

Birmingham, Michigan, Code of Ordinances >> PART II - CITY CODE >> Chapter 66 - HUMAN RELATIONS
>> ARTICLE II. - DISCRIMINATION >> **DIVISION 2. FAIR HOUSING** >>

DIVISION 2. FAIR HOUSING

[Sec. 66-36. Definitions.](#)

[Sec. 66-37. Enforcement.](#)

[Sec. 66-38. Investigation of complaints; efforts at conciliation.](#)

[Sec. 66-39. Exemption.](#)

[Sec. 66-40. Discrimination prohibited generally.](#)

[Sec. 66-41. Discrimination by financial or insurance institutions.](#)

[Sec. 66-42. Unlawful representations to induce transaction.](#)

[Sec. 66-43. Property offered to public.](#)

[Sec. 66-44. Related prohibitions.](#)

Sec. 66-36. 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:

Handicap means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which characteristic is unrelated to the individual's ability to acquire, rent or maintain property.

Housing accommodations means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

Owner means possessor of any interest in real property including the lessee, lessor, sublessee, sublessor, assignee, assignor, managing agent or other person having the right of ownership or possession or the right to sell, rent, transfer or lease any real property, housing accommodations or any interest therein.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

- (1) Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein;
 - (2) Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein;
 - (3) Holds himself out as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein;
 - (4) Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein;
- or

- (5) Engages in the business of listing real property, housing accommodations, or an interest therein in publications.

Real estate broker or salesperson includes a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease of real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

Real property means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

Sexual orientation means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1963, § 9.131; Ord. No. 1520, § 9.131, 4-27-92)

Cross reference— Definitions generally, § 1-2.

Sec. 66-37. Enforcement.

Any person claiming a violation of this division shall make a written complaint to the city manager or his designee, setting forth therein the details, including location of property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.

(Code 1963, § 9.137; Ord. No. 1520, § 9.137, 4-27-92)

Sec. 66-38. Investigation of complaints; efforts at conciliation.

- (a) Within 30 days after a complaint is reduced to writing and verified pursuant to section 66-37, the city manager or his designee shall make a full investigation of the alleged violation.
- (b) After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall give written notice to the person accused of the violation and he shall have 30 days during which the city manager or his designee shall attempt to resolve the matter by conciliation and persuasion.
- (c) If the claimed violation cannot be resolved by the end of the 30-day conciliation period, the complaint shall be referred immediately to the city attorney for prosecution.

(Code 1963, § 9.138; Ord. No. 1520, § 9.138, 4-27-92)

Sec. 66-39. Exemption.

With respect to the age provision only, this division shall not apply to the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens or otherwise intended, advertised, designed or operated for the purpose of providing housing accommodations to persons 50 years or older.

(Code 1963, § 9.133; Ord. No. 1520, § 9.133, 4-27-92)

Sec. 66-40. Discrimination prohibited generally.

Except as otherwise provided in this division, no person engaging in a real estate transaction

concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly for reasons of religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law:

- (1) Refuse to engage in a real estate transaction with a person;
- (2) 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;
- (3) Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction;
- (4) Refuse to negotiate for a real estate transaction with a person;
- (5) Represent to a person that real property or an interest therein is not available for inspection, sale, rental or lease when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property;
- (6) Print, post, circulate, mail or otherwise cause to be 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 religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law;
- (7) 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; or
- (8) Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services.

(Code 1963, § 9.132; Ord. No. 1520, § 9.132, 4-27-92)

Sec. 66-41. Discrimination by financial or insurance institutions.

- (a) Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative of such person shall not:
 - (1) Discriminate against the applicant because of religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law; or
 - (2) Use a form of application for insurance or 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 based on religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law.
- (b) Subsection (a)(2) of this section shall 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, as amended, being 12 U.S.C. 1701 to 1750(g), as amended, or by a regulation board or officer acting under the statutory authority of the state or the United States.
- (c) Nothing in this division shall be deemed to prohibit an owner or lender, or his agent, from

requiring that an applicant who seeks to buy, rent, lease or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1963, § 9.134; Ord. No. 1520, § 9.134, 4-27-92)

Sec. 66-42. Unlawful representations to induce transaction.

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which he may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to 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.

(Code 1963, § 9.135; Ord. No. 1520, § 9.135, 4-27-92)

Sec. 66-43. Property offered to public.

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law.

(Code 1963, § 9.136; Ord. No. 1520, § 9.136, 4-27-92)

Sec. 66-44. Related prohibitions.

- (a) No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.
- (b) No person shall coerce, threaten or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.
- (c) No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.
- (d) No person shall attempt directly or indirectly to commit an act prohibited by this division.

(Code 1963, § 9.139; Ord. No. 1520, § 9.139, 4-27-92)