

# HOUSE BILL No. 5029

June 27, 1991, Introduced by Reps. Harrison, Joe Young, Sr., Wallace, Bennane, O'Neill, DeMars, Dobronski, Varga, Stallworth, Hood, Keith, Perry Bullard, Kilpatrick, Yokich, Profit and Clarke and referred to the Committee on Civil Rights, Constitution and Women's Issues.

A bill to amend the title and sections 103, 502, 504, and 602 of Act No. 220 of the Public Acts of 1976, entitled as amended

"Michigan handicappers' civil rights act," section 103 as amended by Act No. 121 of the Public Acts of 1990, being sections 37.1103, 37.1502, 37.1504, and 37.1602 of the Michigan Compiled Laws; and to add section 506a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 103, 502, 504, and 602 of  
2 Act No. 220 of the Public Acts of 1976, section 103 as amended by  
3 Act No. 121 of the Public Acts of 1990, being sections 37.1103,  
4 37.1502, 37.1504, and 37.1602 of the Michigan Compiled Laws, are  
5 amended and section 506a is added to read as follows:

## TITLE

1

2 An act to define the civil rights of individuals who have  
3 handicaps; to prohibit discriminatory practices, policies, and  
4 customs in the exercise of those rights; TO PRESCRIBE PENALTIES  
5 AND TO PROVIDE REMEDIES; and to provide for the promulgation of  
6 rules.

7 Sec. 103. As used in this act:

8 (a) "Alcoholic liquor" means that term as defined in  
9 section 2 of the Michigan liquor control act, Act No. 8 of the  
10 Public Acts of the Extra Session of 1933, being section 436.2 of  
11 the Michigan Compiled Laws.

12 (b) "Commission" means the civil rights commission estab-  
13 lished by section 29 of article V of the state constitution of  
14 1963.

15 (c) "Controlled substance" means that term as defined in  
16 section 7104 of the public health code, Act No. 368 of the Public  
17 Acts of 1978, being section 333.7104 of the Michigan Compiled  
18 Laws.

19 (d) "Drug" means that term as defined in section 7105 of the  
20 public health code, Act No. 368 of the Public Acts of 1978, being  
21 section 333.7105 of the Michigan Compiled Laws.

22 (e) Except as provided under subdivision (f), "handicap"  
23 means 1 or more of the following:

24 (i) A determinable physical or mental characteristic of an  
25 individual, which may result from disease, injury, congenital  
26 condition of birth, or functional disorder, if the  
27 characteristic:

1 (A) For purposes of article 2, substantially limits 1 or  
2 more of the major life activities of that individual and is unre-  
3 lated to the individual's ability to perform the duties of a par-  
4 ticular job or position or substantially limits 1 or more of the  
5 major life activities of that individual and is unrelated to the  
6 individual's qualifications for employment or promotion.

7 (B) For purposes of article 3, is unrelated to the  
8 individual's ability to utilize and benefit from a place of  
9 public accommodation or public service.

10 (C) For purposes of article 4, is unrelated to the  
11 individual's ability to utilize and benefit from educational  
12 opportunities, programs, and facilities at an educational  
13 institution.

14 (D) For purposes of article 5, SUBSTANTIALLY LIMITS 1 OR  
15 MORE OF THAT INDIVIDUAL'S MAJOR LIFE ACTIVITIES AND is unrelated  
16 to the individual's ability to acquire, rent, or maintain  
17 property.

18 (ii) A history of a determinable physical or mental charac-  
19 teristic described in subparagraph (i).

20 (iii) Being regarded as having a determinable physical or  
21 mental characteristic described in subparagraph (i).

22 (f) For purposes of article 2, "handicap" does not include  
23 either of the following:

24 (i) A determinable physical or mental characteristic caused  
25 by the current illegal use of a controlled substance by that  
26 individual.

1       (ii) A determinable physical or mental characteristic caused  
2 by the use of an alcoholic liquor by that individual, if that  
3 physical or mental characteristic prevents that individual from  
4 performing the duties of his or her job.

5       (g) "Handicapper" means an individual who has a handicap.

6       (h) "Person" includes an individual, agent, association,  
7 corporation, joint apprenticeship committee, joint-stock company,  
8 labor union, legal representative, mutual company, partnership,  
9 receiver, trust, trustee in bankruptcy, unincorporated organi-  
10 zation, this state, or any other legal, commercial, or governmen-  
11 tal entity or agency.

