

**Michigan's Fair Housing Act of 1968**

Public Act No. 112. From the Public and Local Acts of the Legislature of the State of Michigan passed at the regular session of 1968.

**CHAPTER 4. ENFORCEMENT BY CIVIL RIGHTS COMMISSION**

**564.401 Complaints, contents; filing; time for filing; copy to respondent. [M.S.A. 26.1300(401)]**

Sec. 401. A person claiming to be aggrieved by an unfair housing practice may file with the commission a written complaint, under oath, stating that an unfair housing practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient for the commission to identify the person charged, hereinafter referred to as the respondent. The complaint shall further state that the actions of the complainant were to accomplish or to endeavor to accomplish the real estate transaction cited therein and that the complaint is made in good faith and not for the purpose of harassment or entrapment of the respondent. The commission shall determine if the complaint is made in good faith. The attorney general or the commission on its own initiative may file with the commission a written complaint based upon information and belief alleging that an unfair housing practice has been committed, setting forth the facts upon which the complaint is based and setting forth facts sufficient for the commission to identify the person charged. The complaint shall further state that the complaint is made in good faith and not for the purpose of harassment. In all actions where the attorney general or the commission files a complaint in the circuit court in the county in which the unfair housing practice allegedly occurred, or in which the respondent resides or transacts business the court shall first determine if the complaint is made in good faith. The complaint shall be filed with the commission within 90 days after the alleged unfair housing practice occurred. Amendments as to parties respondent may be made within 180 days after filing the complaint. The commission shall furnish all respondents with a complete copy of the complaint and then shall investigate the allegations of any unfair housing practice in the complaint without delay.

**564.401a Removal to circuit court, time, fee, order; costs. [M.S.A. 26.1300(401a)]**

Sec. 401a. Within 15 days of receiving the notice of hearing as provided in section 406, the respondent may file with the circuit court for the county in which the complaint is alleged to have taken place a petition for the removal of the proceedings to the circuit court. Upon payment of the required filing fee, the court shall immediately issue an order removing the complaint from the jurisdiction of the civil rights commission. The court shall assume jurisdiction of the proceedings and the civil rights commission shall take no further action in regard to the complaint upon receiving a copy of the court order. The circuit court shall have all the powers and duties in regard to the complaint as are provided in this act to the civil rights commission. The civil rights commission may represent the complainant in the proceedings before the circuit court. Upon a determination by the circuit court that the respondent has not been guilty of an unfair housing practice, the court may order all costs of the proceeding incurred by the respondent to be paid by the complainant.

**564.402 Court order to produce books and records. [M.S.A. 26.1300(402)]**

Sec. 402. In connection with an investigation of a complaint filed with the commission, the

commission may apply to the circuit court for the county in which the unfair housing practice allegedly occurred, or in which the respondent resides or transacts business for an order requiring the respondent to produce books, papers, records, correspondence or other documents relevant to the complaint.

**564.403 Dismissal orders, copies; reconsideration. [M.S.A. 26.1300(403)]**

Sec. 403. (1) If the commission determines that there are insufficient grounds to believe that the respondent has committed an unfair housing practice, the commission shall issue an order dismissing the complaint and furnish copies of the order to the complainant, the respondent, the attorney general, and such other public officers and persons as the commission deems proper.

(2) The complainant, within 30 days after receiving a copy of an order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon such application the commission may either reaffirm its dismissal of the complaint or may conduct a hearing to determine if there are sufficient grounds to believe the respondent has committed an unfair housing practice. If the commission determines that there are insufficient grounds to believe that the respondent has committed an unfair housing practice, the commission shall issue an order dismissing the complaint and furnish copies of the order to the complainant, the respondent, the attorney general, and such other public officers and persons as the commission deems proper.

**564.404 Conciliation; procedure; orders, content; confidentiality. [M.S.A. 26.1300 (404)]**

Sec. 404. Unless the commission has issued an order dismissing the complaint pursuant to section 403, the commission or its staff may endeavor to eliminate the alleged unfair housing practice by conference, conciliation and persuasion. If a conciliation agreement is entered into, the commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent and the attorney general. Except for the terms of the conciliation agreement, neither the commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unfair housing practice by conference, conciliation or persuasion. No conciliation agreement shall contain any declaration or finding that an unfair housing practice has been committed by the respondent.

