

HOUSE BILL No. 4610

April 12, 1989, Harrison, Watkins, Saunders, Leland, Joe Young, Sr., Johnson, Miller, Scott, Ostling, Kilpatrick, Murphy, DeMars, Joe Young, Jr., Gubow, Ciaramitaro, Jondahl, Berman, Gire, Brown, Stallworth, Bennane, Perry Bullard, Emerson, Hollister and Wallace and referred to the Committee on Civil Rights.

A bill to amend the title and sections 102, 501, 502, 505, and 506 of Act No. 453 of the Public Acts of 1976, entitled as amended

"Elliott-Larsen civil rights act,"

section 102 as amended by Act No. 45 of the Public Acts of 1982 and section 505 as amended by Act No. 170 of the Public Acts of 1980, being sections 37.2102, 37.2501, 37.2502, 37.2505, and 37.2506 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 102, 501, 502, 505, and
2 506 of Act No. 453 of the Public Acts of 1976, section 102 as
3 amended by Act No. 45 of the Public Acts of 1982 and section 505
4 as amended by Act No. 170 of the Public Acts of 1980, being
5 sections 37.2102, 37.2501, 37.2502, 37.2505, and 37.2506 of the
6 Michigan Compiled Laws, are amended to read as follows:

TITLE

1
2 An act to define civil rights; to prohibit discriminatory
3 practices, policies, and customs in the exercise of those rights
4 based upon religion, race, color, national origin, age, sex,
5 height, weight, ~~or~~ marital status, OR SOURCE OF LEGAL INCOME;
6 to preserve the confidentiality of records regarding arrest,
7 detention, or other disposition in which a conviction does not
8 result; to prescribe the powers and duties of the civil rights
9 commission and the department of civil rights; to provide reme-
10 dies and penalties; and to repeal certain acts and parts of
11 acts.

12 Sec. 102. (1) The opportunity to obtain employment, TO
13 OBTAIN housing and other real estate, and FOR the full and equal
14 utilization of public accommodations, public service, and educa-
15 tional facilities without discrimination because of religion,
16 race, color, national origin, age, sex, height, weight, ~~or~~ mar-
17 ital status, OR SOURCE OF LEGAL INCOME, as prohibited by this
18 act, is recognized and declared to be a civil right.

19 (2) This section shall not be construed to prevent an indi-
20 vidual from bringing or continuing an action arising out of sex
21 discrimination before July 18, 1980 which action is based on con-
22 duct similar to or identical to harassment.

23 Sec. 501. As used in this article:

24 (a) "Real property" includes a building, structure, mobile
25 home, real estate, land, mobile home park, trailer park, tene-
26 ment, leasehold, or an interest in a real estate cooperative or
27 condominium.

1 (b) "Real estate transaction" means the sale, exchange,
2 rental, or lease of real property, or OF an interest ~~therein~~ IN
3 REAL PROPERTY.

4 (c) "Housing accommodation" includes improved or unimproved
5 real property, or a part thereof, which is used or occupied, or
6 is intended, arranged, or designed to be used or occupied, as the
7 home or residence of 1 or more persons.

8 (d) "Real estate broker or ~~salesman~~ SALESPERSON" means a
9 person, whether licensed or not, who, for or with the expectation
10 of receiving a consideration, lists, sells, purchases, exchanges,
11 rents, or leases real property; who negotiates or attempts to
12 negotiate any of those activities; who holds himself OR HERSELF
13 out as engaged in those activities; who negotiates or attempts to
14 negotiate a loan secured or to be secured by a mortgage or other
15 encumbrance upon real property; OR who is engaged in the business
16 of listing real property in a publication. ~~or~~ REAL ESTATE
17 BROKER OR SALESPERSON INCLUDES a person employed by or acting on
18 behalf of a real estate broker or ~~salesman~~ SALESPERSON.

19 Sec. 502. (1) A person engaging in a real estate transac-
20 tion, or a real estate broker or ~~salesman~~ SALESPERSON, shall
21 not DO ANY OF THE FOLLOWING on the basis of religion, race,
22 color, national origin, age, sex, ~~or~~ marital status, OR SOURCE
23 OF LEGAL INCOME of a person or a person residing with that
24 person:

25 (a) Refuse to engage in a real estate transaction with a
26 person.

1 (b) Discriminate against a person in the terms, conditions,
2 or privileges of a real estate transaction or in the furnishing
3 of facilities or services in connection ~~therewith~~ WITH A REAL
4 ESTATE TRANSACTION.

5 (c) Refuse to receive from a person or transmit to a person
6 a bona fide offer to engage in a real estate transaction.

7 (d) Refuse to negotiate for a real estate transaction with a
8 person.

9 (e) ~~Represent~~ FALSELY REPRESENT to a person that real
10 property is not available for inspection, sale, rental, or lease;
11 ~~when in fact it is so available, or~~ knowingly fail to bring a
12 property listing to a person's attention; ~~—~~ or refuse to permit
13 a person to inspect real property.

14 (f) Print, circulate, post, mail, or otherwise cause to be
15 published a statement, advertisement, notice, or sign; ~~— or~~ use
16 a form of application for a real estate transaction; ~~—~~ or make
17 a record of inquiry in connection with a prospective real estate
18 transaction ~~— which~~ THAT indicates, directly or indirectly, an
19 intent to make a preference, limitation, specification, or dis-
20 crimination with respect ~~thereto~~ TO A REAL ESTATE TRANSACTION.

21 (g) Offer, solicit, accept, use, or retain a listing of real
22 property with the understanding that a person may be discrimi-
23 nated against in a real estate transaction or in the furnishing
24 of facilities or services in connection ~~therewith~~ WITH A REAL
25 ESTATE TRANSACTION.

26 (2) This section is subject to section 503.

1 Sec. 505. (1) A condition, restriction, or prohibition,
 2 including a right of entry or possibility of reverter, which
 3 directly or indirectly limits the use or occupancy of real prop-
 4 erty on the basis of religion, race, color, national origin, age,
 5 sex, ~~or~~ marital status, OR SOURCE OF LEGAL INCOME is void,
 6 except ~~a~~ FOR ANY OF THE FOLLOWING:

7 (A) A limitation of use OR OCCUPANCY as provided in section
 8 503(1)(c). ~~or~~

9 (B) A LIMITATION OF USE OR OCCUPANCY on the basis of reli-
 10 gion relating to real property held by a religious institution or
 11 organization, or by a religious or charitable organization oper-
 12 ated, supervised, or controlled by a religious institution or
 13 organization, and used for religious or charitable purposes.

14 (2) A person shall not insert in a written instrument relat-
 15 ing to real property a provision that is void under this section
 16 or honor such a provision in the chain of title.

17 Sec. 506. A person shall not represent, for the purpose of
 18 inducing a real estate transaction from which the person may ben-
 19 efit financially, that a change has occurred or will or may occur
 20 in the composition with respect to religion, race, color,
 21 national origin, age, sex, ~~or~~ marital status, OR SOURCE OF
 22 LEGAL INCOME of the owners or occupants in the block, neighbor-
 23 hood, or area in which the real property is located ~~—~~ or repre-
 24 sent that this change will or may result in the lowering of prop-
 25 erty values, an increase in criminal or antisocial behavior, or a
 26 decline in the quality of schools in the block, neighborhood, or
 27 area in which the real property is located.