate in radon testing and mitigation activities.
- LD 964 requires recovery residences to be certified according to national standards to benefit from department contracts, housing vouchers or municipal general assistance housing assistance funds, and prevents an applicant for general assistance from being denied general assistance for the sole reason that the person is living in a recovery residence.
- LD 1201 directs through resolve MaineHousing and stakeholders to examine fair chance housing policies considered or adopted in other jurisdictions toward the goal of state adoption to address housing issues and expand housing opportunities for formerly incarcerated individuals.
- LD 1269 requires MaineHousing to use funding in a manner to affirmatively further fair housing in the State.
- LD 1305 by resolve directs DHHS and MaineHousing to collaborate to maximize access to housing assistance for recipients of services from the department and maximize access to assistance programs administered by the department for recipients of housing assistance from the authority or its grantees.
- LD 1328 protects Maine electricity customers from winter disconnection threats.
- LD 1508 established a program to provide mediation services to parties undergoing eviction proceedings.
- LD 1530 allows municipalities to set rules less restrictive than the state's for tiny homes parameters regarding lot requirements, inspection, and property tax assessment.
- LD 1593 provide multiple pathways to rehabilitation and reentry into a community (including suitable housing arrangements) post-incarceration.
- LD 1688 addresses inconsistencies in the terminology of the Maine Human Rights Act protections for increased inclusion and protection from housing discrimination.

- LD 1697 established an allocation to distribute funding to a Homeowner Assistance Fund program.
- LD 1107 directed the Maine Connectivity Authority to act on multiple fronts to bring high-speed broadband to unserved areas of the State and to provide a funding report and federally approved plan regarding same.
- LD 1240 established a commission to examine low- and middle-income housing shortages in Maine, including short-term rental effect, local land use regulations, and the goals in existing state statute on the promotion of affordable housing, increased job opportunities, economic well-being, natural resource preservation, and to review similar efforts elsewhere, and envision measures to encourage municipalities to increase available housing.
- LD 1656 required MaineHousing-funded construction to meet energy efficient housing design standards and sustainability requirements, allowing for limited waivers.
- LD 1966 required MaineHousing to adopt HEAP rules leading to acceptance of online applications.
- LD 1673 established fair housing goal and growth management requirements in areas with certain concentrations of affordable housing, including service center and growth policies.
- LD 1871 directed the Maine Human Rights Commission to extend the pilot term of a program examining housing-status harassment and public accommodations complaints.
- LD 1891 provided grants for single-family homeowners and landlords to address contaminated well water.
- LD 2001 clarifies state policy around veterans' homes closures, including mandating DHHS rule changes regarding emergency payments allocations and appropriations.
- LD 2003 enacts recommendations made by a commission established in a prior session around proposed zoning and land use changes for the purpose of increasing housing opportunities in Maine, including requiring MaineHousing and the Department of Economic and Community Development ("DECD") to establish a statewide housing production goal that would increase the availability and affordability of housing in Maine. MaineHousing, DECD and the Governor's Office hired a consultant to provide research and analysis to help establish the goals. The consultant produced a report that analyzed the housing need in Maine and determined that the future need is between 8,500 and 9,300 homes statewide per year. The next step is to establish regional housing production goals to try and meet the future need. LD 2003 also required municipalities to modify their ordinances to: include density bonuses for affordable housing; allow 2-4 dwelling units per lot in residential areas; and allow accessory dwelling units in residential areas. This furthers the regional housing production goals and the goal to affirmatively further fair housing in Maine.

131st Legislature

- LD 3 establishes a relief payment program to aid residents with high heating costs and finalizes the COVID Pandemic relief payment program.
- LD 11 strengthens temporary protections for children living in dwellings with identified lead hazards, including expanding inspection and relocation parameters.
- LD 45 strengthens the existing protections against retaliatory eviction.
- LD 81 addresses the intersection of general assistance and recover residence participation.
- LD 330 requires that tenants facing eviction be made more aware, and more frequently, of their rights to legal representation.
- LD 470 supports lead abatement in older residential housing through one time funding.
- LD 490 designates Maine DHHS as the lead agency for lead safe housing registry

- LD 523 resolve provided for legislative review of the administrative rules dealing with Home Based Supports and Services for Older and Disabled Adults and Consumer Directed Personal Assistance.
- LD 597 required discharge and transfer policy protocols at certified recovery residences.
- LD 611 resolve mandating MaineHousing to begin work toward a financial assistance program for low-income homeowners to make weatherization and repair improvements needed for HEAP eligibility.
- LD 651 amended definition regarding certain mobile homes for HUD standard compliance.
- LD 654 resolve directing Governor's office to act to encourage the development of accessory dwelling units.
- LD 691 prohibits rental application fees and requires landlords to provide applicants with a complete copy of any eligibility screening.
- LD 701 extends the written notice timeline for certain rent increases.
- LD 709 mandates MaineHousing, in partnership with appropriate agencies if desired, to develop a Home Share Pilot Program to match older persons with spare rooms to be rented for the purpose of reducing living costs with renters in need of housing.
- LD 724 increases the opportunity for the development of targeted low-income housing for populations with additional needs, including disability, substance use, HIV, homelessness, domestic violence, foster care recipients, and wards of the state, incorporating an income cap under certain circumstances.
- LD 815 directs MaineHousing and the Efficiency Maine Trust to provide energy-efficiency education and outreach to low- and moderate-income residents of manufactured housing, and to ensure access to energy-efficiency loans for eligible residents.
- LD 1481 protects families with children from being evicted from homes ordered cleared of lead.
- LD 1633 is a still-pending bill to establish a community-based, peer-supported reentry program for incarcerated individuals leading up to release, incorporating support for housing and other critical needs.
- LD 1706 clarifies statewide laws regarding affordable housing and accessory dwelling, including with regard to permitting, setback and approval timing.
- LD 1844 establishes an Emergency Housing Matching Grant Program to fund matching grants for emergency housing and shelter programs.
- LD 1931 requires mobile home park owners to provide notice of intent to sell to park tenants and to MaineHousing, as well as requiring a 60-day negotiation period to allow the tenants to offer purchase terms and secure financing.

Assessment of Fair Housing Data

FAIR HOUSING COMPLAINTS

2023 Fair Housing Complaint Data					
City	Number of Cases	Total Allegations	Disability Allegations	Race/Color Allegations	Sex/Gender ID/ Sexual Orient. Allegations
Auburn	4	21	4	4	3
Bangor	2	2	2		
Bar Harbor	4	8	4		4
Belfast	1	2	1		
Biddeford	7	16	7		3
Brewer	2	2	2		
Bridgewater	1	3	1		
Brunswick	6	12		6	
Columbia Falls	3	6	3		
East Orland	1	2	1		1
Lewiston	3	7	3		
Lincoln	4	5	4		1
Lisbon	3	6	3	1	
Manchester	2	2	2		
Old Orchard Beach	2	2	2		
Orono	1	3			1
Peru	1	1			
Portland	13	20	7	3	
Rumford	1	1			
South Paris	4	12	4		4
South Portland	2	2	2		
Unity	1	1			
Waterville	3	6	3		
Winthrop	3	5	3		
Total	74	146	58	14	17

Table 1 - Maine Human Rights Commission: 2023 Fair Housing Complaints by City. Total cases and allegations, with totals for most salient types of allegations. Each case may include several allegations.

Data Source: MHRC, CY 2023.

Basis of Allegations	2019	2020	2021	2022	2023	Average
Total Allegations	22	59	153	104	146	96.8
Race or Color	13.6%	16.9%	7.2%	10.6%	9.6%	11.6%
National Origin/Ancestry	13.6%	6.8%	3.3%	3.8%	0.7%	5.6%
Sex/Sexual Orientation/Gender Identity	13.6%	5.1%	10.5%	13.5%	11.6%	10.9%
Disability	36.4%	30.5%	29.4%	32.7%	39.7%	33.7%
Religion	0.0%	1.7%	0.0%	1.0%	2.1%	1.0%
Familial Status	13.6%	11.9%	5.2%	9.6%	6.8%	9.4%
Retaliation	9.1%	23.7%	36.6%	16.3%	21.9%	21.5%
Other & Source of Income	0.0%	3.4%	7.8%	12.5%	7.5%	6.2%

Table 2 - Maine Human Rights Commission: Basis of allegations by share of total, 2019 to 2023.
Data Source: MHRC, CY 2019-2023.

Basis

Disability is the most common basis for an allegation of a fair housing violation. In 2023, 58 allegations (39.7% of the total) were based on disability, which are often related to support animal accommodations or accessibility violations. Disability has consistently remained the most frequently reported allegation in past years.

Most allegations regarding race or color originate in population centers (Portland, Auburn, and Brunswick) whereas allegations regarding sex, gender identity, or sexual orientation are more likely to originate in smaller towns. While the former is likely due to the geographic variation in BIPOC population concentrations, the latter is more likely due to geographic variation in cultural acceptance of evolving gender norms and sexual identities.

