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*Testimony of Rep. Cheryl Golek introducing*  
**LD 847, An Act to Prohibit Housing Discrimination**  
*Before the Joint Standing Committee on Judiciary*

Senator Carney, Rep. Kuhn and members of the Judiciary Committee, my name is Cheryl Golek and I represent District 99, which includes Harpswell and parts of Brunswick. I am proud to be standing before you all today to introduce **LD 847, An Act to Prohibit Housing Discrimination.**

For the sake of organization, I have broken down my testimony into sections, each designed to make a clear and concise case as to why LD 847 is vital. The sections are as follows: **What is source of income discrimination; Why is this bill so important; My own story;** and finally, **Source of income laws work.**

First let's start with the basics. What is source of income discrimination? To put it plainly, it is a type of discrimination in which landlords, owners or real estate brokers refuse to rent to tenants based on their lawful income.

It should go without saying that housing discrimination is discrimination.

It's a stark reality that many Mainers with Housing Choice Vouchers, Social Security Insurance (SSI) or veteran's benefits often face discrimination when trying to find housing solely based on their sources of income. This is an urgent injustice that demands our immediate attention and action.

### **Why is this bill so important?**

We need stronger laws to protect our citizens from this form of discrimination.

In 1975, the Maine Human Rights Act was amended to include a provision prohibiting the refusal to rent or the imposition of different tenancy terms to individuals receiving public assistance. The law was further amended in 1985, making the provisions applicable to any person furnishing public accommodations and making discrimination unlawful where refusal to

rent or imposition of different tenancy terms is done primarily because an individual is receiving public assistance.

In 2014, Maine's source of income law was weakened by court interpretation<sup>1</sup>. The Maine Human Rights Act protects recipients of both state and federal housing assistance from discrimination based on their status as a recipient. However, in the legal case *Dussault v. RRE Coach Lantern Holdings*, the Maine Supreme Judicial Court (in a 4-3 decision) held that discrimination against a voucher tenant because of the voucher program's required lease form did not constitute discrimination based on the voucher tenant's "status" as a recipient of housing assistance. This decision opened the door to discrimination against families with Housing Choice Vouchers and other sources of income used to pay rent.

To highlight some examples of sources of income discrimination, I am going to share some quotes from those with lived experiences.

A recent community survey asked individuals who utilize or have tried to find housing with a voucher what their experience was, and while they couldn't be here today, they have allowed me to share some of these stories on their behalf. I have removed their names and left the towns they live in.

"After I was given a voucher, I had to apply for two separate extensions because of the difficulty in finding a landlord willing to accept a voucher." – Aroostook County.

"The landlord said they didn't take vouchers without giving a reason why (this was in a high-end 'community' with shared playgrounds, walkways and common area). No one wants 'voucher people,' as low-income people are seen as trashy." – Brunswick.

"Most landlords don't want to rent to me due to the stigma around people who use vouchers, 'are bad and dirty tenants who don't respect their property,' and that is hard when you don't do that, and that isn't the majority of us!" – Sangerville.

"The amount of landlords that accept housing vouchers is slim to none, and the properties for those that do accept are often low in standard or in lesser-desired areas." – Lewiston.

### **My own story:**

As a single parent, Section 8 housing and general assistance were lifesaving resources for my children and I. However, despite these supports, finding housing continued to be very difficult, even though I was working at that time and had full security deposits along with excellent references. At the time, the Section 8 program paid above most of the rents I looked at. I was often bluntly told, "Sorry, we don't rent to you people;" "Give me a call when you stop being lazy;" "I don't rent to people using my tax dollars."

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<sup>1</sup> <chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.prrac.org/pdf/AppendixB.pdf>

Twenty years later, I dealt with the same blatant discrimination with my disabled brother, who relied on SSI to pay rent, then my aging mother, and finally my son, who had suffered a horrific accident in his youth and needed housing assistance as an adult for a short period. I share a snapshot of this personal story to show some examples of source of income discrimination in housing.

Being able to pay rent is lifesaving; it should not matter where a person's source of income comes from that they use to pay their rent, and we should not have policies with loopholes that allow for source of income discrimination in housing. Maine must protect people who rent from this type of discrimination. We as a state can only create fair housing once we take steps to remove the discrimination within our housing opportunities. Protection from source of income discrimination protection is one significant act we can apply to protect people.

There is considerable research showing that housing instability often unjustly affects renters from low-income or disadvantaged communities. Source of income discrimination disproportionately hurts people of color, families and people with disabilities. This is not just a statistic but a harsh reality these groups face.

According to a study conducted by the Maine State Housing Authority in 2022<sup>2</sup>, 34% of Maine's homeless population was Black or African American, even though they made up, at that time, less than 2% of Maine's population. Regardless of a landlord's intent, refusing to rent to people based on their source of income disparately impacts non-white tenants, people with disabilities, single women heads of household and families with children.

Over half of the people receiving federal rental assistance are in families with children, and 1/3 have a disability.

Nationally, at least 48% of Section 8 Voucher holders are Black, and at least 18% are Hispanic.

Lack of strong source of income policies can shift low-income tenants into substandard housing in poor neighborhoods and perpetuate segregation, which works against our national fair housing laws that envision communities with truly integrated and balanced living patterns.

### **Source of income laws work:**

We know that source of income protections work.<sup>3</sup> They have successfully prevented the concentration of poverty, increased rental assistance acceptance, and created greater freedom for families to choose where they live. LD 847, if enacted, will protect people from source of income discrimination and further strengthen our housing rights.

Dozens of states and municipalities have already filled in the gaps and established their own protections for voucher holders. Over the past several years, California, Colorado, Illinois, Maryland, New York, Rhode Island and Virginia enacted statewide protections for voucher

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<sup>2</sup> <https://www.mainehousing.org/news/news-detail/2022/05/17/homeless-point-in-time-data-released-for-2022>

<sup>3</sup> <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.prrac.org/pdf/soi-voucher-data-brief.pdf>

holders between 2019 and 2022. Now, more than 57% of households that use Housing Choice Vouchers live in communities that have banned sources of income discrimination, compared to just over 1/3 of voucher holders in 2018.

These laws have successfully prevented the concentration of poverty, increased rental assistance acceptance and created greater freedom for families to choose where they live. States that have no or weak source of income laws allow for policies that feed discrimination and work against Fair Housing laws.

It is also important to note that in 2017, The American Bar Association's House of Delegates adopted Resolution 119A,<sup>4</sup> which urged federal, state, local, tribal and territorial governments to enact legislation prohibiting housing discrimination based on lawful income source.

LD 847 is a crucial step towards creating a strong source of income protection, lowering the rates of housing discrimination and increasing access to safe, affordable housing in our state. This bill is not just about addressing a problem; it's about an urgently needed change. It will ensure that decisions about housing are made based on bona fide qualifications rather than stereotypes or prejudices. The adoption of this bill will provide a powerful tool for the work of housing advocates, lawmakers and litigators who are tirelessly working to end the cycle of poverty and right the long effects of racial and economic housing segregation and discrimination in our state.

I appreciate your time and am happy to take questions, but I also know there's testimony submitted and others coming behind me who might be better able to respond.

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<sup>4</sup> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.prrac.org/pdf/American\_Bar\_Association\_Resolution\_119A.pdf