



HOUSE BILL No. 4972

June 16, 1995, Introduced by Reps. McManus, Rocca, Hammerstrom, Munsell, Whyman, Dolan, Bodem, Jamian, Dalman, Law, Jersevic, Horton, Lowe, Perricone, Middleton, Jellema, Ryan, Kaza, Hill, Rhead, Green, Bullard, Griffin, Dobb, DeMars, Alley, Goschka, Kukuk, Walberg, Bush, Randall, McNutt, Cropsey, Bobier, Brackenridge, Gernaat, London, Middaugh, Geiger, Voorhees, Galloway, DeLange, Oxender, Gilmer, Jaye, Llewellyn, Gnodtke, Sikkema and Bankes and referred to the Committee on Judiciary and Civil Rights.

A bill to amend the title and sections 102, 202, 203, 204, 205, 209, 402, 502, and 504 of Act No. 453 of the Public Acts of 1976, entitled as amended

"Elliott-Larsen civil rights act,"

sections 102, 502, and 504 as amended by Act No. 124 of the Public Acts of 1992, section 202 as amended by Act No. 11 of the Public Acts of 1991, and section 402 as amended by Act No. 216 of the Public Acts of 1993, being sections 37.2102, 37.2202, 37.2203, 37.2204, 37.2205, 37.2209, 37.2402, 37.2502, and 37.2504 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 102, 202, 203, 204, 205,
2 209, 402, 502, and 504 of Act No. 453 of the Public Acts of 1976,
3 sections 102, 502, and 504 as amended by Act No. 124 of the
4 Public Acts of 1992, section 202 as amended by Act No. 11 of the

1 Public Acts of 1991, and section 402 as amended by Act No. 216 of
2 the Public Acts of 1993, being sections 37.2102, 37.2202,
3 37.2203, 37.2204, 37.2205, 37.2209, 37.2402, 37.2502, and 37.2504
4 of the Michigan Compiled Laws, are amended to read as follows:

5 TITLE

6 An act to define civil rights; to prohibit discriminatory OR
7 PREFERENTIAL practices, policies, and customs in the exercise of
8 those rights based upon religion, race, color, national origin,
9 age, sex, height, weight, familial status, or marital status; to
10 preserve the confidentiality of records regarding arrest, deten-
11 tion, or other disposition in which a conviction does not result;
12 to prescribe the powers and duties of the civil rights commission
13 and the department of civil rights; to provide remedies and pen-
14 alties; and to repeal ~~certain~~ acts and parts of acts.

15 Sec. 102. (1) The opportunity to obtain employment, housing
16 and other real estate, and the full and equal utilization of
17 public accommodations, public service, and educational facilities
18 without discrimination OR PREFERENTIAL TREATMENT because of reli-
19 gion, race, color, national origin, age, sex, height, weight,
20 familial status, or marital status as prohibited by this act, is
21 recognized and declared to be a civil right.

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

26 (3) This section shall not be construed to prevent an
27 individual from bringing or continuing an action arising out of

1 discrimination based on familial status before the effective date
2 of the amendatory act that added this subsection which action is
3 based on conduct similar to or identical to discrimination
4 because of the age of persons residing with the individual bring-
5 ing or continuing the action.

6 Sec. 202. (1) An employer shall not do any of the
7 following:

8 (a) Fail or refuse to hire or recruit, discharge, or other-
9 wise discriminate against OR GIVE PREFERENCE TO an individual
10 with respect to employment, compensation, or a term, condition,
11 or privilege of employment, because of religion, race, color,
12 national origin, age, sex, height, weight, or marital status.

13 (b) Limit, segregate, or classify an employee or applicant
14 for employment in a way that deprives or tends to deprive ~~the~~
15 ANY employee or applicant of an employment opportunity, or other-
16 wise adversely affects the status of ~~an~~ ANY employee or appli-
17 cant because of religion, race, color, national origin, age, sex,
18 height, weight, or marital status.