**564.405 Temporary relief; duration; immediate disposition; lis pendens. [M.S.A. 26.1300(405)]**

Sec. 405. At any time after a complaint is filed, the commission may file a petition in the circuit court in a county in which the unfair housing practice allegedly occurred, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief for a period of time not to exceed 30 days against the respondent pending final determination of proceedings under this chapter, including an order or judgment restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper. On motion of the respondent, the complainant or on its own motion the court may hear the case on its merits for immediate disposition. Upon filing the petition the commission shall forthwith file for record a notice of pendency of the action seeking temporary relief. The notice shall be filed with the register of deeds in the manner defined in section 2701 of Act No. 236 of the Public Acts of 1961, being section 600.2701 of the Compiled Laws of 1948.

**564.406 Formal charge and notice of hearing, service; answer, copies; amendments.**

**[M.S.A. 26.1300(406)]**

Sec. 406. (1) Unless the commission has issued an order dismissing the complaint or stating the terms of a conciliation agreement it shall serve on the respondent by registered or certified mail a formal charge, and notice of a hearing before 1 or more commissioners or a hearing examiner at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, attorney general and any other party to the proceeding. The notice and hearing shall comply with Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, and commission rules.

(2) The respondent may file an answer which need not be under oath with the commission in person or by registered or certified mail in accordance with commission rules. The commission shall furnish a copy of the answer to the complainant and any other party to the proceeding. The commission or the complainant may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the charge, but no order shall be issued unless the respondent has had the opportunity of a hearing on the charge or amendment on which the order is based.

**564.407 Hearings, disqualified persons; attorney general; conciliation evidence; parties rights; interveners. [M.S.A. 26.1300(407)]**

Sec. 407. (1) A commissioner or staff member who filed or investigated the complaint or endeavored to eliminate the alleged unfair housing practice by conference, conciliation or persuasion, shall not preside at the hearing or participate in the subsequent deliberations of the commission, but may appear as a witness at the hearing.

(2) The case in support of the complaint shall be presented at the hearing by the attorney general's office. Efforts in a particular case to eliminate an unfair housing practice by conference, conciliation and persuasion shall not be received in evidence.

(3) A respondent shall have the right to appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant may intervene, examine and cross-examine witnesses and present evidence. In the discretion of the commission, or if the hearing has begun in the discretion of the hearing examiner, hearing commissioner or commissioners, any party in interest may intervene, examine and cross-examine witnesses and present evidence.

**564.408 Subpoenas, application, contents, vacation or modification; witness fees; refusal to appear. [M.S.A. 26.1300(408)]**

Sec. 408. (1) Upon application to the commission a party to a proceeding may have subpoenas issued for a deposition or a hearing, in the name of the commission, by an individual designated pursuant to its rules, requiring attendance and the giving of testimony by witnesses and the production of documents. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom the subpoena is directed and notice to the requesting party, the commission or an individual designated pursuant to its rules may vacate or modify the subpoena.

(2) A witness whose deposition is taken or who is summoned before the commission or its agents is entitled to the same witness and mileage fees paid to a witness subpoenaed in the circuit court.

(3) If a person fails to comply with a subpoena issued by the commission, the circuit court for the

county in which the unfair housing practice allegedly occurred, or in which the respondent resides or transacts business, upon application of the commission or the party requesting the subpoena, may issue an order requiring compliance. In any proceeding brought under this chapter, the court may modify or set aside the subpoena.

**564.409 Burden of proof, measure; testimony, oath, transcription; further hearing. [M.S.A. 26.1300(409)]**

Sec. 409. (1) In a proceeding under this chapter it shall be the burden of the commission staff, or the complainant, to prove by the preponderance of the evidence that an unfair housing practice was committed by the respondent.

(2) Testimony taken at the hearing shall be under oath and transcribed. If the testimony is not taken before the commission, the record shall be transmitted to the commission with recommendations of the hearing examiner or hearing commissioner or commissioners. After the hearing the commission, upon notice to all parties with an opportunity to be heard, may take further evidence or hear argument.

**564.410 Decision of commission; findings of fact; orders. [M.S.A. 26.1300(410)]**

Sec. 410. (1) If the commission determines that the respondent has not committed an unfair housing practice, the commission shall state its findings of fact and issue an order dismissing the charge and complaint. The commission shall furnish a copy of the order to the complainant, the respondent and the attorney general.

(2) If the commission determines that the respondent has committed an unfair housing practice, the commission shall state its findings of fact and conclusions of law and issue an order requiring the respondent to cease and desist from the unfair housing practice and issue such appropriate orders as in the judgment of the commission will carry out the purposes of this act.

