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House Criminal Justice Committee
October 3, 2023
Expungement Discrimination Package
House Bills 4948 & 4960: Support

The American Civil Liberties Union of Michigan supports HB 4960 and 4948, which would prohibit landlords and employers from requiring Michiganders from disclosing their expunged convictions. These are common-sense bills that would protect privacy rights of Michiganders.

House Bill 4948 would amend 1972 Public Act 348, known as the landlord-tenant act, to prohibit landlords from requiring a prospective tenant to disclose their set aside or expunged convictions. Today, landlords *may* ask tenants whether they have convictions that have been set aside, which voids the purpose and intent of expunging ones record. Under House Bill 4948, landlords would also be prohibited from asking for juvenile delinquency findings, participation in juvenile diversion programs, status as a youthful trainee under the Holmes Youthful Trainee Act, and out-of-state juvenile convictions.

In the event that a landlord violates these provisions, a tenant could seek injunctive relief, requiring that the Landlord cease and desist from demanding prohibited information, a penalty of up to \$250 per day of violation – capped at \$2,000, and/or reasonable attorneys fees.

Next, House Bill 4960 would amend 1976 Public Act 453, known as the Elliott-Larsen civil rights act (“ELCRA”). ELCRA already holds that certain employers and labor organizations cannot ask for information about an employee’s misdemeanor arrest that did not result in conviction, but House Bill 4960 would expand those protections to include the prohibition of requesting convictions that have been set aside or expunged, placement on probation, juvenile convictions, and status as a youthful trainee under the Holmes Youthful Trainee Act. ELCRA allows an aggrieved employee to seek injunctive relief, damages, and reasonable attorneys fees from an employer who violates this act.

As more Michiganders are eligible to set aside their eligible criminal convictions under our Clean Slate laws, it is important to ensure that landlords and employers do not violate the privacy rights of prospective and current tenants and employees by asking unnecessary and over-reaching questions about expunged and juvenile records.

The ACLU of Michigan supports HB 4948 and 4960 and urges this committee’s passage.

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