

# HOUSE BILL NO. 5710

February 01, 2022, Introduced by Reps. Berman, LaFave, Bezotte and Wozniak and referred to the Committee on Judiciary.

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 202, 203, 204, 205, 206, 207, 209, 302, 302a, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2302a, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section

402 as amended by 1993 PA 216.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 TITLE

2 An act to define civil rights; to prohibit discriminatory  
3 practices, policies, and customs in the exercise of those rights  
4 based upon religion, race, color, national origin, age, sex,  
5 height, weight, familial status, **medical condition, vaccination**  
6 **status**, or marital status; to preserve the confidentiality of  
7 records regarding arrest, detention, or other disposition in which  
8 a conviction does not result; to prescribe the powers and duties of  
9 the civil rights commission and the department of civil rights; to  
10 provide remedies and penalties; to provide for fees; and to repeal  
11 certain acts and parts of acts.

12 Sec. 102. (1) The opportunity to obtain employment, housing  
13 and other real estate, and the full and equal utilization of public  
14 accommodations, public service, and educational facilities without  
15 discrimination because of religion, race, color, national origin,  
16 age, sex, height, weight, familial status, **medical condition,**  
17 **vaccination status**, or marital status as prohibited by this act, is  
18 recognized and declared to be a civil right.

19 (2) This section ~~shall~~ **does** not ~~be construed to~~ prevent an  
20 individual from bringing or continuing an action arising out of sex  
21 discrimination before July 18, 1980 ~~which action is~~ **for a claim**  
22 based on conduct similar to or identical to harassment.

23 (3) This section ~~shall~~ **does** not ~~be construed to~~ prevent an  
24 individual from bringing or continuing an action arising out of  
25 discrimination based on familial status before ~~the effective date~~  
26 ~~of the amendatory act that added this subsection which action is~~  
27 **June 29, 1992 for a claim** based on conduct similar to or identical

1 to discrimination because of the age of ~~persons~~**anyone** residing  
2 with the individual bringing or continuing the action.

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

4 (a) Fail or refuse to hire or recruit, discharge, or otherwise  
5 discriminate against an individual with respect to employment,  
6 compensation, or a term, condition, or privilege of employment,  
7 because of religion, race, color, national origin, age, sex,  
8 height, weight, **medical condition, vaccination status**, or marital  
9 status.

10 (b) Limit, segregate, or classify an employee or applicant for  
11 employment in a way that deprives or tends to deprive the employee  
12 or applicant of an employment opportunity or otherwise adversely  
13 affects the status of ~~an~~**the** employee or applicant because of  
14 religion, race, color, national origin, age, sex, height, weight,  
15 **medical condition, vaccination status**, or marital status.

16 (c) Segregate, classify, or otherwise discriminate against a  
17 ~~person~~**an individual** on the basis of sex with respect to a term,  
18 condition, or privilege of employment, including, but not limited  
19 to, a benefit plan or system.

20 (d) Treat an individual affected by pregnancy, childbirth, or  
21 a related medical condition differently for any employment-related  
22 purpose from another individual who is not so affected but similar  
23 in ability or inability to work, without regard to the source of  
24 any condition affecting the other individual's ability or inability  
25 to work. For purposes of this subdivision, a medical condition  
26 related to pregnancy or childbirth does not include nontherapeutic  
27 abortion not intended to save the life of the mother.

28 (2) This section does not prohibit the establishment or  
29 implementation of a bona fide retirement policy or system that is

1 not a subterfuge to evade the purposes of this section.

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

4 Sec. 203. An employment agency shall not fail or refuse to  
5 procure, refer, recruit, or place for employment, or otherwise  
6 discriminate against, an individual because of religion, race,  
7 color, national origin, age, sex, height, weight, **medical**  
8 **condition, vaccination status,** or marital status; or classify or  
9 refer for employment an individual on the basis of religion, race,  
10 color, national origin, age, sex, height, weight, **medical**  
11 **condition, vaccination status,** or marital status.

12 Sec. 204. A labor organization shall not **do any of the**  
13 **following:**

14 (a) Exclude or expel from membership, or otherwise  
15 discriminate against, a member or applicant for membership because  
16 of religion, race, color, national origin, age, sex, height,  
17 weight, **medical condition, vaccination status,** or marital status.