Another feature of the basis of complaint data is that retaliation is an increasingly frequent allegation. This suggests that registering a complaint of fair housing discrimination is, allegedly, met with further illegal behavior by the accused on a more frequent basis. This may be a landlord evicting the complainant, a real estate agent telling others not to show homes to the complainant, or other retaliatory actions.

Disposition of MHRC Housing Discrimination Cases	2019	2023
	# of Cases	Percent
CP failed to respond	1	0.2%
CP uncooperative	14	2.7%
No jurisdiction	9	1.8%
Failure to state a claim	7	1.4%
Other AD	6	1.2%
Right to sue issued at CP's request	1	0.2%
Withdrawal without benefits	37	7.2%
Negotiated settlement	27	5.3%
Withdrawal with benefits	42	8.2%
No cause finding	327	63.7%
Conciliation successful	26	5.1%
Conciliation unsuccessful	12	2.3%
Case settled by legal unit	4	0.8%

Table 3 - Maine Human Rights Commission: Disposition of housing discrimination cases closed.
Data Source: MHRC, FY 2019-2023.

This may explain the need for legislation, such as LD 45, meant to reinforce a tenant’s right to file a complaint with the Maine Human Rights Commission.

Disposition

The majority of allegations reviewed by the Maine Human Rights Commission during the previous five years were disposed of with no finding of cause. Although cases so resolved do not substantiate the complainant’s allegation, it is likely that the resolution in some portion of those cases is the result of the complainant’s failure to document the alleged behavior rather than the veracity of the underlying claim. Regardless, whether or not the Commission issues a finding of cause, each case is an instance in which a tenant believes their rights to have been violated. Therefore, all cases filed are informative with respect to the fair housing environment in Maine.

Approximately 19% of cases are settled via successful conciliation, withdrawal with benefits, or a negotiated settlement, while about 10% are withdrawn without any benefits or conciliation is unsuccessful. It is extremely rare for the Commission to affirm the complainant’s right to sue, which is required for complainant (plaintiff) legal fees to be eligible for compensation.

Mortgage Activities

All other racial and ethnic groups have less favorable rates of application denial than white, non-Hispanic households in Maine. This is most true for Native Hawaiian or other Pacific Islander, Native American, and Hispanic households, who together were denied for about one quarter of all applications received in 2022. With the exclusion of Hispanic households, the rate applications not resulting in a loan origination is significantly elevated for all non-white racial groups. We do not have clear information on the reasons for these non-originations.

	White	Asian	Black or African American	Native Hawaiian or other Pacific Islander	Native American	Hispanic
Total Applications	50,767	640	781	49	290	603
Loan Originated	64.6%	60.2%	57.9%	44.9%	46.2%	73.6%
Application Denied	14.6%	15.3%	17.8%	26.5%	22.4%	26.4%
Loan Not Originated	20.8%	24.5%	24.3%	28.6%	31.4%	0.0%

Table 4 - Mortgage Applications by Race and Ethnicity. Each application results in a loan origination, application denial, or no loan origination for a number of other potential reasons.

Data Source: HMDA, all applications calendar year 2022.

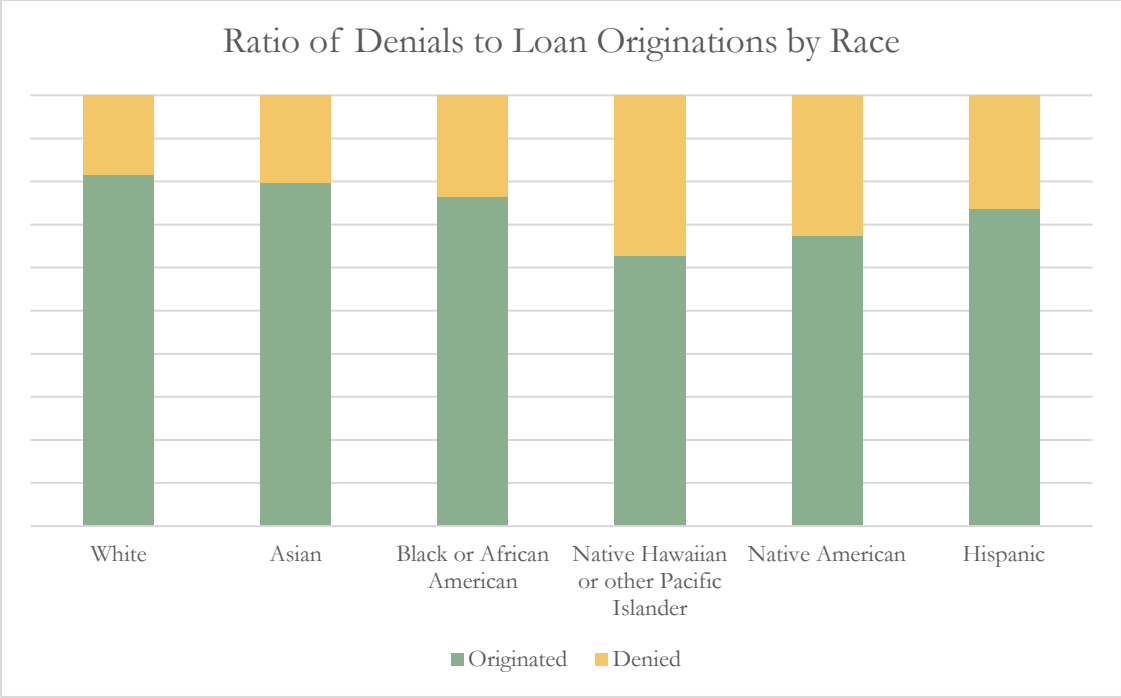


Figure 1 - Mortgage Applications by Race and Ethnicity. Only originated loans and denied applications are depicted here. *Data Source: HMDA, all applications calendar year 2022.*

The ratio of application denials to loans originated, by racial or ethnic group, highlights the widest disparities existing between white non-Hispanic applicants and those of Native or Pacific Islander descent. However, it is clear in Table 5 and Figure 2 that the reasons for mortgage denials vary widely among these marginalized groups. For Black or African American and Hispanic applicants, the reasons for denial are surprisingly similar to those of white applicants, mainly deviating because of higher rates of denial due to insufficient cash for closing among Black or African American and higher rates of denial due to employment history for Hispanic applicants. Meanwhile Native American applicant denials are most often due to credit history, at a much higher rate than for any other group, and Native Hawaiian, Pacific Islander, and Asian applicants are most frequently denied because of unfavorable debt to income ratios.

Taken together, these data support the observation that there are racial disparities in terms of access to homeownership, but the data are most supportive of those disparities being due to systemic issues of bias and discrimination rather than direct discrimination by the loan originators. This is because the different reasons for loan denials by racial group are difficult to explain as direct discrimination unless there are distinct subgroups of lenders that are discriminating against each marginalized group. More likely, differences in the information and resources available to the respective applicant pools, due to systemic and historical biases, interact with possibly unconscious and much more subtle expressions of bias, if any, among those originating loans to result in the observable disparity. Consequently, in addition to ongoing compliance and monitoring of loan origination, the evidence supports programming targeting the gaps in information and resources that result systemic and institutional forms of discrimination. MaineHousing’s First Generation Homebuyer Program is one example of an existing program with that effect, offering additional resources for loan closing and financial literacy courses to ensure the new homeowner has the tools to succeed, from application to managing their new home and mortgage responsibilities.

	White	Asian	Black or African American	Native Hawaiian or other Pacific Islander	Native American	Hispanic
Debt to Income ratio	31.9%	52.3%	35.5%	53.8%	18.0%	32.7%
Employment history	1.4%	3.4%	0.0%	0.0%	1.6%	2.6%
Credit history	26.2%	15.9%	24.6%	7.7%	41.0%	29.5%
Collateral	17.1%	10.2%	16.7%	15.4%	16.4%	11.5%
Insufficient cash for closing costs	1.8%	2.3%	4.3%	0.0%	1.6%	1.3%
Unverifiable information	3.6%	3.4%	2.9%	0.0%	3.3%	2.6%
Credit application incomplete	9.6%	5.7%	6.5%	7.7%	8.2%	9.6%
Mortgage insurance denied	0.1%	0.0%	0.7%	0.0%	0.0%	0.0%
Other	8.2%	6.8%	8.7%	15.4%	9.8%	10.3%

Table 5 - Reason for Mortgage Application Denials.
 Data Source: HMDA, all applications calendar year 2022.

