



Report on Public Policy Position

Name of Section:

Real Property Law Section

Contact Person:

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Bill Number:

[SB 574](#) (Toy) Civil rights; housing discrimination; using "source of income" to discriminate against applicants in real estate transaction; prohibit. Amends title & sec. 502 of [1976 PA 453](#) (MCL [37.2502](#)).

Date position was adopted:

November 9, 2005

Process used to take the ideological position:

Vote of the Council of the Section

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

Of the 19 voting members, 16 were present. 16 voted in favor, none were opposed.

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

The Real Property Law Section opposes the proposed legislation because (a) economic and business decisions based on a party's source of income have not historically been viewed as inviting invidious discrimination against otherwise protected classes and therefore the proposed legislation represents a substantial extension of Elliott-Larsen well beyond its traditional scope, (b) the proposed legislation would impose substantial additional administrative burdens and compliance costs on all real estate transactions which would significantly outweigh any perceived benefit from the legislation, (c) the proposed legislation would invite litigation over the "reasonableness" of various business decisions and over the "reasonableness" of the efforts undertaken to verify and evaluate economic information, and (d) discrimination against existing protected classes is already prohibited by the Elliott-Larsen Act. Specific concerns about issues involving "source of income" can more effectively be addressed through legislation other than amendment of the Elliott-Larsen Act.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-SB-0574>