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An Act To Ensure Nondiscrimination against Gun Owners in Public Housing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6030-F is enacted to read:

§ 6030-F. Firearms in public housing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Firearm" has the same meaning as in Title 12, section 10001, subsection 21.

B. "Public housing" means any housing that is financed in whole or in part with public funds subsidizing housing accommodations.

C. "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

2. Prohibition or restriction on firearms prohibited. A rental agreement for the provision of public housing may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use, possession, bearing or transportation of a firearm, firearm component or ammunition on or within the premises, including the common areas of the premises, by a tenant, tenant's household member or guest.

3. Damages; attorney's fees. If a landlord brings an action to enforce a provision or rule prohibited under subsection 2, a tenant, tenant's household member or guest may recover actual damages sustained by that tenant, tenant's household member or guest and reasonable attorney's fees.

4. Immunity. Except in cases of gross negligence, a public housing authority or private landlord is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving a lawfully owned firearm, firearm component or ammunition that the public housing authority or private landlord is required to allow on the property under this section.

5. Exception. This section does not apply to any prohibition or restriction that is required by federal law or regulation.

SUMMARY

This bill prohibits a rental agreement for the provision of public housing from containing a provision requiring a tenant to agree to a prohibition on the lawful ownership, use, possession, bearing

or transportation of a firearm, firearm component or ammunition on or within the premises by a tenant, tenant's household member or guest.