



**House  
Legislative  
Analysis  
Section**

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**HOUSING DISCRIMINATION**

**House Bills 5029 and 5030**  
**Sponsor: Rep. Charlie Harrison**  
**Committee: Civil Rights**

**Complete to 8-8-91**

**A SUMMARY OF HOUSE BILLS 5029 and 5030 AS INTRODUCED 6-27-91**

House Bills 5029 and 5030 would amend the Michigan Handicappers' Civil Rights Act (MCL 37.2101 et al.) and the Elliott-Larsen Civil Rights Act (MCL 37.2101 et al.), respectively, to comply with the language of the Federal Housing Act (FHA), which prohibits discrimination in the sale or rental of housing. The bills would prohibit discrimination against a person in the brokering or appraising of real property, and would include, among those practices prohibited under the acts, the coercion, intimidation, threatening, or interference with another person in the exercise or enjoyment of the rights guaranteed them under the act in the area of housing and real estate. The same protection would apply to someone who aided or encouraged another person in the exercise or enjoyment of, any right granted or protected by the act. Under the bills, a person could not deny a person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting real property, or discriminate against a person in the terms or conditions of that access, membership, or participation. The bills would also prohibit discrimination in making loans for acquiring, constructing, improving, repairing, or maintaining real property, or in providing other financial assistance secured by real property on the basis of religion, race, color, national origin, age, sex, familial status, marital status, or a handicap.

Currently, the Michigan Handicappers' Civil Rights Act prohibits discrimination in a real estate transaction on the basis of a handicap that is unrelated to the individual's ability to acquire, rent, or maintain property or use by an individual of adaptive devices or aids. House Bill 5029 would clarify the language of the act to prohibit discrimination in a real estate transaction against: a buyer or renter; a person residing in or intending to reside in a dwelling after it is sold, rented, or made available; or any person associated with the buyer or renter. The bill would also extend the act's definition of "handicap" to include a characteristic which, for purposes of the housing and real estate provisions in the act, substantially limits one or more of the individual's major life activities. In a real estate transaction, a person could not:

-- Refuse to permit reasonable modifications, at a handicapper's expense, to existing premises that might afford the handicapper full enjoyment of the premises (in the case of a rental, the landlord could make permission contingent on the renter's agreement to restore the premises to the condition that existed before the modification).

-- Refuse to make reasonable accommodations in rules that might be necessary to afford the handicapper equal opportunity to use and enjoy residential real property.

House Bills 5029 and 5030 (8-8-91)

-- In connection with the design and construction of covered multifamily dwellings (buildings containing four or more units and either one or more elevators or ground floor units) for first occupancy after March 13, 1991, fail to include all of the following features:

a) Dwellings with at least one building entrance on an accessible route, unless impractical because of the terrain or unusual characteristics of the site.

b) Public and common use portions of the dwellings that are readily accessible to, and usable by, handicappers.

c) Entrance doors into, and within, all premises within dwellings that are sufficiently wide to permit handicappers in wheelchairs.

d) All premises within covered multifamily dwellings that contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and kitchens and bathrooms designed so that an individual in a wheelchair can maneuver about the space.

Currently, the Elliott-Larsen Civil Rights Act prohibits discrimination on the basis of religion, race color, national origin, age, sex, height, weight, familial status, or marital status. The Civil Service Commission is required, under the act, to hold hearings on violations of the act, and is required to take certain actions. House Bill 5030 would extend the commission's jurisdiction to violations of the Handicappers' Civil Rights Act, and would permit the commission to order payment of a civil fine for a violation of the act. The bill would also extend the provisions of the act to include a prohibition against discrimination on the basis of "familial status", which, under the bill, would mean "one or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person." Under the bill, "parent" would include a person who was pregnant. However, these provisions would not prevent a person from bringing or continuing a cause of action involving discrimination based on familial status before the effective date of the bill, if the action were based on conduct similar to, or identical to, discrimination due to the age of the persons living with the individual who brought the action. The bill would also clarify the housing provisions of the act to clarify that it did not preclude a landlord's duty to provide reasonable accommodations for handicappers, as required under the Handicappers' Civil Rights Act.