



**House
Legislative
Analysis
Section**

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**PROHIBIT PREFERENTIAL
TREATMENT IN CIVIL RIGHTS ACT**

House Bill 4972

Sponsor: Rep. Michelle McManus

Committee: Judiciary and Civil Rights

Complete to 6-23-95

A SUMMARY OF HOUSE BILL 4972 AS INTRODUCED 6-16-95

The bill would amend the Elliott-Larsen Civil Rights Act to prohibit the use of preferential practices, as well as discriminatory ones.

The current definition of a civil right includes an individual's right to be free from discrimination due to religion, race, color, national origin, age, sex, height, weight, familial status, or marital status in one's efforts to obtain employment, housing and other real estate, and in the full and equal utilization of public accommodations, public service, and educational facilities. The bill would add language to include the additional right to be free from preferential treatment under the same circumstances.

The bill would prohibit employers from maintaining hiring, compensation, or employment practices which give preference to individuals based upon their religion, race, color, national origin, age, sex, height, weight, or marital status. It would also prohibit segregating or classifying individuals with regard to a term, condition, or privilege of employment (i.e., a benefit plan) in a manner which gives preference to a person based on his or her sex.

Employment agencies would be prohibited from giving preference to individuals in employment placement due to religion, race, color, national origin, age, sex, height, weight, or marital status. Labor organizations would also be barred from giving preference in excluding or expelling members or applicants on these grounds. Employers, labor organizations, or joint labor-management committees controlling apprenticeships or other job training programs would not be allowed to give preference to individuals based on religion, race, color, national origin, age, sex, height, weight, or marital status.

Currently, the act requires that contracts between private contractors and the state, its political subdivisions or agencies of the state must contain a clause requiring the private contractor and his or her subcontractors to refrain from discriminating against employees or applicants with regard to religion, race, color, national origin, age, sex, height, weight, or marital status. Under the bill, such contracts would also have to include language prohibiting the contractor or subcontractors from giving preference to individuals on these grounds.

Persons involved in transferring real estate, including real estate brokers, would be barred from giving preference to individuals based upon religion, race, color, national origin, age, sex, height, weight, or marital status of the individual or of someone living with that individual in the terms, conditions, or privileges of a real estate transaction, as well as in the

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furnishing of facilities or services in connection with real estate transactions. Giving preference to individuals in the brokering or appraisal of real property, as well as offering or listing real property with the understanding that preferential treatment would be given in the sale, or in the services connected with the sale, of the property based on any of the protected classifications would be a civil rights violation. In addition, giving preference to applicants seeking financial assistance or for financing a real estate purchase or improvement based upon that person's religion, race, color, national origin, age, sex, height, weight, or the marital status of the individual or of someone living with that individual would be prohibited. Furthermore, those engaged in providing loans or other financial services for real estate transactions would be prohibited from giving preference to anyone based on any of these grounds in their decisions to provide loans or other financial services secured by real estate.

Educational institutions would also be prohibited from giving preference to individuals due to their religion, race, color, national origin, or sex in the institution's admissions and enrollment policies, as well as its policies regarding the use of services, activities, or programs provided by the institution.

MCL 37.2102 et al.