

HOUSE BILL NO. 5075

September 26, 2025, Introduced by Reps. Bierlein, Kelly, Alexander, Kunse and Woolford and referred to Committee on Judiciary.

A bill to amend 1976 PA 220, entitled
"Persons with disabilities civil rights act,"
by amending section 606 (MCL 37.1606), as amended by 1998 PA 20,
and by adding section 606a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 606. (1) A person alleging a violation of this act **or of**
2 **another accessibility law** may bring a civil action for appropriate
3 injunctive relief or damages, or both.
4 (2) An action commenced ~~pursuant to~~**under** subsection (1) may

1 be brought in the circuit court for the county where the alleged
 2 violation occurred, or for the county where the person against whom
 3 the civil complaint is filed resides or has ~~his or her~~ **the person's**
 4 principal place of business.

5 (3) As used in subsection (1), "damages" means damages for
 6 injury or loss caused by each violation of this act, including,
 7 **subject to subsections (7) and (8),** reasonable ~~attorneys'~~ **attorney**
 8 fees.

9 (4) The amount of compensation awarded for lost wages under
 10 this act for an injury under article 2 ~~shall~~ **must** be reduced by the
 11 amount of compensation received for lost wages under the worker's
 12 disability compensation act of 1969, 1969 PA 317, MCL 418.101 to
 13 418.941, for that injury and by the present value of the future
 14 compensation for lost wages to be received under the worker's
 15 disability compensation act of 1969, 1969 PA 317, MCL 418.101 to
 16 418.941, for that injury.

17 (5) A person with a disability may not bring a civil action
 18 under subsection (1) for a failure to accommodate under article 2
 19 unless ~~he or she~~ **the person with a disability** has notified the
 20 person **against whom the civil complaint is filed** of the need for
 21 accommodation as required under section 210(18). This subsection
 22 does not apply if the person **against whom the civil complaint is**
 23 **filed** failed to comply with the requirements of section 210(19).

24 (6) **A person alleging a violation of an accessibility law**
 25 **shall not file a civil action under subsection (1) unless the**
 26 **person alleging the violation has served a notice as allowed under**
 27 **section 606a and 1 of the following has occurred:**

28 (a) **The person alleging a violation has received a response as**
 29 **described in section 606a(3)(a) and the owner of the facility,**

1 agent of the owner, or other responsible person has failed to make
2 the improvements or bring the facility into compliance with
3 accessibility laws not later than 120 days as required by section
4 606a(4) and, in the opinion of the person alleging the violation,
5 has failed to provide a reasonable explanation for the failure.

6 (b) The person alleging a violation has received a response as
7 described in section 606a(3)(b).

8 (c) The person alleging a violation has received a response as
9 described in section 606a(3)(c), but the person alleging a
10 violation reasonably believes that the alleged violation continues
11 to exist.

12 (d) The owner of the facility, agent of the owner, or other
13 responsible person has failed to respond to the notice not later
14 than 15 business days as required by section 606a(3).

15 (7) A person alleging a violation of an accessibility law that
16 does not serve a notice as allowed under section 606a is not
17 entitled to attorney fees in an action under subsection (1) unless
18 the court determines that attorney fees are appropriate because of
19 the nature of the violation, including their willfulness, duration,
20 or severity.

21 (8) A person alleging a violation of an accessibility law that
22 serves a notice as allowed under section 606a is not entitled to
23 attorney fees if all of the following conditions are met:

24 (a) The person alleging the violation filed the civil action
25 before the expiration of an allowable 120-day extension under
26 section 606a(4).

27 (b) The court determines that the defendant's explanation of
28 the necessity of the extension was reasonable.

29 (c) The defendant makes the improvements to bring the facility

1 into compliance with applicable accessibility laws during the
2 period of extension.

3 (9) As used in this section and section 606a, "accessibility
4 law" means article 3 or any federal law that ensures accessibility
5 to services, programs, places of public accommodation, public
6 conveyances and modes of transportation, streets, highways,
7 sidewalks, walkways, buildings, medical facilities, and other
8 public places for a person with a disability. Accessibility law
9 does not include article 5.

10 Sec. 606a. (1) Before filing a civil action alleging a
11 violation of an accessibility law, the person alleging the
12 violation may notify the owner of the facility, agent of the owner,
13 or other responsible person by personal service, in accordance with
14 applicable state or federal laws, or by certified mail, of alleged
15 accessibility law violations for which an action may be filed by
16 the person alleging the violation.

17 (2) A notice under subsection (1) must furnish information or
18 be in a form substantially similar to the following:

19 This letter is to inform you that the facility located at
20 (address of facility) for which you are the owner, agent, or other
21 responsible person, may be in violation of federal or state
22 accessibility laws, or both, and the name of the person alleging
23 the violation is (name of person alleging the violation).