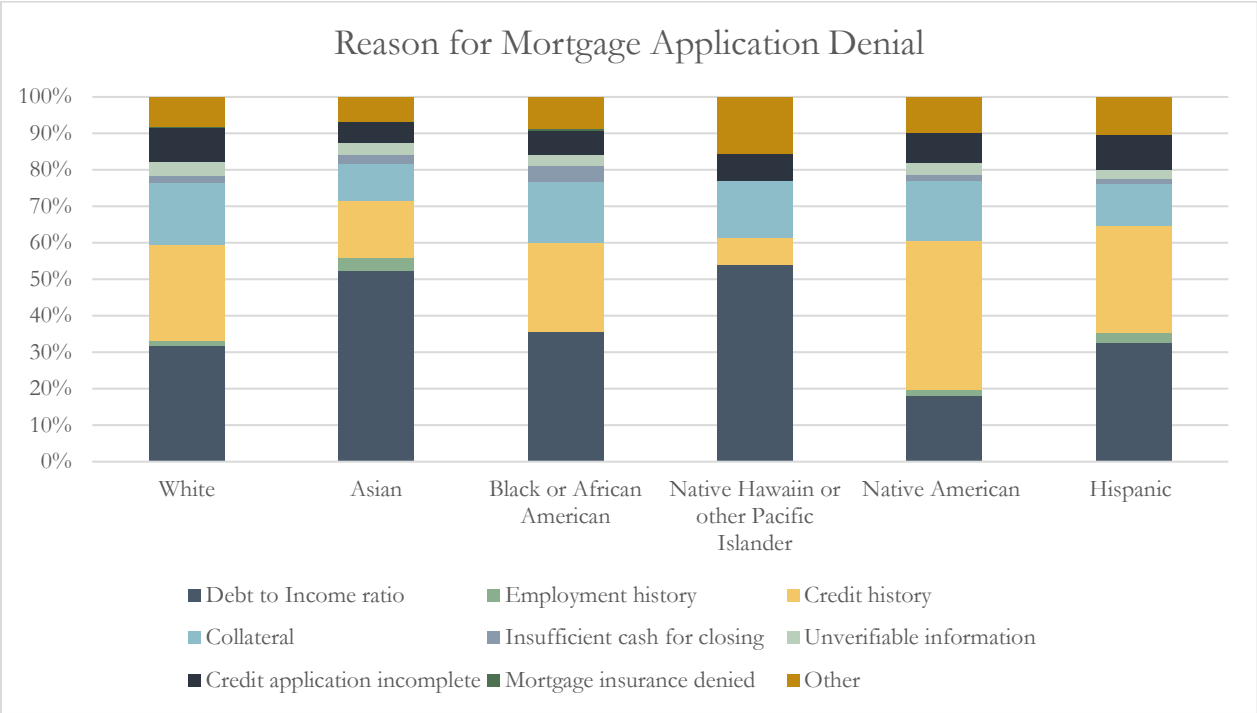


Figure 2 - Reason for Mortgage Application Denials.
 Data Source: HMDA, all applications calendar year 2022.

DEMOGRAPHICS, INCOME, AND THE RESIDENTIAL HOUSING MARKET

Population Trends

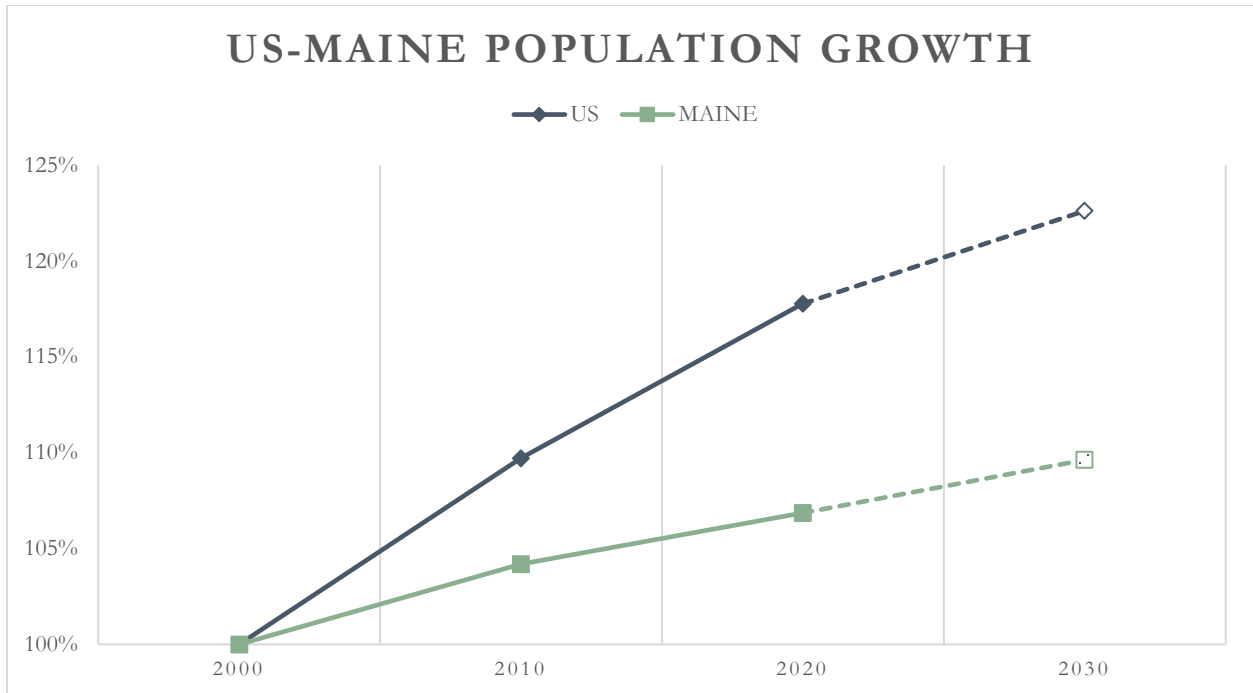


Figure 3 - Population growth since 2000, historic and projected.

Data Source: IPUMS 2022 ACS 5-year sample and Office of the Maine State Economist.

In 2018 Maine’s population was estimated to have effectively stopped growing, projecting a total growth of only 1% from that date through 2030. However, the statewide population has continued to grow at roughly the same 2% to 3% per decade rate that it had for the preceding decade. Figure 5 suggests that this growth is not due to birth rates but to domestic and international in-migration. The population of Mainers above the age of 60 is growing rapidly as the “Baby Boom” generation reaches older ages. The younger generation of Mainers is much smaller, hence the decrease in Mainers aged 45 to 60, but that shrinkage appears to be offset among younger households as young adults migrate to Maine to find new careers and start families.

The geographic dispersion of population growth tells an interesting story as well. Since 1990, Maine’s population has been shifting to the southern regions of the state. Aroostook, Piscataquis, and Washington county populations all shrunk significantly, while Cumberland, Hancock, Waldo, and York counties all saw explosive growth. Yet in the most recent years that southerly trend is not apparent at all. The heat maps in Figure 4 show growth in more rural areas of central and western Maine. Of course, pandemic response may drive some of this change and the remainder of the decade will establish whether this may represent newly settled immigrant farming communities, new industry in small towns, or short-lived pandemic responses to remote work opportunities.

Population Trends					
	1990	2000	2010	2020	Percent Change
Maine	1,227,928	1,274,923	1,328,361	1,362,359	10.9%
Androscoggin	105,259	103,793	107,702	111,139	5.6%
Aroostook	86,936	73,938	71,870	67,105	-22.8%
Cumberland	243,135	265,612	281,674	303,069	24.7%
Franklin	29,008	29,467	30,768	29,456	1.5%
Hancock	46,948	51,791	54,418	55,478	18.2%
Kennebec	115,904	117,114	122,151	123,642	6.7%
Knox	36,310	39,618	39,736	40,607	11.8%
Lincoln	30,357	33,616	34,457	35,237	16.1%
Oxford	52,602	54,755	57,833	57,777	9.8%
Penobscot	146,601	144,919	153,923	152,199	3.8%
Piscataquis	18,653	17,235	17,535	16,800	-9.9%
Sagadahoc	33,535	35,214	35,293	36,699	9.4%
Somerset	49,767	50,888	52,228	50,477	1.4%
Waldo	33,018	36,280	38,786	39,607	20.0%
Washington	35,308	33,941	32,856	31,095	-11.9%
York	164,587	186,742	197,131	211,972	28.8%

Table 6 - County populations over time.
 Data Source: NHGIS data.

