



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 255 (as introduced 4-14-15)
Sponsor: Senator Rebekah Warren
Committee: Judiciary

Date Completed: 5-22-15

CONTENT

The bill would amend the Civil Rights Act to prohibit a person from engaging in acts of discrimination regarding real estate and housing on the basis of a person's status as a domestic violence, sexual assault, or stalking victim.

The Act prohibits a person engaging in a real estate transaction, or a real estate broker or salesperson, from taking certain actions involving a real estate transaction or the rental or lease of real property, on the basis of the religion, race, color, national origin, age, sex, familial status, or marital status of a person or another person residing with that person.

Under the bill, the same prohibitions would apply to someone taking those actions on the basis of a person's status as a victim of domestic violence, sexual assault, or stalking.

The prohibited actions include the following:

- Refusing to engage in or negotiate for a real estate transaction with a person.
- Discriminating against a person in the terms or conditions of a real estate transaction.
- Representing that real property is not available when it is in fact available.
- Discriminating against a person in the brokering or appraising of real property.

The Act defines "real estate transaction" as the sale, exchange, rental, or lease of real property or an interest in real property. "Real property" refers to a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

Under the bill, "domestic assault" would mean that term as defined in the domestic violence prevention and treatment Act. Under that Act, the term means the occurrence of any of the following acts by a person that is not an act of self-defense:

- Causing or attempting to cause physical or mental harm to a family or household member.
- Placing a family or household member in fear of physical or mental harm.
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

"Sexual assault" would mean conduct described in Sections 520a to 520g of the Michigan Penal Code, which prohibit and prescribe criminal penalties for acts of criminal sexual conduct.

"Stalking" would mean that term as defined in the Penal Code, i.e., a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

MCL 37.2502

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a minimal fiscal impact on the Department of Civil Rights due to the potential of increased caseloads resulting from the additional protected category in the legislation. An increase in caseloads could increase the Department's costs but the Department has indicated that any increase in costs should be minimal and absorbable within its annual appropriations.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

SAS\S1516\s255sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.