18 (b) Limit, segregate, or classify membership or applicants for  
19 membership, or classify or fail or refuse to refer for employment  
20 an individual in a way ~~which~~**that** would deprive or tend to deprive  
21 that individual of an employment opportunity, or ~~which~~**that** would  
22 limit an employment opportunity, or ~~which~~**that** would adversely  
23 affect wages, hours, or employment conditions, or otherwise  
24 adversely affect the status of an employee or an applicant for  
25 employment, because of religion, race, color, national origin, age,  
26 sex, height, weight, **medical condition, vaccination status,** or  
27 marital status.

28 (c) Cause or attempt to cause an employer to violate this  
29 article.

1 (d) Fail to fairly and adequately represent a member in a  
2 grievance process because of religion, race, color, national  
3 origin, age, sex, height, weight, **medical condition, vaccination**  
4 **status**, or marital status.

5 Sec. 205. An employer, labor organization, or joint labor-  
6 management committee controlling an apprenticeship, on the job, or  
7 other training or retraining program, shall not discriminate  
8 against an individual because of religion, race, color, national  
9 origin, age, sex, height, weight, **medical condition, vaccination**  
10 **status**, or marital status, in admission to, or employment or  
11 continuation in, a program established to provide apprenticeship on  
12 the job, or other training or retraining.

13 Sec. 206. (1) An employer, labor organization, or employment  
14 agency shall not print, circulate, post, mail, or otherwise cause  
15 to be published a statement, advertisement, notice, or sign  
16 relating to employment by the employer, or relating to membership  
17 in or a classification or referral for employment by the labor  
18 organization, or relating to a classification or referral for  
19 employment by the employment agency, ~~which~~**that** indicates a  
20 preference, limitation, specification, or discrimination, based on  
21 religion, race, color, national origin, age, sex, height, weight,  
22 **medical condition, vaccination status**, or marital status.

23 (2) Except as permitted by rules promulgated by the commission  
24 or by applicable federal law, an employer or employment agency  
25 shall not **do any of the following**:

26 (a) Make or use a written or oral inquiry or form of  
27 application that elicits or attempts to elicit information  
28 concerning the religion, race, color, national origin, age, sex,  
29 height, weight, **medical condition, vaccination status**, or marital

1 status of a prospective employee.

2 (b) Make or keep a record of information described in  
3 subdivision (a) or ~~to~~ disclose that information.

4 (c) Make or use a written or oral inquiry or form of  
5 application that expresses a preference, limitation, specification,  
6 or discrimination based on religion, race, color, national origin,  
7 age, sex, height, weight, **medical condition, vaccination status**, or  
8 marital status of a prospective employee.

9 Sec. 207. An individual seeking employment shall not publish  
10 or cause to be published a notice or advertisement that specifies  
11 or indicates the individual's religion, race, color, national  
12 origin, age, sex, height, weight, **medical condition, vaccination**  
13 **status**, or marital status, or expresses a preference,  
14 specification, limitation, or discrimination as to the religion,  
15 race, color, national origin, age, height, weight, sex, **medical**  
16 **condition, vaccination status**, or marital status of a prospective  
17 employer.

18 Sec. 209. A contract to which ~~the~~**this** state, a political  
19 subdivision, or an agency ~~thereof~~**of this state or of a political**  
20 **subdivision** is a party ~~shall~~**must** contain a covenant by the  
21 contractor and his **or her** subcontractors not to discriminate  
22 against an employee or applicant for employment with respect to  
23 hire, tenure, terms, conditions, or privileges of employment, or a  
24 matter directly or indirectly related to employment, because of  
25 race, color, religion, national origin, age, sex, height, weight,  
26 **medical condition, vaccination status**, or marital status. Breach of  
27 this covenant may be regarded as a material breach of the contract.

28 Sec. 302. Except where permitted by law, a person shall not **do**  
29 **any of the following:**

1 (a) Deny an individual the full and equal enjoyment of the  
2 goods, services, facilities, privileges, advantages, or  
3 accommodations of a place of public accommodation or public service  
4 because of religion, race, color, national origin, age, sex,  
5 **medical condition, vaccination status**, or marital status.