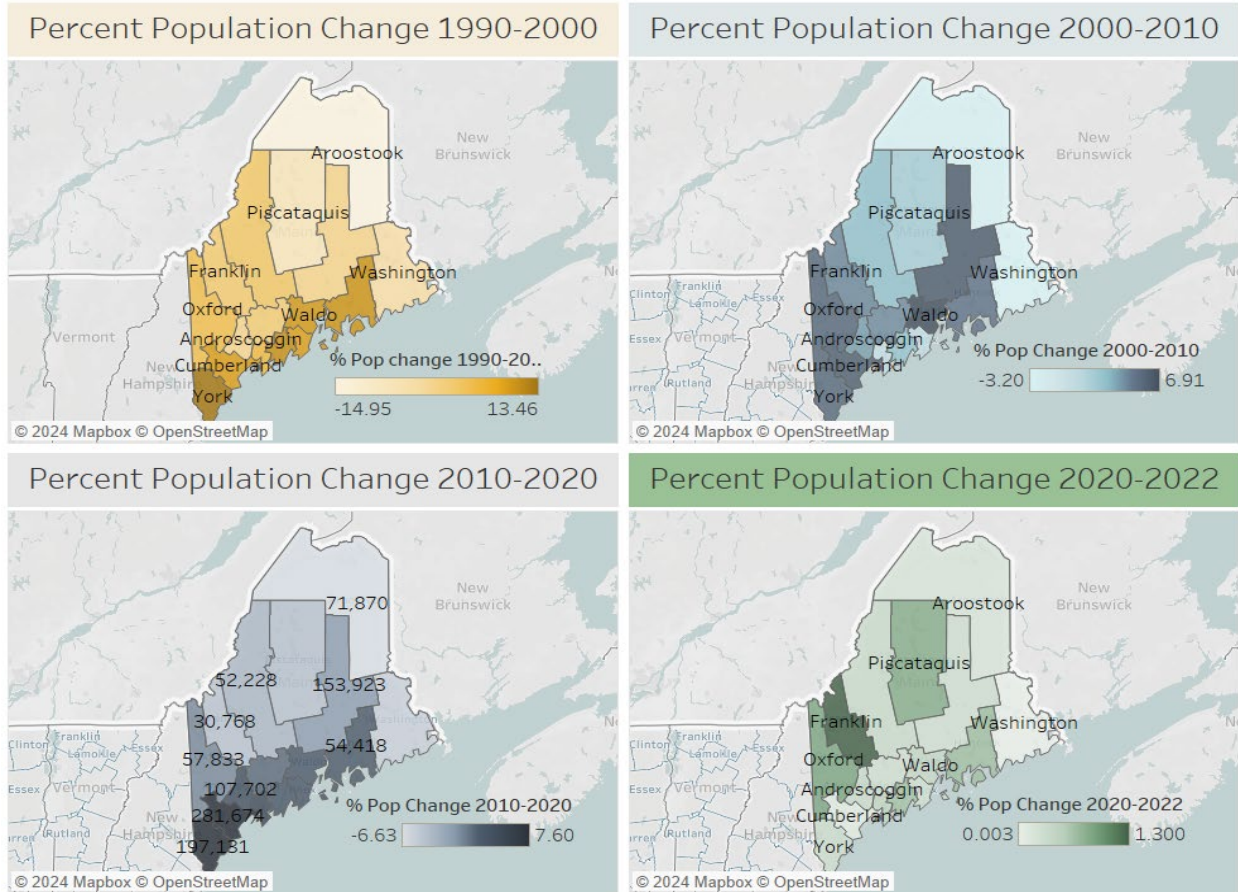


Figure 4 - Population change heat maps. Decadal percent change by county from 1990 to 2020, with the final panel showing only the available years of 2020 to 2022.
 Data Source: NHGIS data.

Age

Maine’s median age of 44.8 is the oldest of any state in the nation. However, the median has only increased by half a year over the past five years, which may indicate that the age profile is evolving in a slightly more balanced manner than some of the more dire predictions have suggested.

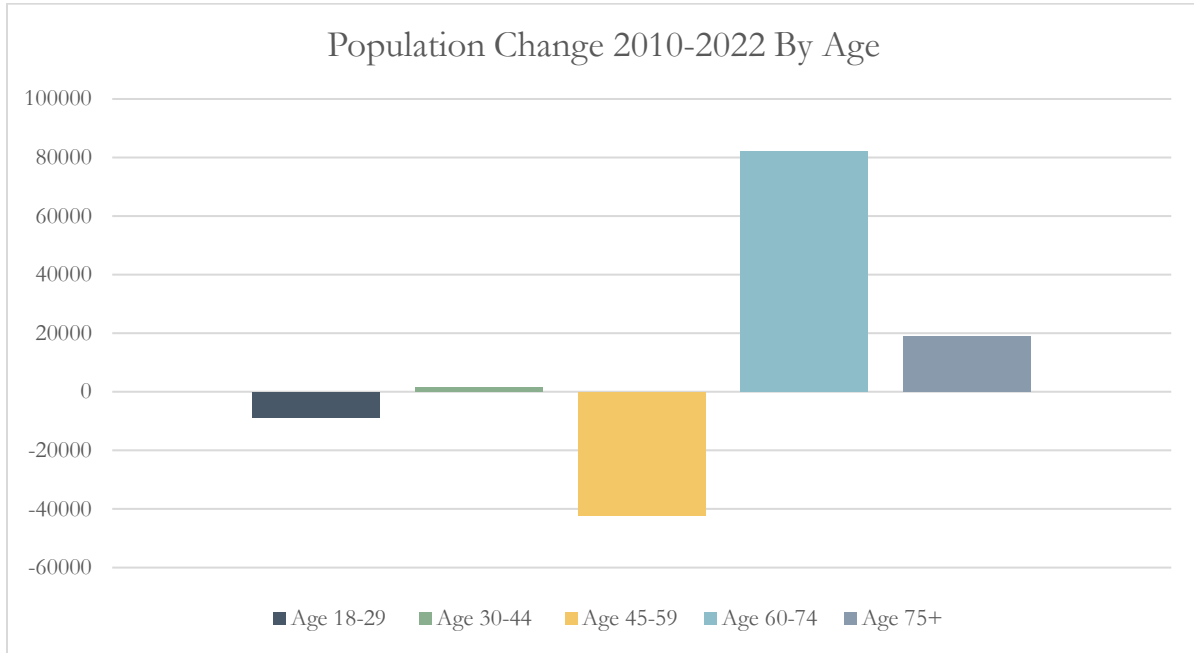


Figure 5 - Maine population change by age cohort, 2010 to 2022.

Data Source: IPUMS 2022 ACS 5-year sample; 2010 Population Census.

Considering population shifts in Figure 5 and similar projections for the remainder of this decade, from the Office of the Maine State Economist, there is no denying that Maine’s population over the age of 60 is growing as a proportion of the whole. This has implications far beyond labor and healthcare markets, and most especially with respect to housing. Those older Mainers may find themselves in need of home modifications to live comfortably or struggling to rising rents, property taxes, or maintenance costs on fixed incomes. Or in cases of growing infirmities, they may need to find new accommodations with access to the healthcare or services they require.

Race

Maine has never been, comparatively speaking, a racially diverse state. However, the previous decade has brought explosive growth among some racial minority populations. From 2012 to 2022, the Black or African American population grew by more than 50% and those reporting as multiracial or some other race both grew by well over 100%. Maine’s population declined from 94.6% to 93.7% white. Like its northern New England sister states of Vermont and New Hampshire, Maine’s black population (1.3%) and Asians (1.1%) are much fewer in numbers than the national distribution of 13% and 5% respectively.

					-
Black or African American	6,760	14,338	16,906	21,775	51.9%
					-
Asian	9,111	13,971	14,804	15,071	7.9%
					-
Some Other Race	2,911	3,356	2,967	8,128	142.2%

Table 7 - Maine population by racial group, over time. Decadal percent change is from 2012 to 2022.
Data Source: Census data and ACS 5-year estimates.