19 (c) Segregate, classify, or otherwise discriminate against
20 OR GIVE PREFERENCE TO a person on the basis of sex with respect
21 to a term, condition, or privilege of employment, including, but
22 not limited to, a benefit plan or system.

23 ~~(d) Until January 1, 1994, require an employee of an insti-~~
24 ~~tution of higher education who is serving under a contract of~~
25 ~~unlimited tenure, or similar arrangement providing for unlimited~~
26 ~~tenure, to retire from employment on the basis of the employee's~~
27 ~~age. As used in this subdivision, "institution of higher~~

~~1 education" means a public or private university, college,~~
~~2 community college, or junior college located in this state.~~

3 (2) This section shall not be construed to prohibit the
4 establishment or implementation of a bona fide retirement policy
5 or system that is not a subterfuge to evade the purposes of this
6 section.

7 (3) This section does not apply to the employment of an
8 individual by his or her parent, spouse, or child.

9 Sec. 203. An employment agency shall not fail or refuse to
10 procure, refer, recruit, or place for employment, or otherwise
11 discriminate against OR GIVE PREFERENCE TO, an individual because
12 of religion, race, color, national origin, age, sex, height,
13 weight, or marital status; or classify or refer for employment an
14 individual on the basis of religion, race, color, national
15 origin, age, sex, height, weight, or marital status.

16 Sec. 204. A labor organization shall not:

17 (a) Exclude or expel from membership, or otherwise discrimi-
18 nate against OR GIVE PREFERENCE TO, a member or applicant for
19 membership because of religion, race, color, national origin,
20 age, sex, height, weight, or marital status.

21 (b) Limit, segregate, or classify membership or applicants
22 for membership, or classify or fail or refuse to refer for
23 employment an individual in a way ~~which~~ THAT would deprive or
24 tend to deprive that individual of an employment opportunity, or
25 ~~which~~ THAT would limit an employment opportunity, or ~~which~~
26 THAT would adversely affect wages, hours, or employment
27 conditions, or otherwise adversely affect the status of an

1 employee or an applicant for employment, because of religion,
2 race, color, national origin, age, sex, height, weight, or mari-
3 tal status.

4 (c) Cause or attempt to cause an employer to violate this
5 article.

6 (d) Fail to fairly and adequately represent a member in a
7 grievance process because of religion, race, color, national
8 origin, age, sex, height, weight, or marital status.

9 Sec. 205. An employer, labor organization, or joint
10 labor-management committee controlling an apprenticeship, on the
11 job, or other training or retraining program, shall not discrimi-
12 nate against OR GIVE PREFERENCE TO an individual because of reli-
13 gion, race, color, national origin, age, sex, height, weight, or
14 marital status, in admission to, or employment or continuation
15 in, a program established to provide apprenticeship on the job,
16 or other training or retraining.

17 Sec. 209. A contract to which the state, a political subdi-
18 vision, or an agency ~~thereof~~ OF THE STATE OR A POLITICAL
19 SUBDIVISION is a party shall contain a covenant by the contractor
20 and his OR HER subcontractors not to discriminate against OR GIVE
21 PREFERENCE TO an employee or applicant for employment with
22 respect to hire, tenure, terms, conditions, or privileges of
23 employment, or a matter directly or indirectly related to employ-
24 ment, because of race, color, religion, national origin, age,
25 sex, height, weight, or marital status. Breach of this covenant
26 may be regarded as a material breach of the contract.

1 Sec. 402. An educational institution shall not do any of
2 the following:

3 (a) Discriminate against OR GIVE PREFERENCE TO an individual
4 in the full utilization of or benefit from the institution, or
5 the services, activities, or programs provided by the institution
6 because of religion, race, color, national origin, or sex.

7 (b) Exclude, expel, limit, or otherwise discriminate against
8 OR GIVE PREFERENCE TO an individual seeking admission as a stu-
9 dent or an individual enrolled as a student in the terms, condi-
10 tions, or privileges of the institution, because of religion,
11 race, color, national origin, or sex.

