

DIVISION 2. - FAIR HOUSING

Sec. 42-51. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complaint means a written statement given under oath, alleging an unfair housing practice.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or other person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Handicap means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment, or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the Controlled Substances Act, 12 U.S.C. 802.

Housing accommodation means any improved or unimproved real property, or part thereof, which is used or occupied as the home or residence of one or more individuals.

National origin means the national origin of an ancestor.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Publicly advertise means a communication by the owner or lessor of a person at his request relative to an offer of sale, rental or lease of a housing accommodation which may be directly received by the public at large or which is indiscriminate as to the recipient of the communication, whether or not the communication is actually directed to the public at large.

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, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transaction means the sale, exchange, rental or lease of real property.

Real property means any buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

Unfair housing practice means a practice described in section 42-53.

(Code 1983, § 80.121)

Cross reference— Definitions generally, § 1-2.

Sec. 42-52. - Civil rights guarantee.

Nothing contained in this division shall be construed as preventing any person from securing his civil rights guaranteed by law of the state constitution.

(Code 1983, § 80.122)

State Law reference— Act No. 453 of the Public Acts of Michigan of 1977 (MCL 37.2101 et seq., MSA 3.548(101) et seq.) lists the following protected classes: religion, race, color, national origin, age, sex, height, weight, familial status or marital status.

Sec. 42-53. - Unfair housing practices.

It is an unfair housing practice for an owner, a real estate broker or real estate salesman, or any other person to perform any of the following:

- (1) Refuse to negotiate for a real estate transaction with a person because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (2) Refuse to engage in a real estate transaction with a person because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (3) 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 therewith because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.

- (4) Refuse to receive from, or to fail to transmit to, a person, a bona fide offer to engage in a real estate transaction because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (5) Represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property, under reasonable conditions, because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (6) Publish or advertise, directly or indirectly, an intent to make a limitation, specification or discrimination based on race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (7) Use a form of application for a real estate transaction for the purpose of making a limitation, specification or discrimination based on race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (8) Make a record or inquiry in connection with a prospective real estate transaction which indicates the race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status of a person.
- (9) 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 with respect to race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (10) Discriminate against the applicant because of race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.
- (11) Use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates directly or indirectly, the race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status of the applicant.
- (12) Initiate, instigate or participate a series of representations, advertisements or contracts within a block, neighborhood or area designated to promote real estate transactions in the block, neighborhood or area based on the implication, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to race, color, religion,

national origin, age, sex, height, weight, handicap, source of income, familial status or marital status of the owners or occupants in the block, neighborhood, or area in which the real property is located, or that changes will or may result in the lowering of property values, or an increase in criminal or antisocial behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located.

- (13) Solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor or the company he represents to cease such solicitation.
- (14) Retaliate or discriminate against a person because he opposed an unfair housing practice, or because he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this division.
- (15) Force a person to engage in an unfair housing practice.
- (16) Obstruct or prevent willfully a person from complying with the provisions of this division.

(Code 1983, § 80.123)

Sec. 42-54. - Limitations on owner inquiries.

Nothing in this division shall be deemed to prohibit an owner, lender or his agent from requiring that any person who seeks to buy, rent, lease or obtain financial assistance for housing accommodations to supply information concerning his financial and business status, but not concerning race, color, religion, national origin, age, sex, height, weight, handicap, source of income, familial status or marital status.

(Code 1983, § 80.124)

Sec. 42-55. - Exceptions.

This division shall not apply to the following:

- (1) The rental or lease of a housing accommodation in a building which contains housing accommodations for not more than three families living independently of each other, if the owner or lessor or a member of his family resides in one of the housing accommodations.
- (2) The rental or lease of rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein.
- (3) The rental or lease of a housing accommodation for not to exceed 12 months by the owner or lessor where it was occupied by him and maintained as his home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

(Code 1983, § 80.125)

Sec. 42-56. - Complaint procedure.

Whenever any person believes that he has been discriminated against by violation of any of the provisions of this division, such person shall file a complaint within 30 days after such violation with the city manager who shall forward a copy to the city attorney. The city manager shall, after investigation of the complaint, make a reasonable attempt to conciliate the complaint. If conciliation is not successful, the city manager shall refer the complaint to the city attorney who shall follow the same procedure as for handling complaints for violations of other chapters. Filing of a complaint with the state civil rights commission for the same offense shall act as a bar to a complaint under this division.

(Code 1983, § 80.126)