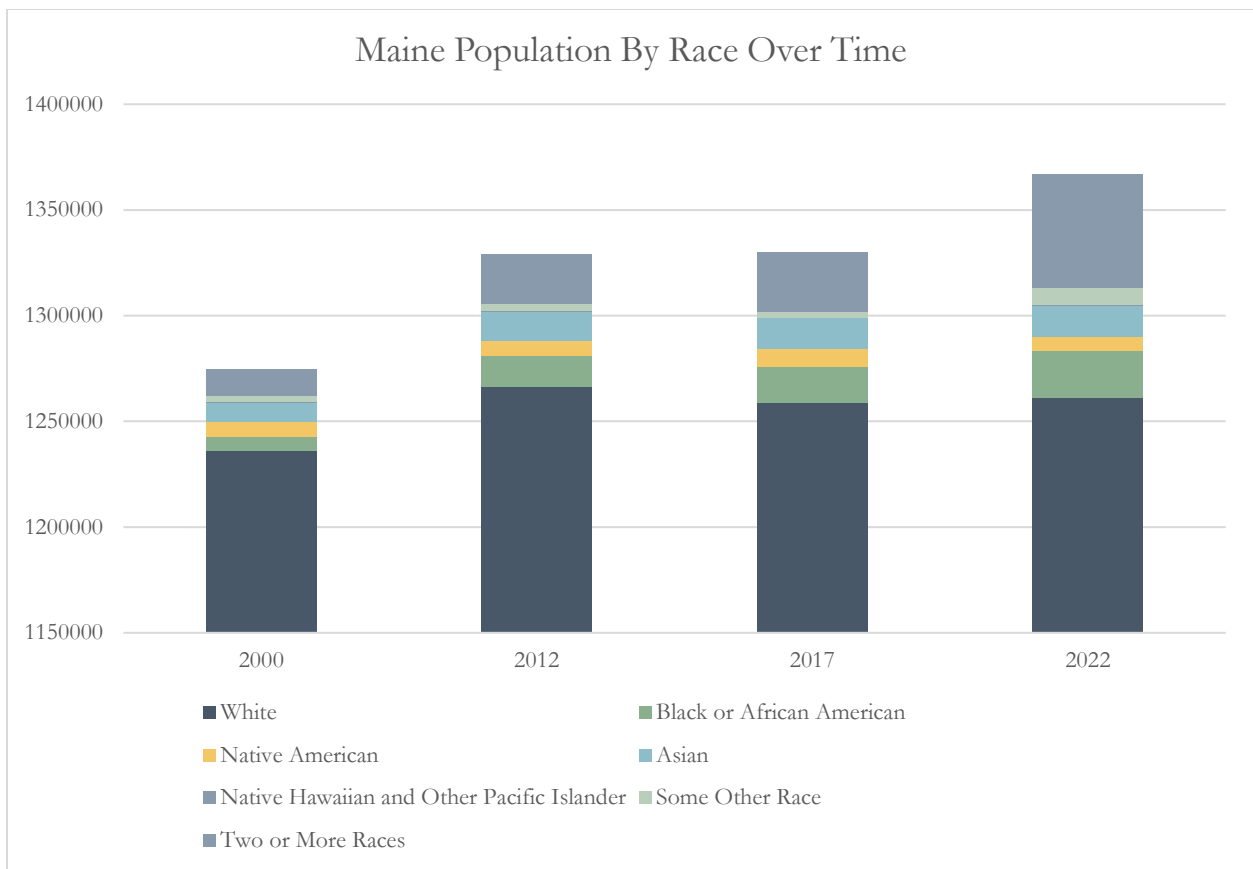


Figure 6 - Racial distribution of Maine population over time.
Data Source: Census data and ACS 5-year estimates.

Maine has no Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) using HUD’s definition of R/ECAP, with the exception of the Penobscot Indian Island Reservation. Although several racial minority populations have increased, there are no areas where those populations are so concentrated as to meet the R/ECAP criteria. Instead, we review the interact of race and poverty more generally.

Race/Ethnicity and Income

On average, BIPOC households in Maine earn far less than white, non-Hispanic households with two exceptions. Asian households have a slightly lower median income but also have a slightly lower poverty rate, and in either case the differences are within the margin of error so they could be said to have the same earnings, on average. The Native Hawaiian and Pacific Islander population is extremely small, just 265 individuals, but with contrasting income metrics. As a group, they have a remarkably high median income, exceeding the state average by nearly 50%, and yet they also have a poverty rate that exceeds the state average.

Black, African American, and Native American households have the greatest income disparities relative to white households. The white households’ median income is about 30% greater than Black or African American households and for Native American households. The poverty rate among Black or African American households is more than double that of white households or the state average.

	Median Income	Poverty Rate
Maine	\$ 68,251	10.9%
White	\$ 68,783	10.5%
Black or African American	\$ 53,407	24.2%
Native American	\$ 51,797	19.7%
Asian	\$ 66,291	10.7%
Native Hawaiian and other Pacific Islander	\$ 104,310	12.5%
Some other race	\$ 63,554	12.4%
Two or more races	\$ 60,214	14.7%
Hispanic or Latino origin (of any race)	\$ 65,650	13.4%
White alone, not Hispanic or Latino	\$ 68,812	10.5%

Table 8 - Median incomes and poverty rates by race and ethnicity.
Data Source: 2022 ACS 5-year sample.

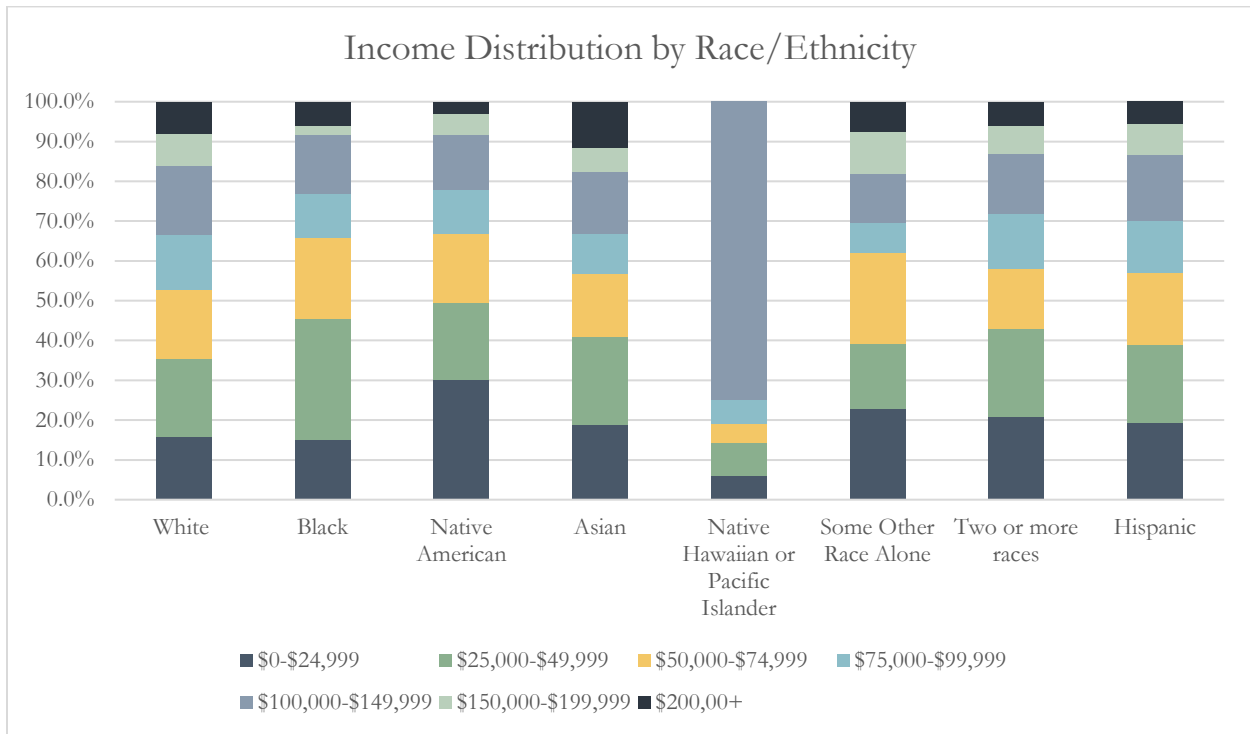


Figure 7 - Income distributions for each racial or ethnic group.
Data Source: 2022 ACS 5-year sample.

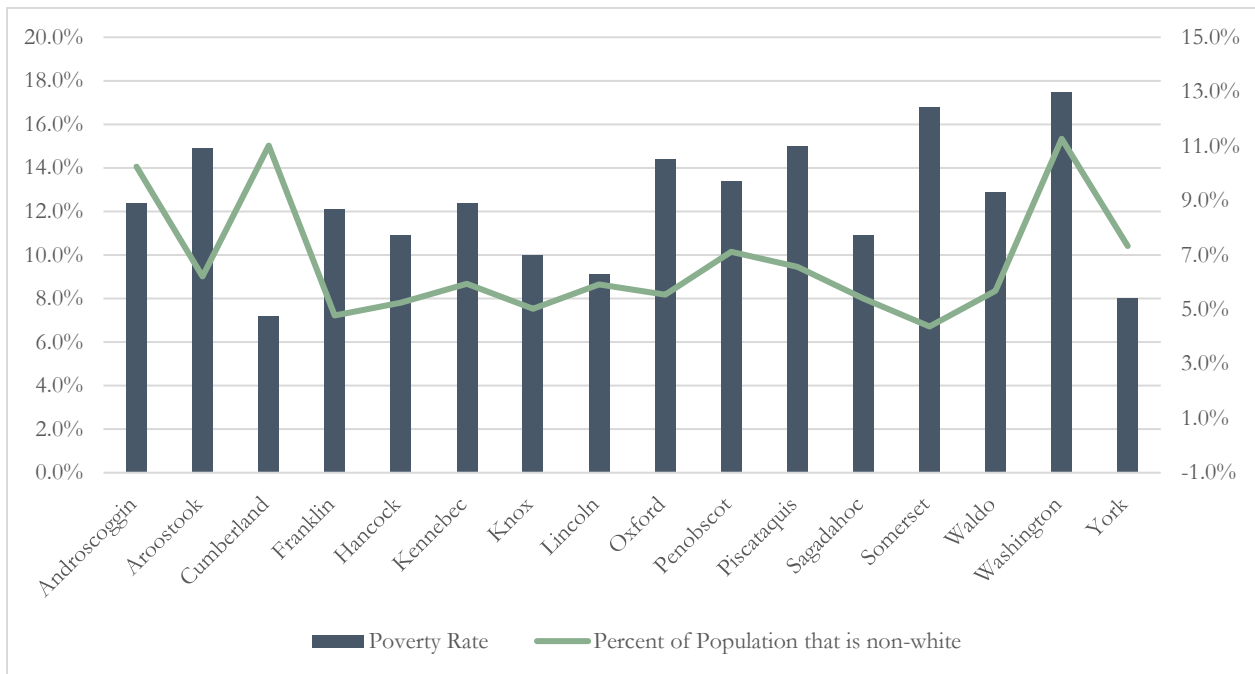


Figure 8 - County-level poverty rate and minority population comparison. Bars depict the poverty rate (left axis) and line depicts the share of county population that is non-white (right axis).
Data Source: 2022 ACS 5-year sample.