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

15       (j) "State average weekly wage" means the state average  
16 weekly wage as determined by the Michigan employment security  
17 commission under section 27 of Act No. 1 of the Public Acts of  
18 the Extra Session of 1931, being section 421.27 of the Michigan  
19 Compiled Laws.

20       (k) "Temporary employee" means an employee hired for a posi-  
21 tion that will not exceed 90 days in duration.

22       (l) "Unrelated to the individual's ability" means, with or  
23 without accommodation, an individual's handicap does not prevent  
24 the individual from doing 1 or more of the following:

25       (i) For purposes of article 2, performing the duties of a  
26 particular job or position.

1 (ii) For purposes of article 3, utilizing and benefiting  
2 from a place of public accommodation or public service.

3 (iii) For purposes of article 4, utilizing and benefiting  
4 from educational opportunities, programs, and facilities at an  
5 educational institution.

6 (iv) For purposes of article 5, acquiring, renting, or main-  
7 taining property.

8 Sec. 502. (1) An owner or any other person engaging in a  
9 real estate transaction, or a real estate broker or salesman  
10 shall not, on the basis of a handicap OF A BUYER OR RENTER, OF A  
11 PERSON RESIDING IN OR INTENDING TO RESIDE IN A DWELLING AFTER IT  
12 IS SOLD, RENTED, OR MADE AVAILABLE, OR OF ANY PERSON ASSOCIATED  
13 WITH THAT BUYER OR RENTER, that is unrelated to the individual's  
14 ability to acquire, rent, or maintain property or use by an indi-  
15 vidual of adaptive devices or aids:

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

18 (b) Discriminate against a person in the terms, conditions,  
19 or privileges of a real estate transaction or in the furnishing  
20 of facilities or services in connection ~~therewith~~ WITH A REAL  
21 ESTATE TRANSACTION.

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

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

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

1 is available, ~~or~~ fail to bring a property listing to a person's  
2 attention, ~~or~~ refuse to permit a person to inspect real  
3 property, OR OTHERWISE DENY OR MAKE REAL PROPERTY UNAVAILABLE TO  
4 A PERSON.

5 (f) ~~Print~~ MAKE, PRINT, circulate, post, or mail or cause  
6 to be ~~so~~ MADE OR published a statement, advertisement, or sign,  
7 or use a form of application for a real estate transaction, or  
8 make a record of inquiry in connection with a prospective real  
9 estate transaction, which indicates, directly or indirectly, an  
10 intent to make a limitation, specification, or discrimination  
11 with respect ~~thereto~~ TO A 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 discrimi-  
14 nated against in a real estate transaction or in the furnishing  
15 of facilities or services in connection ~~therewith~~ WITH A REAL  
16 ESTATE 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  
23 DISCRIMINATE AGAINST A PERSON IN THE TERMS OR CONDITIONS OF THAT  
24 ACCESS, MEMBERSHIP, OR PARTICIPATION.

25 Sec. 504. ~~A person to whom application is made for finan-~~  
26 ~~cial assistance or financing in connection with a real estate~~  
27 ~~transaction or for the construction, rehabilitation, repair,~~

~~1 maintenance, or improvement of real property, or a representative~~  
~~2 of such a person shall not discriminate against the applicant~~  
~~3 because of a handicap that is unrelated to the individual's abil-~~  
~~4 ity to acquire, rent, or maintain property or use a form of~~  
~~5 application for financial assistance or financing or make or keep~~  
~~6 a record or inquiry for reasons contrary to the provisions or~~  
~~7 purposes of this act in connection with applications for finan-~~  
~~8 cial assistance or financing which indicates, directly or indi-~~  
~~9 rectly, a limitation, specification, or discrimination based on a~~  
~~10 handicap that is unrelated to the individual's ability to~~  
~~11 acquire, rent, or maintain property.~~ A PERSON SHALL NOT DISCRIM-  
12 INATE ON THE BASIS OF HANDICAP IN MAKING OR PURCHASING LOANS FOR  
13 ACQUIRING, CONSTRUCTING, IMPROVING, REPAIRING, OR MAINTAINING  
14 REAL PROPERTY, OR IN PROVIDING OTHER FINANCIAL ASSISTANCE SECURED  
15 BY OR OTHERWISE RELATED TO REAL PROPERTY.