6 (b) Print, circulate, post, mail, or otherwise cause to be  
7 published a statement, advertisement, notice, or sign ~~which~~**that**  
8 indicates that the full and equal enjoyment of the goods, services,  
9 facilities, privileges, advantages, or accommodations of a place of  
10 public accommodation or public service will be refused, withheld  
11 from, or denied an individual because of religion, race, color,  
12 national origin, age, sex, **medical condition, vaccination status**,  
13 or marital status, or that an individual's patronage of or presence  
14 at a place of public accommodation is objectionable, unwelcome,  
15 unacceptable, or undesirable because of religion, race, color,  
16 national origin, age, sex, **medical condition, vaccination status**,  
17 or marital status.

18 Sec. 302a. (1) This section applies to a private club that is  
19 defined as a place of public accommodation ~~pursuant to~~**under**  
20 section 301(a).

21 (2) If a private club allows use of its facilities by 1 or  
22 more adults per membership, the use must be equally available to  
23 all adults entitled to use the facilities under the membership. All  
24 classes of membership ~~shall~~**must** be available without regard to  
25 race, color, gender, religion, marital status, **medical condition**,  
26 **vaccination status**, or national origin. Memberships that permit use  
27 during restricted times may be allowed only if the restricted times  
28 apply to all adults using that membership.

29 (3) A private club that has food or beverage facilities or

1 services shall allow equal access to those facilities and services  
2 for all adults in all membership categories at all times. This  
3 subsection ~~shall~~**does** not require service or access to facilities  
4 to persons that would violate any law or ordinance regarding sale,  
5 consumption, or regulation of alcoholic beverages.

6 (4) This section does not prohibit a private club from  
7 sponsoring or permitting sports schools or leagues for children  
8 less than 18 years of age that are limited by age or to members of  
9 1 sex, if comparable and equally convenient access to the club's  
10 facilities is made available to both sexes and if these activities  
11 are not used as a subterfuge to evade the purposes of this article.

12 Sec. 402. An educational institution shall not do any of the  
13 following:

14 (a) Discriminate against an individual in the full utilization  
15 of or benefit from the institution, or the services, activities, or  
16 programs provided by the institution because of religion, race,  
17 color, national origin, **medical condition, vaccination status,** or  
18 sex.

19 (b) Exclude, expel, limit, or otherwise discriminate against  
20 an individual seeking admission as a student or an individual  
21 enrolled as a student in the terms, conditions, or privileges of  
22 the institution, because of religion, race, color, national origin,  
23 **medical condition, vaccination status,** or sex.

24 (c) For purposes of admission only, make or use a written or  
25 oral inquiry or form of application that elicits or attempts to  
26 elicit information concerning the religion, race, color, national  
27 origin, age, sex, **medical condition, vaccination status,** or marital  
28 status of ~~a person,~~ **an individual,** except as permitted by rule of  
29 the commission or as required by federal law, rule, or regulation,



1 or pursuant to an affirmative action program.

2 (d) Print or publish or cause to be printed or published a  
3 catalog, notice, or advertisement indicating a preference,  
4 limitation, specification, or discrimination based on the religion,  
5 race, color, national origin, **medical condition, vaccination**  
6 **status**, or sex of an applicant for admission to the educational  
7 institution.

8 (e) Announce or follow a policy of denial or limitation  
9 through a quota or otherwise of educational opportunities of a  
10 group or its members because of religion, race, color, national  
11 origin, **medical condition, vaccination status**, or sex.

12 Sec. 502. (1) A person engaging in a real estate transaction,  
13 or a real estate broker or ~~salesman~~, **salesperson**, shall not on the  
14 basis of religion, race, color, national origin, age, sex, familial  
15 status, **medical condition, vaccination status**, or marital status of  
16 ~~a person~~ **an individual** or ~~a person~~ **anyone** residing with that  
17 ~~person~~ **individual do any of the following:**

18 (a) Refuse to engage in a real estate transaction with a  
19 person.

20 (b) Discriminate against a person in the terms, conditions, or  
21 privileges of a real estate transaction or in the furnishing of  
22 facilities or services in connection with a real estate  
23 transaction.

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

26 (d) Refuse to negotiate for a real estate transaction with a  
27 person.

28 (e) Represent to a person that real property is not available  
29 for inspection, sale, rental, or lease when in fact it is so

1 available, or knowingly fail to bring a property listing to a  
 2 person's attention, or refuse to permit a person to inspect real  
 3 property, or otherwise make unavailable or deny real property to a  
 4 person.