Figure 7 clearly illustrates the source of the high median for Native Hawaiian and Pacific Islander incomes, with about three out of four households earning between \$100,000 and \$150,000. Less obvious is what it reveals about incomes and poverty rates between Black or African American households versus Native American households. Table 8 shows the former have a poverty rate of 24.2% while the latter it is 19.7%, but Figure 7 shows 15% of Black households and 30% of Native American households earning less than \$25,000. The key is that poverty rates are based on household size, so it must be the case that low-income Black households are, on average, larger than low-income Native American households.

The relationship between race, poverty, and geography is interesting in Maine. Since there are higher rates of poverty among non-white populations in Maine, it is straightforward to extrapolate that regions with a larger share of non-white population will have higher poverty rates. Figure 8 shows that the non-white population share and poverty rate metrics do trend together but the relationship is not all that strong and there to two clear outliers that buck the trend. Cumberland county has a relative large non-white population and low poverty rates, while Aroostook County shows the exact opposite.

Race and Tenure

Maine’s white population has the highest homeownership rate at 74%, well above the national average of 65%. Homeownership is often seen as a measure of wealth and the capacity to build wealth, and generally as more conducive to building familial assets. With the exception of Native Hawaiian and Pacific Islanders, homeownership rates among all racial minority groups in Maine lag behind that of white households. However, they are improving. Black homeownership, although still the lowest, increased from 19% five years ago to 26% in these data.

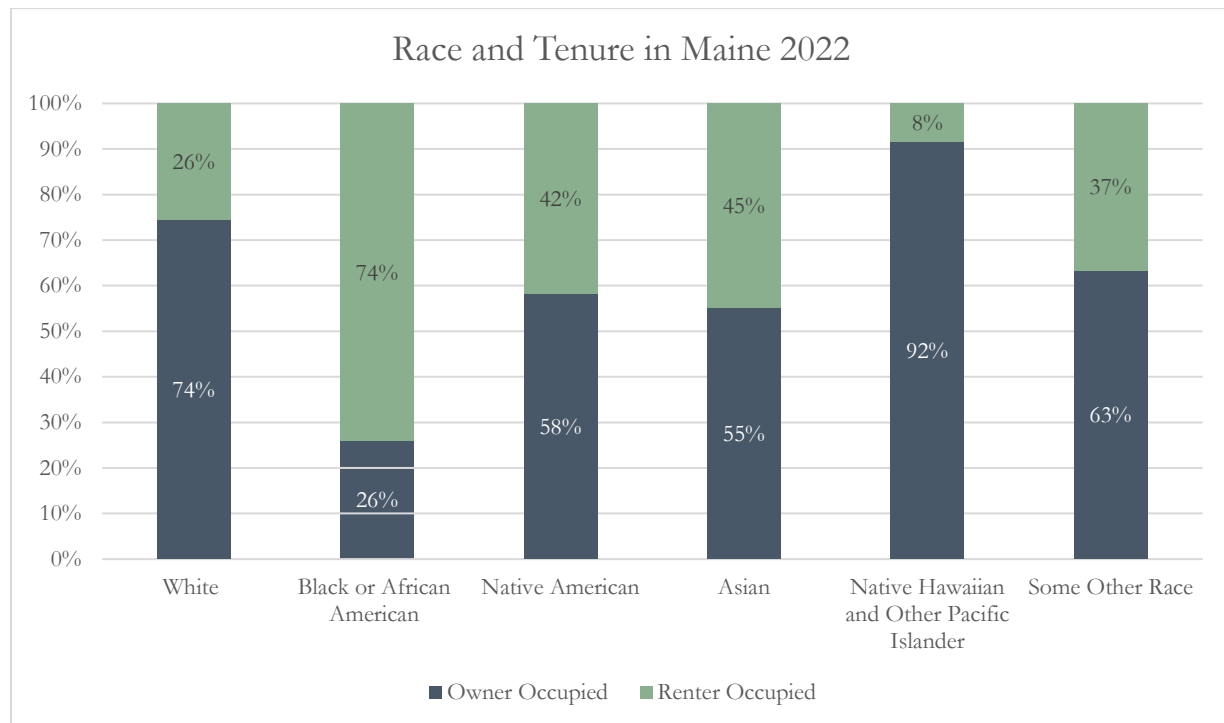


Figure 9 - Housing tenure by racial group.
Data Source: 2022 ACS 5-year sample.

Language

Although still small, a growing portion of Maine residents have Limited English Proficiency (LEP). Maine residents with LEP have difficulty reading, writing, and speaking English, as well as understanding others who speak it. LEP can seriously impact an individual's chances to access safe affordable housing.

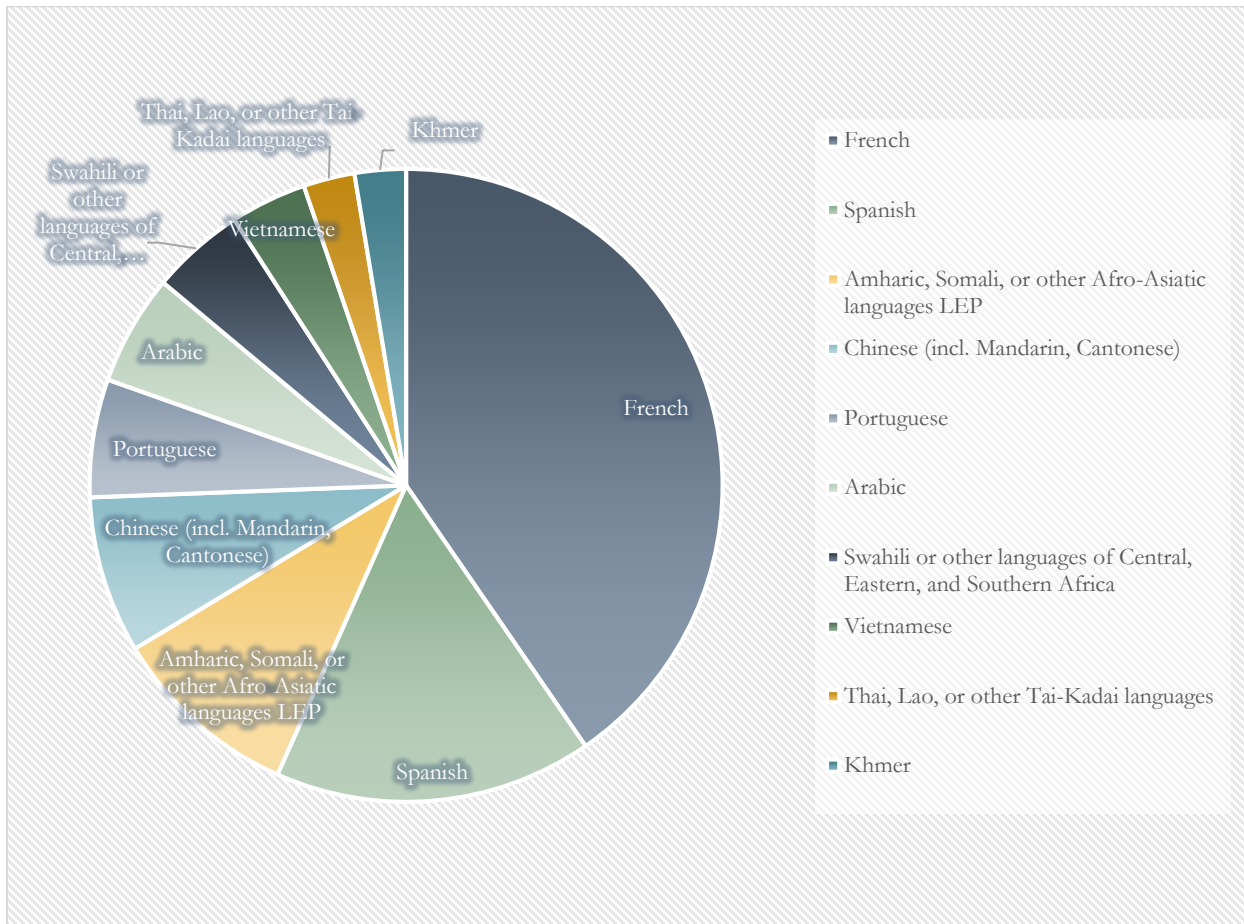


Figure 10 - Top 10 languages of groups with limited English proficiency in Maine.

