

HOUSE BILL No. 5973

June 3, 2004, Introduced by Reps. Kolb, Dennis, Vagnozzi, Tobocman, Minore and Plakas
and referred to the Committee on Government Operations.

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

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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 a conviction does not result; to prescribe the powers and
duties of the civil rights commission and the department of civil

1 rights; to provide remedies and penalties; to provide for fees;
2 and to repeal ~~certain~~ acts and parts of acts.

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

8 (a) Refuse to engage in a real estate transaction with a
9 person.

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

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

16 (d) Refuse to negotiate for a real estate transaction with a
17 person.

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

24 (f) Make, print, circulate, post, mail, or otherwise cause to
25 be made or published a statement, advertisement, notice, or sign,
26 or use a form of application for a real estate transaction, or
27 make a record of inquiry in connection with a prospective real

1 estate transaction, which indicates, directly or indirectly, an
2 intent to make a preference, limitation, specification, or
3 discrimination with respect to the real estate transaction.

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

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

10 (2) A person shall not deny a person access to, or membership
11 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, **source of income**,
17 familial status, or marital status.

18 (3) **This section does not prohibit a person engaged in a real**
19 **estate transaction from the following:**

20 (a) Refusing to consider income derived from any criminal
21 activity.

22 (b) Determining the ability of a person to pay a purchase
23 price or rent by the following methods:

24 (i) Verifying, in a commercially reasonable manner, the
25 source and amount of income of the person.

26 (ii) Evaluating, in a commercially reasonable manner, the
27 stability, security, and creditworthiness of the person or any

1 source of income of the person.

2 (4) ~~—(3)—~~ This section is subject to section 503.

3 (5) As used in this section, "source of income" means any
4 lawful source of money paid directly or indirectly to a person
5 engaged in a real estate transaction from 1 or more of the
6 following:

7 (a) Any lawful profession or occupation.

8 (b) Any government or private assistance, grant, or loan
9 program.

10 (c) Any gift, distribution from an estate, pension, annuity,
11 alimony, child support, or other consideration or benefit.

12 (d) Any sale or pledge of property or an interest in
13 property.