

§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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