Data Source: LEP.gov.

Disabilities

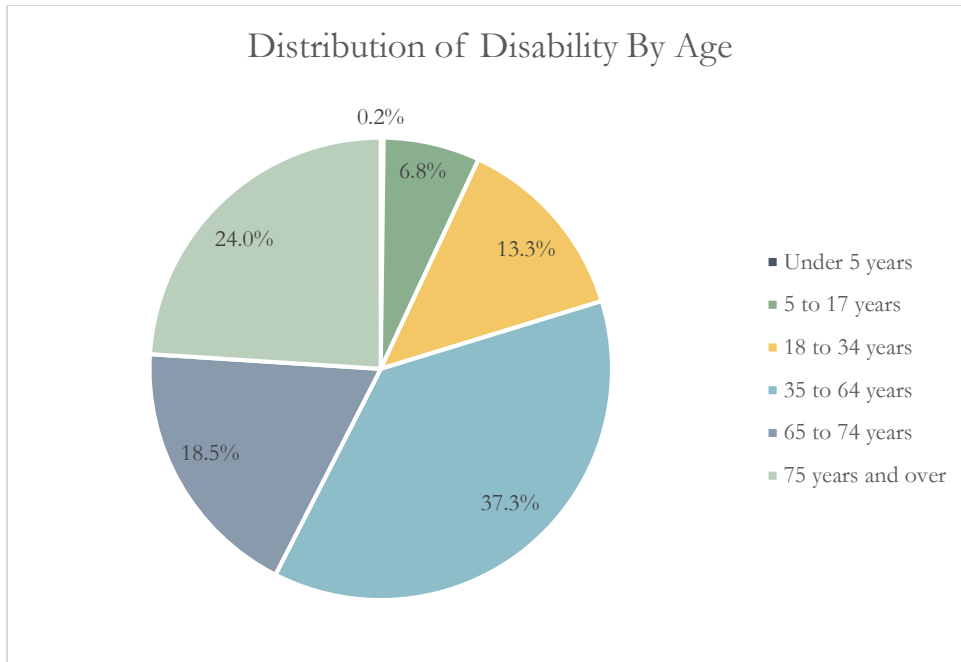


Figure 11 - Distribution of disability in Maine by age groups.

Data Source: 2022 ACS 5-year sample.

In the state of Maine, 15.8% of the population, 217,651 individuals, report having one or more disabilities. 42% of Maine’s disabled residents are over 65, while just over 50% are 18 to 64 years old. Among the latter, cognitive and ambulatory disabilities are the most common. These make it challenging for those individuals to participate in the workforce and can require simple to very

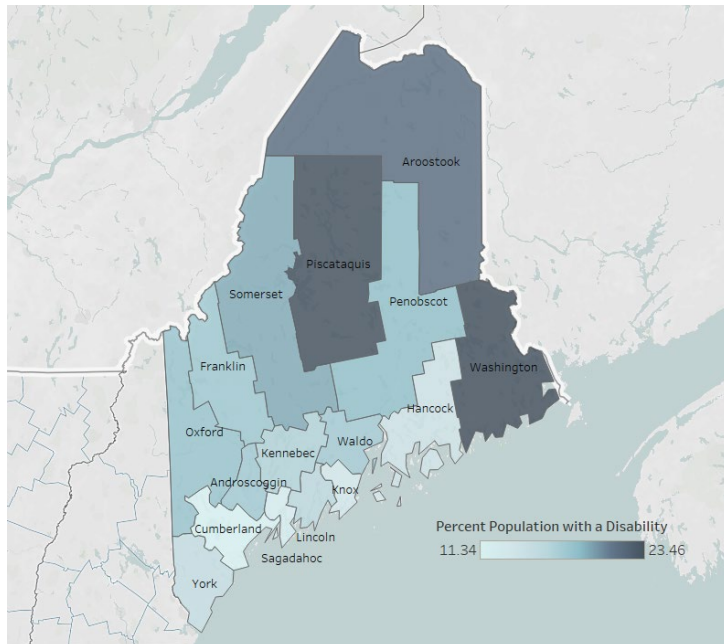


Figure 12 - Heat map of county share of population with a disability.

Data Source: 2022 ACS 5-year sample.

complex accommodations for a safe housing environment. Additionally, Figure 12 shows that a disproportionate share of Mainers with disabilities live in more rural areas of the state where public services and community assets are harder to find. These areas also have fewer new developments, which are the most likely housing to be accessible or adaptable. Finally, a aging population will continue to expand the share with disabilities and, consequently, the demand for accessible housing and services.

Identified Impediments to Fair Housing Choice

Based on research and community conversation, we identify the following impediments to fair housing choice. Actions to address these impediments are outlined in the following action plan.

1. Lack of affordable housing

- The 2023 State of Maine Housing Production Needs Study estimated that Maine had a historic deficit of 37,000 housing units and would need to increase supply by a total of more than 80,000 units by 2030. A limited supply of housing leads to increased competition for existing units, which has the effect of exacerbating all existing impediments to fair housing access.
- Recent Census data estimates have one in ten Maine households spending more than 50% of their income on housing costs. This housing cost burden is concentrated amongst racial and ethnic minorities, as well as other marginalized groups.
- Housing Choice Voucher waiting lists in Maine at the local PHAs and MaineHousing are excessively long, meaning only applicants eligible for a special purpose voucher allocation can expect a voucher within one year. Additionally, MaineHousing and most PHAs have seen steadily increasing per unit costs and have been forced to pause issuance of new vouchers because they have exceeded their HUD allocation.
- Down payment and closing cost assistance is needed for most new homebuyers.
- Any failure to preserve the existing supply of affordable housing units and aging public housing developments will diminish supply. Somewhere between 15% and 30% of all current affordable housing units in Maine were built more than 45 years ago. Although many of those have extended their affordability covenants, many still require serious renovation or may require replacement.

2. Barriers for protected classes

- Each of Maine's racial and ethnic minorities have a lower median income¹ and higher poverty rates than those of the white, non-Hispanic majority.
- Almost all of the population growth in Maine over the past decade has been among Black, African American, multiracial, and refugee/asylum-seeking populations.
- Maine also has a growing population of openly LGBTQ+ residents and the third most common basis for fair housing allegations at the Maine Human Rights Commission in 2023 was sex, sexual preference, or gender identity. A 2019 survey by the DOE found that, county to county, 13.5% to 18% of high school students identified as lesbian, gay, bisexual, or unsure, while 2.3% to 4.5% identified as transgender or unsure.
- Age is a protected class in Maine and ageism can be an issue in housing as well as employment.

¹ Native Hawaiian and Pacific Islanders (making up a total of 265 Mainers) are an exception, with a high median income due to a large proportion of high income earners but also a higher poverty rate than the statewide average.

3. Lack of availability and access to housing for persons with disabilities.

- The proportion of Maine’s disabled population is 30% higher than the national rate and higher than that of all the other New England states.
- The lack of accessible units was raised in public comments and the Fair Housing surveys, and the need for accessible housing is only expected to increase as a result of Maine’s aging population.
- The most common basis for fair housing complaints filed with the Maine Human Rights Commission are allegations of disability discrimination.

4. Community Planning and Zoning decisions that impede affordable housing

- Local zoning ordinances relating to lot size, density, and parking set asides often have the effect of limiting growth of the housing stock and thereby excluding new residents from high opportunity areas.
- Ordinances meant to limit density in a given area can have the effect of limiting housing development designed to accommodate people with special needs due to disabilities.
- Understanding of building codes and Fair Housing laws/requirements vary by municipality.

5. Limited access to neighborhood opportunities and community assets

- Shifting economic conditions mean that many households, in addition to struggling with affordability, simply can’t access housing in proximity to the jobs, education, healthcare, or other community assets or opportunities that are needed.
- Limited access to neighborhood opportunities and community assets particularly impact low-income households located in rural Maine
- LIHTC projects are not feasible in areas facing diminished transportation options, essential services, or jobs.
- Often the areas with job opportunities and available services, like public transportation, are the areas in which it is hardest to find available housing units that will accept Housing Choice Vouchers.
- Maine has one of the oldest populations in the country and many of those older adults live in rural communities without the community assets they will need to age comfortably.

