A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act,"

by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 301, 302, 302a, 402, 501, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2301, 37.2302, 37.2302a, 37.2402, 37.2501, 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, sections 103 and 301 as amended by 1999 PA 202,
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:

TITLE

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, sexual orientation, gender identity or expression, height, weight, familial status, 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 rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts.

Sec. 102. (1) 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 religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

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

(3) This section shall not be construed to prevent an individual from bringing or continuing an action arising out of discrimination based on familial status before the effective date of the amendatory act that added this subsection which action is
June 29, 1992 for a claim based on conduct similar to or identical
to discrimination because of the age of persons residing
with the individual bringing or continuing the action.

Sec. 103. As used in this act:

(a) "Age" means chronological age except as otherwise provided by law.

(b) "Commission" means the civil rights commission established by section 29 of article V of the state constitution of 1963.

(c) "Commissioner" means a member of the commission.

(d) "Department" means the department of civil rights or its employees.

(e) "Familial status" means 1 or more individuals under the age of 18 residing with a parent or other person having custody or
in the process of securing legal custody of the individual or
individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of
the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.

(f) "Gender identity or expression" means 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.

(g) "National origin" includes the national origin of an ancestor.

(h) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state or a political subdivision of the state.
state or an agency of the this state, or any other legal or
commercial entity.

(i) (h) "Political subdivision" means a county, city, village,
township, school district, or special district or authority of the
this state.

(j) (i) Discrimination because of sex includes sexual
harassment. Sexual harassment means unwelcome sexual advances,
requests for sexual favors, and other verbal or physical conduct or
communication of a sexual nature under the following conditions:

(i) Submission to the conduct or communication is made a term
or condition either explicitly or implicitly to obtain employment,
public accommodations or public services, education, or housing.

(ii) Submission to or rejection of the conduct or communication
by an individual is used as a factor in decisions affecting the
individual's employment, public accommodations or public services,
education, or housing.

(iii) The conduct or communication has the purpose or effect of
substantially interfering with an individual's employment, public
accommodations or public services, education, or housing, or
creating an intimidating, hostile, or offensive employment, public
accommodations, public services, educational, or housing
environment.

(k) "Sexual orientation" means having an orientation for
heterosexuality, homosexuality, or bisexuality or having a history
of such an orientation or being identified with such an
orientation.

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

(a) Fail or refuse to hire or recruit, discharge, or otherwise
discriminate against an individual with respect to employment,
compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(b) Limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity—or otherwise adversely affects the status of the employee or applicant because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

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

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

(2) This section does not prohibit the establishment or implementation of a bona fide retirement policy or system that is not a subterfuge to evade the purposes of this section.

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

Sec. 203. An employment agency shall not fail or refuse to
procure, refer, recruit, or place for employment, or otherwise discriminate against, an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status; or classify or refer for employment an individual on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

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

(a) Exclude or expel from membership, or otherwise discriminate against, a member or applicant for membership because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

(b) Limit, segregate, or classify membership or applicants for membership, or classify or fail or refuse to refer for employment an individual in a way which would deprive or tend to deprive that individual of an employment opportunity, or which would limit an employment opportunity, or which would adversely affect wages, hours, or employment conditions, or otherwise adversely affect the status of an employee or an applicant for employment, because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

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

(d) Fail to fairly and adequately represent a member in a grievance process because of religion, race, color, national
origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

Sec. 205. An employer, labor organization, or joint labor-management committee controlling an apprenticeship, on the job, or other training or retraining program, shall not discriminate against an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

Sec. 206. (1) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status.

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

(a) Make or use a written or oral inquiry or form of application that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status of a prospective employee.
(b) Make or keep a record of information described in subdivision (a) or to disclose that information.

(c) Make or use a written or oral inquiry or form of application that expresses a preference, limitation, specification, or discrimination based on religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status of a prospective employee.

Sec. 207. An individual seeking employment shall not publish or cause to be published a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, height, weight, sex, sexual orientation, gender identity or expression, or marital status of a prospective employer.

Sec. 209. A contract to which the this state, a political subdivision, or an agency thereof of this state or of a political subdivision is a party shall contain a covenant by the contractor and his subcontractors not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of the contract.

Sec. 301. As used in this article:

(a) "Place of public accommodation" means a business, or an
educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of the following private clubs:

(i) A country club or golf club.

(ii) A boating or yachting club.

(iii) A sports or athletic club.

