

SENATE BILL No. 574

June 8, 2005, Introduced by Senator TOY and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending the title and section 502 (MCL 37.2502), the title as
amended by 1992 PA 258 and section 502 as amended by 1992 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to define civil rights; to prohibit discriminatory
practices, policies, and customs in the exercise of those rights
based upon religion, race, color, national origin, age, sex,
height, weight, familial status, **SOURCE OF INCOME FOR CERTAIN
PURPOSES**, or marital status; to preserve the confidentiality of
records regarding arrest, detention, or other disposition in which

1 a conviction does not result; to prescribe the powers and duties of
2 the civil rights commission and the department of civil rights; to
3 provide remedies and penalties; to provide for fees; and to repeal
4 ~~certain~~ acts and parts of acts.

5 Sec. 502. (1) A person engaging in a real estate transaction,
6 or a real estate broker or salesman, shall not on the basis of
7 religion, race, color, national origin, age, sex, **SOURCE OF INCOME**,
8 familial status, or marital status of a person or a person residing
9 with that person:

10 (a) Refuse to engage in a real estate transaction with a
11 person.

12 (b) Discriminate against a person in the terms, conditions, or
13 privileges of a real estate transaction or in the furnishing of
14 facilities or services in connection with a real estate
15 transaction.

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

18 (d) Refuse to negotiate for a real estate transaction with a
19 person.

20 (e) Represent to a person that real property is not available
21 for inspection, sale, rental, or lease when in fact it is so
22 available, or knowingly fail to bring a property listing to a
23 person's attention, or refuse to permit a person to inspect real
24 property, or otherwise make unavailable or deny real property to a
25 person.

26 (f) Make, print, circulate, post, mail, or otherwise cause to
27 be made or published a statement, advertisement, notice, or sign,

1 or use a form of application for a real estate transaction, or make
2 a record of inquiry in connection with a prospective real estate
3 transaction, which indicates, directly or indirectly, an intent to
4 make a preference, limitation, specification, or discrimination
5 with respect to the real estate transaction.

6 (g) Offer, solicit, accept, use, or retain a listing of real
7 property with the understanding that a person may be discriminated
8 against in a real estate transaction or in the furnishing of
9 facilities or services in connection therewith.

10 (h) Discriminate against a person in the brokering or
11 appraising of real property.

12 (2) A person shall not deny a person access to, or membership
13 or participation in, a multiple listing service, real estate
14 brokers' organization or other service, organization, or facility
15 relating to the business of selling or renting real property or to
16 discriminate against him or her in the terms or conditions of that
17 access, membership, or participation because of religion, race,
18 color, national origin, age, sex, **SOURCE OF INCOME**, familial
19 status, or marital status.

20 (3) **THIS SECTION DOES NOT PROHIBIT A PERSON ENGAGED IN A REAL**
21 **ESTATE TRANSACTION FROM DOING ANY OF THE FOLLOWING:**

22 (A) **REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL**
23 **ACTIVITY.**

24 (B) **DETERMINING THE ABILITY OF A PERSON TO PAY A PURCHASE**
25 **PRICE OR RENT USING ANY OF THE FOLLOWING METHODS:**

26 (i) **VERIFYING, IN A COMMERCIALY REASONABLE MANNER, THE SOURCE**
27 **AND AMOUNT OF INCOME OF THE PERSON.**

1 (ii) EVALUATING, IN A COMMERCIALY REASONABLE MANNER, THE
2 STABILITY, SECURITY, AND CREDITWORTHINESS OF THE PERSON OR ANY
3 SOURCE OF INCOME OF THE PERSON.

4 (4) ~~—(3)—~~ This section is subject to section 503.

5 (5) AS USED IN THIS SECTION, "SOURCE OF INCOME" MEANS ANY
6 LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO A PERSON,
7 INCLUDING MONEY FROM ANY OF THE FOLLOWING:

8 (A) A LAWFUL PROFESSION OR OCCUPATION.

9 (B) A GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN
10 PROGRAM.

11 (C) A GIFT, DISTRIBUTION FROM AN ESTATE, PENSION, ANNUITY,
12 ALIMONY, CHILD SUPPORT, OR OTHER CONSIDERATION OR BENEFIT.

13 (D) A SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN PROPERTY.