6. Lack of understanding of fair housing and availability of programs that affirmatively further fair housing

- Differing federal and state accessibility requirements are complex, causing confusion among developers and design professionals, and often leading to noncompliance.
- Due to a lack of understanding, fair housing laws are not always followed. The majority of housing discrimination complaints are based on disabilities.
- Public education efforts are inadequate and may not reach all intended audiences.

**MaineHousing
Analysis of Impediments to Fair Housing
Action Plan**

MaineHousing submits the following action plan to address impediments identified in its Analysis of Impediments to Fair Housing.

Impediment 1: Lack of Affordable Housing			
Action	Measurable Objective	Timeline	Responsible Department
1.1 Increase the number of affordable multifamily and single-family housing units	The number of affordable multifamily and single-family housing units created	Annually	DEV/HO
Results:			
1.2a: Preservation of rental housing units	The number of housing units preserved The number of projects in which the affordability was increased or extended	Annually	DEV/AM
1.2b: Preservation of single-family housing	The number of housing units preserved	Annually	EHS
Results:			
1.3a: Increase the funding available to develop affordable housing	Changes (increase/decrease) in funding available for programs	Annually	Directors
1.3b: Increase the flexibility and efficiency of the funding available to develop affordable housing	Changes to restrictions placed on funding	Annually	Directors
Results:			
1.4: Data collection and analysis of affordable housing availability and needs in Maine.		Annually	PnR

Impediment 1: Lack of Affordable Housing			
Action	Measurable Objective	Timeline	Responsible Department
Facilitate access to and awareness of available data to assist communities in conducting affordable housing assessments and external partners conducting affordable housing-related research.	The number of communities and external partners accessing the data		
Maintain and enhance availability of MaineHousing data for community utilization.	Increase the availability and quality of the data		
Results:			
1.5: Programs achieve deeper affordability than the statutory minimum affordability required for LIHTC and tax-exempt bond projects	<p>The number of affordable units that exceed the minimum required</p> <p>The number of units with income targeting below minimum required</p> <p>The number of units that are affordable longer than minimum affordability period</p>	Annually	DEV
Results:			
1.6: Increase homebuyer affordability	Change in yearly differential in MaineHousing interest rate compared to market rate by program	Annually	HO
Maintain or increase the difference between MaineHousing's lower interest rate relative to the average bank rate for low- and moderate-income homebuyers.			
Provide down payment assistance to qualified homebuyers.			

Impediment 1: Lack of Affordable Housing			
Action	Measurable Objective	Timeline	Responsible Department
Create or modify programs to reduce socioeconomic and minority gaps in homeownership.	The number of buyers receiving down payment assistance Increases in minority homeownership		
Results:			

Impediment 2. Barriers for Protected Classes			
Action	Measurable Objective	Timeline	Responsible Department
Results:			
2.1: Coordinate with advisory groups, boards, and commissions to address barriers for protected classes in MaineHousing programs	List of groups involved and changes to MaineHousing programs as a result	Annually	HO/PnR/ Fair Housing Team/ Director's Team
Results:			
2.2: Fund English as a Second Language financial literacy group education, homebuyer education classes and one-on-one services for individuals who are not proficient in the English language	The number of individuals who participated The type of services provided List of languages served	Annually	HO
Results:			
2.3: Fund training of housing counselors that offer English as a Second Language financial literacy group education and homebuyer education classes.	The number of training sessions offered or sponsored	Annually	HO
Results:			

Impediment 2. Barriers for Protected Classes			
Action	Measurable Objective	Timeline	Responsible Department
Results:			
2.4: Marketing Programs in alternative languages.	The number of programs and languages marketed	Annually	PnR
Results:			
2.5: Provide training to homeless service providers for gender inclusive policies and practices.	The number of trainings and attendees	Annually	HI
Results:			

Impediment 3. Lack of Availability and Access to housing for Persons with Disabilities			
Action	Measurable Objective	Timeline	Responsible Department
Results:			
4.1: Create more accessible units than required by state and federal law through scoring incentives in the multifamily development programs	The number of additional accessible units created	Annually	DEV
Results:			
4.2: Expand accessibility in existing housing through targeted programs and funding	The number of accessible units created and/or modified	Annually	EHS/AM
Results:			
4.3: Continue to require the use of MaineHousingSearch.org for MaineHousing projects and promote the use of it by other landlords and the public	The number of projects using MaineHousingSearch.org List of activities conducted to promote MaineHousingSearch.org The number flagged for accessibility	Ongoing	HCV/HI/PnR/AM

Impediment 3. Lack of Availability and Access to housing for Persons with Disabilities			
Action	Measurable Objective	Timeline	Responsible Department
	hits on MainehousingSearch. org		
Results:			
4.4: Collaborate with other agencies to help persons with disabilities obtain housing	The number of units created or preserved List of initiatives or programs created	Ongoing	HCV/DEV/ AM
Results:			

Impediment 4. Community Planning and Zoning Decisions that Impede Affordable Housing			
Action	Measurable Objective	Timeline	Responsible Department
3.1: Educate the public and local officials on housing issues and MaineHousing programs	The number of meetings and presentations The number of hits on the Maine Housing Data Portal The number of press releases issued The number of interviews by MaineHousing staff	Ongoing	PnR
Results:			

Impediment 4. Community Planning and Zoning Decisions that Impede Affordable Housing			
Action	Measurable Objective	Timeline	Responsible Department
3.2: Support affordable housing projects against NIMBY efforts (discrimination by communities or neighbors) as necessary	The number of projects experiencing NIMBYism supported by MaineHousing	Ongoing	L&C/DEV/PnR
Results:			

Impediment 5. Limited access to neighborhood opportunities and community assets			
Action	Measurable Objective	Timeline	Responsible Department
5.1: Qualified Allocation Plan Incent the development of new housing in areas with access to community assets (location in service center communities with higher need and location near public transportation, schools, employment, services and other amenities important to daily living).	Number of projects awarded LIHTC that are awarded points for community asset factors.	Annually	DEV
Results:			
5.2: Policies to encourage inclusivity in high opportunity communities	List of policies created	Annually	DEV/AM/Director's Team
Results:			
5.3: Increase the use of HCV vouchers in low poverty areas	The number of new tenants leasing up in low poverty areas	Annually	HCV
Results:			

Impediment 6. Lack of Understanding of Fair Housing and Availability of Programs that Affirmatively Further Fair Housing			
Action	Measurable Objective	Timeline	Responsible Department
6.1: Work with organizations to establish initiatives to increase awareness of fair housing and available programs	List of organizations and initiatives	Ongoing	Program Directors
Results:			
6.2: Coordinate fair housing complaint resolution with partners and clients and refer fair housing complaints to appropriate agencies if necessary.	The number of fair housing interventions and/or referrals	Ongoing	L&C/AM/Program Directors
Results:			
6.3: Continue fair housing and accessibility public education programs designed to assist landlords, developers, and relevant professionals	The number of relevant professionals receiving training Trainings offered Policy initiatives to encourage training	Ongoing	DEV/HCV/HO/AM/HI/EHS
Results:			
6.4: Maintain MaineHousing's Fair Housing website page which includes information and resources about fair housing and equal access laws	The number of website hits on the Fair Housing page.	Ongoing	PnR
Results:			
6.5: Provide MaineHousing's Equal Access Communications Guide to employees, contractors, agents, and owners/property managers of multi-family projects	The number of guides distributed/website hits	Ongoing	L&C/AM/PnR
Results:			

Impediment 6. Lack of Understanding of Fair Housing and Availability of Programs that Affirmatively Further Fair Housing			
Action	Measurable Objective	Timeline	Responsible Department
6.6: Provide an internal grievance procedure for applicants and participants to file fair housing complaints about programs and services	The number of internal grievances resolved	Ongoing	L&C/EAC
Results:			
6.7: Education and Outreach Distribute materials on affordable housing and fair housing at conferences, workshops, and other appropriate public venues	The number of people educated at Fair Housing Workshops and Trainings The number of events at which these materials are distributed The number in attendance at the biannual conference	Ongoing	HO/PnR
Results:			
6.8: Coordinate and fund tenant education and financial literacy training for Navigators who in turn deliver financial literacy training for individuals transitioning from homeless shelters to permanent housing	The number of navigators trained The number of clients trained	Annually	HI
Results:			
6.9: Continue to sponsor homeownership education classes that contain information about Fair Housing laws that are relevant to prospective home buyers.	The number of participants in home buyer education classes.	Ongoing	HO
Results:			

Impediment 6. Lack of Understanding of Fair Housing and Availability of Programs that Affirmatively Further Fair Housing			
Action	Measurable Objective	Timeline	Responsible Department
6.10: Provide options for home buyer education in alternative formats and languages	<p>The options and the number of participants</p> <p>The languages offered</p>	Ongoing	HO
Results:			