16 SEC. 506A. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING  
17 IN CONNECTION WITH A REAL ESTATE TRANSACTION:

18 (A) REFUSE TO PERMIT, AT THE EXPENSE OF THE HANDICAPPER,  
19 REASONABLE MODIFICATIONS OF EXISTING PREMISES OCCUPIED OR TO BE  
20 OCCUPIED BY THE HANDICAPPER IF THOSE MODIFICATIONS MAY BE NECES-  
21 SARY TO AFFORD THE HANDICAPPER FULL ENJOYMENT OF THE PREMISES.  
22 IN THE CASE OF A RENTAL, THE LANDLORD MAY, IF REASONABLE, MAKE  
23 PERMISSION FOR A MODIFICATION CONTINGENT ON THE RENTER'S AGREE-  
24 MENT TO RESTORE THE INTERIOR OF THE PREMISES TO THE CONDITION  
25 THAT EXISTED BEFORE THE MODIFICATION, REASONABLE WEAR AND TEAR  
26 EXCEPTED.

1 (B) REFUSE TO MAKE REASONABLE ACCOMMODATIONS IN RULES,  
2 POLICIES, PRACTICES, OR SERVICES, WHEN THE ACCOMMODATIONS MAY BE  
3 NECESSARY TO AFFORD THE HANDICAPPER EQUAL OPPORTUNITY TO USE AND  
4 ENJOY RESIDENTIAL REAL PROPERTY.

5 (C) IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF COV-  
6 ERED MULTIFAMILY DWELLINGS FOR FIRST OCCUPANCY AFTER MARCH 13,  
7 1991, FAIL TO INCLUDE ALL OF THE FOLLOWING FEATURES:

8 (i) THE DWELLINGS HAVE AT LEAST 1 BUILDING ENTRANCE ON AN  
9 ACCESSIBLE ROUTE, UNLESS THAT IS IMPRACTICAL BECAUSE OF THE TER-  
10 RAIN OR UNUSUAL CHARACTERISTICS OF THE SITE.

11 (ii) THE PUBLIC AND COMMON USE PORTIONS OF THE DWELLINGS ARE  
12 READILY ACCESSIBLE TO AND USABLE BY HANDICAPPERS.

13 (iii) ALL THE DOORS DESIGNED TO ALLOW PASSAGE INTO AND  
14 WITHIN ALL PREMISES WITHIN THE DWELLINGS ARE SUFFICIENTLY WIDE TO  
15 ALLOW PASSAGE BY HANDICAPPERS IN WHEELCHAIRS.

16 (iv) ALL PREMISES WITHIN COVERED MULTIFAMILY DWELLINGS CON-  
17 TAIN AN ACCESSIBLE ROUTE INTO AND THROUGH THE DWELLING; LIGHT  
18 SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMEN-  
19 TAL CONTROLS IN ACCESSIBLE LOCATIONS; REINFORCEMENTS IN BATHROOM  
20 WALLS TO ALLOW LATER INSTALLATION OF GRAB BARS; AND KITCHENS AND  
21 BATHROOMS DESIGNED SO THAT AN INDIVIDUAL IN A WHEELCHAIR CAN  
22 MANEUVER ABOUT THE SPACE.

23 (2) AS USED IN THIS SECTION, "COVERED MULTIFAMILY DWELLINGS"  
24 MEANS BUILDINGS CONSISTING OF 4 OR MORE UNITS IF THE BUILDINGS  
25 HAVE 1 OR MORE ELEVATORS, AND GROUND FLOOR UNITS IN OTHER BUILD-  
26 INGS CONSISTING OF 4 OR MORE UNITS.



1       Sec. 602. A person or 2 or more persons shall not DO THE  
2 FOLLOWING:

3       (a) Retaliate or discriminate against a person because the  
4 person has opposed a violation of this act, or because the person  
5 has made a charge, filed a complaint, testified, assisted, or  
6 participated in an investigation, proceeding, or hearing under  
7 this act.

8       (b) Aid, abet, incite, compel, or coerce a person to engage  
9 in a violation of this act.

10       (c) Attempt directly or indirectly to commit an act prohib-  
11 ited by this act.

12       (d) ~~Wilfully~~ WILLFULLY interfere with the performance of a  
13 duty or the exercise of a power by the commission or any of its  
14 authorized representatives.

15       (e) ~~Wilfully~~ WILLFULLY obstruct or prevent a person from  
16 complying with this act or an order issued.

17       (F) COERCE, INTIMIDATE, THREATEN, OR INTERFERE WITH ANY  
18 PERSON IN THE EXERCISE OR ENJOYMENT OF, OR ON ACCOUNT OF HIS OR  
19 HER HAVING AIDED OR ENCOURAGED ANY OTHER PERSON IN THE EXERCISE  
20 OR ENJOYMENT OF, ANY RIGHT GRANTED OR PROTECTED BY ARTICLE 5.