24 Specifically, the possible violation or violations have been
25 identified as follows:

26 (Notice must identify the specific facts that constitute the
27 alleged violation, including the approximate date on which the
28 alleged violation occurred or was observed and identification of
29 the location of the alleged violation with sufficient detail so

1 that the location can be identified by the owner of the facility,
2 agent of the owner, or other responsible person.)

3 You have 15 business days to respond to this notice by
4 personal service or certified mail. Your response must be addressed
5 to (address where personal service may be received or certified
6 mail may be sent).

7 Michigan law allows you to respond in 1 of 3 ways:

8 1. You may expressly state that improvements will be made to
9 bring the facility into compliance with applicable accessibility
10 laws. If you respond in this manner, you have a maximum of 120 days
11 to complete these improvements. The 120-day period begins on the
12 date your response to this notice is received at the address given
13 above. If the improvements necessary to bring the facility into
14 compliance with the applicable accessibility laws are not completed
15 within the 120-day period, a person alleging the violation may
16 bring a lawsuit against you. You may extend the 120-day period only
17 if you provide a reasonable explanation as to why improvements
18 cannot be made within the 120 days. A reasonable explanation
19 includes a demonstrated need for delay, such as problems related to
20 construction and permitting.

21 2. You may challenge the validity of the alleged violations.
22 If you respond in this manner, a person alleging the violation may
23 bring a lawsuit against you immediately.

24 3. If the violation or violations listed above are the same as
25 or similar to 1 or more previous violations that you believe have
26 been corrected, you may respond by stating that the necessary
27 improvements have been made to bring the facility into compliance
28 with the applicable accessibility laws. You must also attach
29 evidence that verifies those improvements.

1 If you have any questions about this notice or your rights
2 under federal or Michigan law, please contact your legal counsel.

3 (3) Not more than 15 business days after a person serves or
4 sends a notice under subsection (1), the owner of the facility,
5 agent of the owner, or other responsible person shall respond to
6 the notice by personal service on or certified mail to the person
7 alleging the violation. The response must do 1 of the following:

8 (a) Expressly state that improvements will be made to bring
9 the facility into compliance with applicable accessibility laws.

10 (b) Challenge the validity of the alleged violation. If the
11 owner of the facility, agent of the owner, or other responsible
12 person responds in this manner, the person alleging the violation
13 may file an action, subject to any applicable statutes of
14 limitations, any time after receipt of the response.

15 (c) State that the alleged violations identified by the person
16 alleging the violation have been corrected to comply with
17 applicable accessibility laws. The owner of the facility, agent of
18 the owner, or other responsible person shall attach evidence to the
19 response that verifies those improvements.

20 (4) If an owner of the facility, agent of the owner, or other
21 responsible person responds in the manner described in subsection
22 (3)(a), the owner, agent, or responsible person shall remedy the
23 alleged violation within 120 days. The 120-day period begins on the
24 date the person alleging the violation receives the response. The
25 owner, agent, or other responsible person may extend the 120-day
26 period by not more than 120 days by providing a reasonable
27 explanation as to why the improvement requires more than 120 days
28 to complete. A reasonable explanation includes a demonstrated need
29 for extension, such as a problem related to construction or

1 permitting.

2 (5) If an owner of the facility, agent of the owner, or other
3 responsible person responds in the manner described in subsection
4 (3)(a) and makes the improvements to bring the facility into
5 compliance with applicable accessibility laws within the 120-day
6 period described in subsection (4) or provides a reasonable
7 explanation why the improvements are not completed, the response
8 must not be considered an admission of guilt and is not admissible
9 as evidence in any action based on the same facts filed against the
10 owner of the facility, agent of the owner, or other responsible
11 person.

12 (6) If the owner of the facility, agent of the owner, or other
13 responsible person makes the improvements to bring the facility
14 into compliance with the applicable accessibility laws within the
15 120-day period described in subsection (4) and provides evidence to
16 the person alleging the violation that the improvements have been
17 made, or if the owner of the facility, agent of the owner, or other
18 responsible person demonstrates to the court's satisfaction that
19 the explanation given for the necessity of an extension was
20 reasonable, the person alleging the violation is not entitled to
21 receive any damages or attorney fees in an action arising out of
22 the same or similar facts that served as a basis for the alleged
23 violation. The person alleging the violation may receive damages
24 and attorney fees for actions arising out of a recurrence of the
25 same or similar alleged accessibility law violation if it is
26 determined that the owner of the facility, agent of the owner, or
27 other responsible person failed to maintain accessibility following
28 the initial improvements.

29 (7) This section and section 606 do not limit an action for

1 recovery of special damages filed by a person that suffers an
2 injury in fact because the person was denied full and equal access
3 to an accommodation as required by federal or state law.

4 (8) This section does not apply to a complaint filed with the
5 commission under this act or deferred to the commission under
6 federal law. This section does not preclude the commission from
7 investigating charges of discrimination against a place of public
8 accommodation.

9 (9) As used in this section, "business day" means a day of the
10 week excluding Sunday and a legal holiday.