**564.411 Order to remedy unfair housing practice; contents; civil damages. [M.S.A. 26.1300(411)]**

Sec. 411. Appropriate orders under section 410 to remedy an unfair housing practice of a respondent may include and shall be limited to:

(a) Petitioning the circuit court in the county where the unfair housing practice was committed for an order providing for the sale, exchange, lease, rental, assignment or sublease of real property to an individual.

(b) Reporting as to the manner of compliance.

(c) Making, keeping, producing and reporting upon reasonable commission demand for a maximum period of 1 year such reasonable records as are relevant to assist the commission in determining whether the respondent is complying with the order issued under section 410.

(d) Petitioning the circuit court in the county where the unfair housing practice was committed for an order awarding the payment of economic damages not exceeding \$500.00 to the complainant for an injury caused by the unfair housing practice as shall be determined by the court.

**564.412 Unfair housing practices in course of business; petition to court, for civil fine; multiple acts of discrimination. [M.S.A. 26.1300(412)]**

Sec. 412. (1) If the commission finds that an unfair housing practice was committed in the course of respondent's business of furnishing housing accommodations, real estate brokerage services,

or financial assistance in connection with a real estate transaction, the commission may petition the circuit court in the county where the unfair housing practice was committed or where an appeal is taken by a respondent pursuant to section 415 for an order directing the respondent to pay a fine to the state to be deposited in the general fund. After notice and hearing the court may order the respondent to pay a fine in the sum of not more than \$1,000.00 per unfair housing practice, and if the court finds the practice was a violation of a previous order of the commission, the court may order a fine not to exceed the sum of \$2,000.00 per unfair housing practice.

(2) Such fines are civil and not criminal. Multiple acts of discrimination against the same complainant by the same respondent concerning the same property shall constitute a single unfair housing practice. Discrimination against an applicant relative to more than 1 property, which occurs as part of a unified course of dealing with the respondent constitutes a single unfair housing practice. A respondent's discrimination against multiple complainants, all of whom intend to reside together as a single family unit constitutes a single unfair housing practice.

**564.413 Motion for reconsideration by commission; time. [M.S.A. 26.1300 (413)]**

Sec. 413. Within 15 days after receipt of a final order of the commission, following a hearing held pursuant to section 406, a party aggrieved by the order may file a written motion for reconsideration by the commission.

**564.414 Real estate dealer or builder; notice to licensing agency; commission finding not reversible; exception. [M.S.A. 26.1300(414)]**

Sec. 414. In case of a real estate broker, real estate salesman or builder operating under a license issued by the state or a political subdivision or agency thereof, if the commission, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in an unfair housing practice authorized, requested, commanded, performed or knowingly or recklessly permitted by the individual or the board of directors of the respondent or by an officer or executive agent acting within the scope of his employment, the commission shall so certify to the licensing agency. Unless the commission finding of an unfair housing practice is reversed in the course of judicial review, the finding of an unfair housing practice is not reversible by the licensing agency notwithstanding any other provision of law to the contrary.

**564.415 Appeals from commission; stay of proceedings; appeal period. [M.S.A. 26.1300(415)]**

Sec. 415. An appeal from a final order of the commission, including an order dismissing a complaint, shall be taken in the manner provided by section 4 of Act No. 45 of the Public Acts of the Second Extra Session of 1963, being section 37.4 of the Compiled Laws of 1948. Michigan court rules relative to stay of proceedings on appeal shall pertain in regard to the commission's order. If a motion for reconsideration is filed pursuant to section 413, the appeal period shall begin to run from receipt of the commission order determining the motion for reconsideration.

**564.416 Respondent's costs and attorney fees. [M.S.A. 26.1300(416)]**

Sec. 416. If a complaint is dismissed by final order of the commission or a court, the court, in the same or another action, may assess an amount not to exceed actual costs and actual attorney fees against the complainant and in favor of the respondent.

**564.417 Complaints and testimony, perjury. [M.S.A. 26.1300(417)]**

Sec. 417. Complaints and sworn testimony referred to herein are subject to the law of perjury.

**564.418 Constitutional rights not denied. [M.S.A. 26.1300(418)]**

Sec. 418. Nothing contained in this act shall be construed in such a manner, and no investigation or determination herein prescribed or permitted shall be made in such a manner, so as to deny any person suspected or accused of violating the provisions of this act, or otherwise affected by said provisions, any statutory or constitutional right, guarantee, safeguard, privilege or other prerogative that would exist in a corresponding criminal investigation and proceeding.