

## ELLIOTT-LARSEN ACT: SEXUAL ORIENTATION & GENDER IDENTITY AND EXPRESSION

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**House Bill 5804**

**Sponsor: Rep. Sam Singh**

**Committee: Commerce**

**Complete to 12-2-14**

### **A SUMMARY OF HOUSE BILL 5804 AS INTRODUCED 9-16-14**

The Elliott-Larsen Civil Rights Act, generally speaking, prohibits discriminatory practices, policies, and customs based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. House Bill 5804 would amend the act to add **sexual orientation** and **gender identity and expression** to those categories.

The term **sexual orientation** would be defined to mean "having an orientation for heterosexuality, homosexuality, or bisexuality, or having a history of such orientation or being identified with such an orientation."

The term **gender identity or expression** would mean "having or being perceived as having a gender-related self-identity or expression whether or not associated with an individual's assigned sex at birth."

Among other things, the bill would add these terms in provisions addressing employment rights, public accommodations and public services, educational institutions, and real estate and related transactions.

Section 102 of the act currently states: *The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination [because of the listed factors] is recognized and declared to be a civil right.*

The act contains some exceptions; for example, an employer can apply to the state Civil Rights Commission for an exemption on the basis that religion, national origin, age, height, weight, or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. There are also provisions dealing with single-sex educational institutions and religious educational institutions. The sections containing these exceptions would not be amended by the bill.

The act is enforced by the Civil Rights Commission, which investigates and acts on complaints, and by private lawsuits.

MCL 37.102 et al.

## **FISCAL IMPACT:**

The bill would result in an increased yearly cost to the state of approximately \$260,000 and a \$45,000 one-time cost. The Department of Civil Rights estimates that adding sexual orientation as a protected category would result in approximately 150 additional complaints per year. There is not sufficient data to make an estimate of additional complaints around gender identity, but adding it as a protected category would increase that number further by an indeterminate amount.

Based on the average number of cases an investigator can close per year, the department estimates it would need an additional 1-2 investigators at an average cost around \$130,000 per year for salary, benefits, equipment, and travel. Two investigators would result in an increase of \$260,000 to the department's yearly operating costs.

In addition, the department would need to upgrade their database that compiles, tracks and closes all complaints filed. DTMB estimates this would be a \$45,000 one-time cost.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.