

**§4622. Limitations on attorneys' fees and damages; procedures**

**1. Limitation.** Attorney's fees under section 4614 and civil penal damages or compensatory and punitive damages under section 4613 may not be awarded to a plaintiff in a civil action under this Act unless the plaintiff alleges and establishes that, prior to the filing of the civil action, the plaintiff first filed a complaint with the commission and the commission either:

- A. Dismissed the case under section 4612, subsection 2 or subsection 2-A, paragraphs A and B and D to F; [PL 2021, c. 366, §21 (AMD).]
- B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; [PL 2003, c. 279, §1 (AMD).]
- C. Issued a right-to-sue letter under section 4612, subsection 6; or [PL 2009, c. 235, §4 (AMD).]
- D. Dismissed the case in error. [PL 2003, c. 279, §3 (NEW).]

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.

This subsection does not apply to or limit any remedies for civil actions filed under subchapter 5 if one or more additional causes of action are alleged in the same civil action that do not require exhaustion of administrative remedies or subchapter 4 if the allegations are covered by the federal Fair Housing Act, 42 United States Code, Chapter 45.

[PL 2023, c. 255, §2 (AMD).]

**2. Advancement on docket; priority.** If the plaintiff alleges and establishes that the conditions of subsection 1 have been met, the action may also be advanced on the docket and given priority over other civil actions.

[PL 1981, c. 255, §4 (NEW).]

**SECTION HISTORY**

PL 1971, c. 501, §1 (NEW). PL 1973, c. 347, §14 (AMD). PL 1981, c. 255, §4 (RPR). PL 1993, c. 327, §§3,4 (AMD). PL 1995, c. 393, §30 (AMD). PL 1997, c. 400, §2 (AMD). PL 2003, c. 279, §§1-3 (AMD). PL 2009, c. 235, §4 (AMD). PL 2011, c. 613, §23 (AMD). PL 2011, c. 613, §29 (AFF). PL 2019, c. 465, §8 (AMD). PL 2021, c. 366, §21 (AMD). PL 2023, c. 255, §2 (AMD).

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