(iv) A dining club, except a dining club that in good faith limits its membership to the members of a particular religion for the purpose of furthering the teachings or principles of that religion and not for the purpose of excluding individuals of a particular gender, sex, race, or color.

(b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the this state, a political subdivision, or an agency thereof of this state or of a political subdivision or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment.

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

(a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, sexual
orientation, gender identity or expression, or marital status.
(b) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, or marital status.

Sec. 302a. (1) This section applies to a private club that is defined as a place of public accommodation pursuant to section 301(a).

(2) If a private club allows use of its facilities by 1 or more adults per membership, the use must be equally available to all adults entitled to use the facilities under the membership. All classes of membership shall be available without regard to race, color, gender, sex, sexual orientation, gender identity or expression, religion, marital status, or national origin.

Memberships that permit use during restricted times may be allowed only if the restricted times apply to all adults using that membership.

(3) A private club that has food or beverage facilities or services shall allow equal access to those facilities and services for all adults in all membership categories at all times. This subsection shall not require service or access to facilities
to persons that would violate any law or ordinance regarding sale,
consumption, or regulation of alcoholic beverages.

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

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

(a) Discriminate against an individual in the full utilization
of or benefit from the institution, or the services, activities, or
programs provided by the institution because of religion, race,
color, national origin, sex, sexual orientation, or gender
identity or expression.

(b) Exclude, expel, limit, or otherwise discriminate against
an individual seeking admission as a student or an individual
enrolled as a student in the terms, conditions, or privileges of
the institution, because of religion, race, color, national origin,
sex, sexual orientation, or gender identity or expression.

(c) For purposes of admission only, make or use a written or
oral inquiry or form of application that elicits or attempts to
elicit information concerning the religion, race, color, national
origin, age, sex, sexual orientation, gender identity or
expression, or marital status of a person, an individual, except as
permitted by rule of the commission or as required by federal law,
rule, or regulation, or pursuant to an affirmative action program.

(d) Print or publish or cause to be printed or published a
catalog, notice, or advertisement indicating a preference,
limitation, specification, or discrimination based on the religion, race, color, national origin, or sex, sexual orientation, or gender identity or expression, of an applicant for admission to the educational institution.

(e) Announce or follow a policy of denial or limitation through a quota or otherwise of educational opportunities of a group or its members because of religion, race, color, national origin, or sex, sexual orientation, or gender identity or expression.

Sec. 501. As used in this article:

(a) "Real property" includes 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.

(b) "Real estate transaction" means the sale, exchange, rental, or lease of real property, or an interest therein real property.

(c) "Housing accommodation" includes improved or unimproved real property, or a part thereof, which of improved or unimproved real property, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of 1 or more persons.

(d) "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; who negotiates or attempts to negotiate any of those activities; who holds himself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other
Sec. 502. (1) A person engaging in a real estate transaction, or a real estate broker or salesperson, shall not on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of a person or anyone residing with that person do any of the following:

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

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

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

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

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

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

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

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

(2) A person shall not deny a person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting real property or discriminate against him or her in the terms or conditions of that access, membership, or participation because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status.

(3) This section is subject to section 503.

Sec. 504. (1) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not do any of the following:

(a) Discriminate against the applicant because of the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of the applicant or an individual residing...
with the applicant.

(b) Use a form of application for financial assistance or financing or make or keep a record or inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status of the applicant or a person an individual residing with the applicant.

(2) A person whose business includes engaging in real estate transactions shall not discriminate against a person because of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status, in the purchasing of loans for acquiring, constructing, improving, repairing, or maintaining a dwelling or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

(3) Subsection (1)(b) does not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the national housing act, chapter 847, 42 Stat. 1240–12 USC 1701 to 1750g, or by a regulatory board or officer acting under the statutory authority of this state or the United States.

Sec. 505. (1) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, that directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status is void, except a limitation of use as provided
in section 503(1)(c) or on the basis of religion relating to real
property held by a religious institution or organization, or by a
religious or charitable organization operated, supervised, or
controlled by a religious institution or organization, and used for
religious or charitable purposes.

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

Sec. 506. A person shall not represent, for the purpose of
inducing a real estate transaction from which the person may
benefit financially, that a change has occurred or will or may
occur in the composition with respect to religion, race, color,
national origin, age, sex, sexual orientation, gender identity or
expression, familial status, or marital status of the owners or
occupants in the block, neighborhood, or area in which the real
property is located, or represent that this change will or may
result in the lowering of property values, an increase in criminal
or antisocial behavior, or a decline in the quality of schools in
the block, neighborhood, or area in which the real property is
located.

Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.