12 (c) For purposes of admission only, make or use a written or
13 oral inquiry or form of application that elicits or attempts to
14 elicit information concerning the religion, race, color, national
15 origin, age, sex, or marital status of a person, except as per-
16 mitted by rule of the commission or as required by federal law,
17 rule, or regulation. ~~, or pursuant to an affirmative action~~
18 ~~program.~~

19 (d) Print or publish or cause to be printed or published a
20 catalog, notice, or advertisement indicating a preference, limi-
21 tation, specification, or discrimination based on the religion,
22 race, color, national origin, or sex of an applicant for admis-
23 sion to the educational institution.

24 (e) Announce or follow a policy of denial or limitation
25 through a quota or otherwise of educational opportunities of a
26 group or its members because of religion, race, color, national
27 origin, or sex.

1 Sec. 502. (1) A person engaging in a real estate
2 transaction, or a real estate broker or salesman, shall not on
3 the basis of religion, race, color, national origin, age, sex,
4 familial status, or marital status of a person or a person resid-
5 ing with that person:

6 (a) Refuse to engage in a real estate transaction with a
7 person.

8 (b) Discriminate against OR GIVE PREFERENCE TO a person in
9 the terms, conditions, or privileges of a real estate transaction
10 or in the furnishing of facilities or services in connection with
11 a real estate transaction.

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

14 (d) Refuse to negotiate for a real estate transaction with a
15 person.

16 (e) Represent to a person that real property is not avail-
17 able for inspection, sale, rental, or lease when in fact it is so
18 available, or knowingly fail to bring a property listing to a
19 person's attention, or refuse to permit a person to inspect real
20 property, or otherwise make unavailable or deny real property to
21 a person.

22 (f) Make, print, circulate, post, mail, or otherwise cause
23 to be made or published a statement, advertisement, notice, or
24 sign, or use a form of application for a real estate transaction,
25 or make a record of inquiry in connection with a prospective real
26 estate transaction, ~~which~~ THAT indicates, directly or
27 indirectly, an intent to make a preference, limitation,

1 specification, or discrimination with respect to the real estate
2 transaction.

3 (g) Offer, solicit, accept, use, or retain a listing of real
4 property with the understanding that a person may be discrimi-
5 nated against OR GIVE PREFERENTIAL TREATMENT in a real estate
6 transaction or in the furnishing of facilities or services in
7 connection ~~therewith~~ WITH A REAL ESTATE TRANSACTION.

8 (h) Discriminate against OR GIVE PREFERENCE TO a person in
9 the brokering or appraising of real property.

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

18 (3) This section is subject to section 503.

19 Sec. 504. (1) A person to whom application is made for
20 financial assistance or financing in connection with a real
21 estate transaction or in connection with the construction, reha-
22 bilitation, repair, maintenance, or improvement of real property,
23 or a representative of that person, shall not:

24 (a) Discriminate against OR GIVE PREFERENCE TO the applicant
25 because of the religion, race, color, national origin, age, sex,
26 familial status, or marital status of the applicant or a person
27 residing with the applicant.

1 (b) Use a form of application for financial assistance or
2 financing or make or keep a record or inquiry in connection with
3 an application for financial assistance or financing ~~which~~ THAT
4 indicates, directly or indirectly, a preference, limitation,
5 specification, or discrimination as to the religion, race, color,
6 national origin, age, sex, familial status, or marital status of
7 the applicant or a person residing with the applicant.

8 (2) A person whose business includes engaging in real estate
9 transactions shall not discriminate against OR GIVE PREFERENCE TO
10 a person because of religion, race, color, national origin, age,
11 sex, familial status, or marital status, in the purchasing of
12 loans for acquiring, constructing, improving, repairing, or main-
13 taining a dwelling or the making or purchasing of loans or the
14 provision of other financial assistance secured by residential
15 real estate.

16 (3) Subsection (1)(b) does not apply to a form of applica-
17 tion for financial assistance prescribed for the use of a lender
18 regulated as a mortgagee under the national housing act,
19 chapter 847, 48 Stat. 1246, or by a regulatory board or officer
20 acting under the statutory authority of this state or the United
21 States.