5 (f) Make, print, circulate, post, mail, or otherwise cause to  
 6 be made or published a statement, advertisement, notice, or sign,  
 7 or use a form of application for a real estate transaction, or make  
 8 a record of inquiry in connection with a prospective real estate  
 9 transaction, ~~which~~**that** indicates, directly or indirectly, an  
 10 intent to make a preference, limitation, specification, or  
 11 discrimination with respect to the real estate transaction.

12 (g) Offer, solicit, accept, use, or retain a listing of real  
 13 property with the understanding that a person may be discriminated  
 14 against in a real estate transaction or in the furnishing of  
 15 facilities or services in connection ~~therewith~~**with that**  
 16 **transaction.**

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

19 (2) A person shall not deny a person access to, or membership  
 20 or participation in, a multiple listing service, real estate  
 21 brokers' organization or other service, organization, or facility  
 22 relating to the business of selling or renting real property or ~~to~~  
 23 discriminate against him or her in the terms or conditions of that  
 24 access, membership, or participation because of religion, race,  
 25 color, national origin, age, sex, familial status, **medical**  
 26 **condition, vaccination status,** or marital status.

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

28 Sec. 504. (1) A person to whom application is made for  
 29 financial assistance or financing in connection with a real estate

1 transaction or in connection with the construction, rehabilitation,  
2 repair, maintenance, or improvement of real property, or a  
3 representative of that person, shall not **do any of the following:**

4 (a) Discriminate against the applicant because of the  
5 religion, race, color, national origin, age, sex, familial status,  
6 **medical condition, vaccination status,** or marital status of the  
7 applicant or ~~a person~~**an individual** residing with the applicant.

8 (b) Use a form of application for financial assistance or  
9 financing or make or keep a record or inquiry in connection with an  
10 application for financial assistance or financing ~~which~~**that**  
11 indicates, directly or indirectly, a preference, limitation,  
12 specification, or discrimination as to the religion, race, color,  
13 national origin, age, sex, familial status, **medical condition,**  
14 **vaccination status,** or marital status of the applicant or ~~a person~~  
15 **an individual** residing with the applicant.

16 (2) A person whose business includes engaging in real estate  
17 transactions shall not discriminate against a person because of  
18 religion, race, color, national origin, age, sex, familial status,  
19 **medical condition, vaccination status,** or marital status, in ~~the~~  
20 purchasing ~~of~~ loans for acquiring, constructing, improving,  
21 repairing, or maintaining a dwelling or ~~the~~**in** making or purchasing  
22 ~~of~~ loans or ~~the provision of~~ **providing** other financial assistance  
23 secured by residential real estate.

24 (3) Subsection (1)(b) does not apply to a form of application  
25 for financial assistance prescribed for the use of a lender  
26 regulated as a mortgagee under the national housing act, ~~chapter~~  
27 ~~847, 48 Stat. 1246~~**12 USC 1701 to 1750g,** or by a regulatory board  
28 or officer acting under the statutory authority of this state or  
29 the United States.

1           Sec. 505. (1) A condition, restriction, or prohibition,  
2 including a right of entry or possibility of reverter, that  
3 directly or indirectly limits the use or occupancy of real property  
4 on the basis of religion, race, color, national origin, age, sex,  
5 familial status, **medical condition, vaccination status**, or marital  
6 status is void, except a limitation of use as provided in section  
7 503(1)(c) or on the basis of religion relating to real property  
8 held by a religious institution or organization, or by a religious  
9 or charitable organization operated, supervised, or controlled by a  
10 religious institution or organization, and used for religious or  
11 charitable purposes.

12           (2) A person shall not insert in a written instrument relating  
13 to real property a provision that is void under this section or  
14 honor such a provision in the chain of title.

15           Sec. 506. A person shall not represent, for the purpose of  
16 inducing a real estate transaction from which the person may  
17 benefit financially, that a change has occurred or will or may  
18 occur in the composition with respect to religion, race, color,  
19 national origin, age, sex, familial status, **medical condition,**  
20 **vaccination status**, or marital status of the owners or occupants in  
21 the block, neighborhood, or area in which the real property is  
22 located, or represent that this change will or may result in the  
23 lowering of property values, an increase in criminal or antisocial  
24 behavior, or a decline in the quality of schools in the block,  
25 neighborhood, or area in which the real property is located.