

ELLIOTT-LARSEN CIVIL RIGHTS ACT (EXCERPT)
Act 453 of 1976

ARTICLE 5

37.2501 Definitions.

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 in real property.

(c) "Housing accommodation" includes improved or unimproved real property, or a part 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 individuals.

(d) "Real estate broker or salesperson" 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 oneself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesperson.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

***** 37.2502 THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE: See 37.2502.amended *****

37.2502 Persons engaging in real estate transactions, real estate brokers, or real estate salesperson; prohibited practices; section subject to MCL 37.2503.

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 an individual or anyone residing with that individual 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, that 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 with that transaction.

(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 the person 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.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 124, Imd. Eff. June 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

***** 37.2502.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2024 REGULAR SESSION SINE DIE *****

37.2502.amended Persons engaging in real estate transactions, real estate brokers, or real estate salesperson; prohibited practices; prohibition on use of source of income by landlord; section subject to MCL 37.2503.

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 an individual or anyone residing with that individual 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, that 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 with that transaction.
 - (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 the person 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) A person that is a landlord of a rental unit shall not, based on the source of income of an otherwise eligible prospective or current tenant, do any of the following:
- (a) Deny or terminate a tenancy to the prospective or current tenant.
 - (b) Make any distinction, discrimination, or restriction against the prospective or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of a rental unit or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of the rental unit.
 - (c) Otherwise make unavailable or deny any rental unit to the prospective or current tenant if the prospective or current tenant would be eligible to rent the rental unit but for the individual's source of income.
 - (d) Represent to the prospective tenant that a rental unit is not available for inspection, rental, or lease when in fact it is so available, or knowingly fail to bring a rental listing to the prospective tenant's attention, or refuse to permit the prospective tenant to inspect a rental unit.
 - (e) Make any distinction, discrimination, or restriction against the prospective or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of any rental unit on the basis of the prospective or current tenant's use of emergency rental assistance.
 - (f) If the person is a landlord that requires a prospective or current tenant to have a certain threshold level of income, exclude any source of income in the form of a rent voucher or subsidy when calculating whether the income criteria have been met. This subdivision does not apply to emergency rental assistance.
 - (g) Attempt to discourage the rental or lease of any rental unit to the prospective or current tenant.
 - (h) Publish, circulate, display, or cause to be published, circulated, or displayed any communication, notice, advertisement, or sign of any kind relating to the rental or lease of any rental unit that indicates a preference, limitation, or requirement based on any source of income.
 - (i) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this subsection.
 - (j) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this subsection.

(4) Subsection (3) does not apply to a person if the person, including all related entities to that person, is a landlord of fewer than 5 rental units in this state. As used in this subsection:

(a) "Person" means an individual, partnership, corporation, association, limited liability company, or any other legal entity.

(b) "Related entity" means a person that, directly or indirectly, controls, is controlled by, or is under common control with another person.

(5) This section is subject to section 503.

(6) As used in this section, "landlord", "tenant", and "rental unit" mean those terms as defined in section 1 of 1972 PA 348, MCL 554.601.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 124, Imd. Eff. June 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024;—Am. 2024, Act 180, Eff. (pending).

37.2503 Nonapplicability of MCL 37.2502; "immediate family" defined; information relative to marital status.

Sec. 503. (1) Section 502 does not apply to any of the following:

(a) The rental of a housing accommodation in a building that contains housing accommodations for not more than 2 families living independently of each other if the owner or a member of the owner's immediate family resides in 1 of the housing accommodations, or to the rental of a room or rooms in a single family dwelling by a person if the lessor or a member of the lessor's immediate family resides in the dwelling.

(b) The rental of a housing accommodation for not more than 12 months by the owner or lessor if it was occupied by him or her and maintained as his or her home for at least 3 months immediately preceding occupancy by the tenant and is maintained as the owner's or lessor's legal residence.

(c) With respect to the age provision and the familial status provision only, the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.

(2) As used in subsection (1), "immediate family" means a spouse, parent, child, or sibling.

(3) Information relative to the marital status of an individual may be obtained when necessary for the preparation of a deed or other instrument of conveyance.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 124, Imd. Eff. June 29, 1992.

37.2504 Application for financial assistance or financing; prohibited practices; nonapplicability of MCL 37.2504(1)(b).

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 that 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 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 purchasing loans for acquiring, constructing, improving, repairing, or maintaining a dwelling or in making or purchasing loans or providing 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, 12 USC 1701 to 1750g, or by a regulatory board or officer acting under the statutory authority of this state or the United States.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 124, Imd. Eff. June 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

37.2505 Condition, restriction, or prohibition limiting use or occupancy of real property; exceptions; inserting or honoring void provision.

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.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1980, Act 170, Imd. Eff. June 18, 1980;—Am. 1992, Act 124, Imd. Eff. June 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

37.2506 Real estate transactions; prohibited representations.

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.

History: 1976, Act 453, Eff. Mar. 31, 1977;—Am. 1992, Act 124, Imd. Eff. June 29, 1992;—Am. 2023, Act 6, Eff. Feb. 13, 2024.

37.2506a Use by landlord of reasonable accommodations.

Sec. 506a. This article does not preclude the use by a landlord of reasonable accommodations as required by section 102(2) of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1102 of the Michigan Compiled Laws.

History: Add. 1992, Act 124, Imd. Eff. June 29, 1992.

37.2507 Plan.

Sec. 507. A person subject to this article may adopt and carry out a plan to eliminate present effects of past discriminatory practices or assure equal opportunity with respect to religion, race, color, national origin, or sex if the plan is filed with the commission under rules of the commission and the commission approves the plan.

History: 1976, Act 453, Eff. Mar. 31, 1977.

Administrative rules: R 37.27 et seq. of the Michigan Administrative Code.