

1. HRC Agenda

Documents:

[6-25-18 HRC MEETING AGENDA.PDF](#)

2. HRC Meeting Packet

Documents:

[JUNE 25TH HUMAN REALTIONS COMMISSION PACKET.PDF](#)

Meeting Agenda

**City of Ypsilanti
Human Relations Commission
Regular Meeting
City Council Chambers - One South Huron St.
Ypsilanti, MI 48197
Monday, June 25, 2018, 7:00 P.M.**

I. CALL TO ORDER

II. ROLL CALL

Commissioner Jones-Darling
Commissioner Saunders
Commissioner Shuler
Commissioner Fellows
Commissioner Gaines
Commissioner Hunter
Commissioner Krupin-Carter
Commissioner Devika Choudhuri

III. AGENDA APPROVAL

IV. APPROVAL OF MINUTES

- A. April 23, 2018
- B. May 21, 2018 – Special Meeting

V. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

VI. DISCUSSION ITEMS

- A. Bylaws – Final Draft
- B. Position Statement
- C. Article III - Discrimination Amendments
- D. Annual Letter to Council

VII. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

VIII. PROPOSED BUSINESS

IX. NEXT MEETING DATE: Monday, July 23, 2018

X. ADJOURNMENT

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Meeting Minutes

City of Ypsilanti

Human Relations Commission

Regular Meeting

City Council Chamber – One South Huron St.

Ypsilanti, MI 48197

Monday, April 23, 2018 – 7:00 p.m.

I. **CALL TO ORDER:** 7:04 p.m.

II. **ROLL CALL:**

Commissioner Jones-Darling	Present
Commissioner Saunders	Absent
Commissioner Shuler	Present, arrived at 7:09 p.m.
Commissioner Fellows	Present
Commissioner Gaines	Present, left at 8:08 p.m.
Commissioner Hunter	Present
Commissioner Choudhuri	Present
Commissioner Krupin-Carter	Present (non-voting member)

Staff present: Andrew Hellenga, Deputy Clerk
Nancy Hare-Dickerson, Commission Secretary

III. **AGENDA APPROVAL:** Approved

Suggested additions:

Fellows: Update re: Budget Town Hall as item A.

Hunter: Follow-up re: police chief and either a Council meeting or Town Hall
(to be heard at the conclusion of business items)

**Fellows (second Choudhuri) moved to approve the Agenda as amended.
Unanimous approval. Motion carries.**

IV. APPROVAL OF MINUTES

A. March 26, 2018

Hunter (second Choudhuri) moved to approve the Minutes as submitted. Unanimous approval. Motion carries.

V. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VI. DISCUSSION ITEMS

A. Budget Town Hall

Fellows: Stated that from discussion with Deputy Clerk Hellenga, that although the cancelled budget meetings are expected to be rescheduled, no date has been set yet.

Deputy Clerk Hellenga: Explained that usually the budget sessions are scheduled for May and the resolution was amended to say that the Town Hall would be held after those were concluded; so it would be before the first reading of the budget.

Choudhuri: Stated that the purpose of suggesting a Town Hall were for citizens to be able to offer suggestions; not to be explained to.

Deputy Clerk Hellenga: Explained that citizens could still offer suggestions; it would be before the Ordinance reading but it would be following the budget recommendations.

Jones-Darling: Added that the department heads would present their ideal budget and then the citizens would come in; that they thought there would be some level of education in it for citizens who then could comment and then Council could go into their final budget process with the feedback they had gotten from the Town Hall.

(Dialogue continued re: the budget process and citizen feedback)

Hunter: Asked when the department heads would consult with the public and their process for getting adequate input into their decision-making process.

Shuler: Responded that he thinks their input comes from Council -- that if they submit to Council, then that would be available for the Town Hall meeting to discuss those submissions, which are just recommendations from the staff; that everybody would be able to read those, comment and then Council would take that into account when they have their first and second readings and discussion about what they want to do. He further added that Council's not going to accept what staff submitted to them; they're

going to make changes to it too. So what Council wants from the public is what changes they may want Council to make.

Jones-Darling: Noted that the Mayor was clear that the intent is that staff should not take up the bulk of the time; that they should be able to do a short presentation and then allow people to comment. He added that while it's not what they wanted, he sees some value in it. He said his understanding of what was explained to him and the way Council voted on it is that the majority of the time will still be dedicated to public comment.

Fellows: Expressed that the form of it feels wrong because the information gathering is happening as a reaction to whatever budget is put out by staff rather than it being citizens coming and talking about what they'd like to see and staff listening. The whole point of recommending this was to improve relations between City residents by making the process a little less backwards.

(Dialogue continued re: the process of staff making recommendations and public input)

Jones-Darling: Stated that the way the Resolution was passed, he thinks it gives a lot of input for Council to decide particularly where this Town Hall will take place and, with that said, he thinks it's important because the Resolution says "just before it concludes". He added that, theoretically, if the amount of Council members needed to call a meeting decided that it was going to be before the department heads begin their presentation, he could see that as still being a case; that there's nothing in the Resolution locking it out from being there.

Fellows: Asked that he read the sentence.

Jones-Darling: Replied that the resolution, as it was passed, stated that: "City Council will conduct a town hall style meeting to provide the community with knowledge on the budget and solicit feedback regarding FY '19 budget priorities before the City Council budget session concludes." He added that it leaves room open for Council to proceed in that manner and if that's what this commission would like to see, that he's more than happy to go forward with Commissioner Fellows to make sure that they talk to them and make sure that that happens.

Fellows: Responded that they should follow the lead of the language, that it's the same amount of work, but just put it in the order that makes more sense.

B. Bylaws – First Reading

Choudhuri: Explained that, as they talked about yesterday, that it goes directly into the objectives but there's no mission explaining the overall reason for being. So, a Mission was crafted, showing what we are based upon, primarily looking at Ann Arbor's Human Rights Commission and the Ypsilanti Non-Discrimination Ordinance. Then the objectives derive from our Mission as opposed to just being some objectives that stand alone.

She continued that given all our conversations regarding immigration, that we would be in accordance with what the City and the County had decided about not picking people up on the street, so why should we say we would do this if, instead, we would be following the Non-Discrimination Ordinance. She added that with that being the Mission, it's not necessary to say we're going to cooperate with all state and federal agencies for no reason.

Hunter: Stated his agreement.

Fellows: Stated that the core piece of the "Mission" is that it says "the Commission works to protect the human and civil rights of the people of Ypsilanti".

Gaines: Asked if by us updating the bylaws, is this to make it easier for the next group that comes in? I forgot the point of it.

Hunter: Replied that he would think so, to expand the language where it needs to be.

(Discussion continued re: suggestions in rephrasing the bylaw language)

Jones-Darling: Stated that the current verbiage he has is "the Ypsilanti Human Relations Commission was created in 1994 by City Charter and codified by City Council in 1995 to ensure full access to the human and civil rights for the people of Ypsilanti ..."

(Discussion continued re: suggestions in phrasing the bylaw language)

Fellows: Asked, if they wanted to go into "Objectives".

Jones-Darling: Answered in the affirmative.

[Section 1]

Fellows: Explained that the language of "city manager" was taken out for consistency because "city manager" is only in this particular section.

Hunter: Suggested getting more specific with the language at the end of Section 1 – "the elimination of prejudice and discrimination".

Krupin-Carter: Agreed that the language should be made more quantifiable rather than qualitative.

(Discussion continued re: suggestions in rephrasing the Section 1 Bylaw language)

Fellows: Noted that she has written, "The Commission shall serve as an advisory body to City Council and shall study problems in the city relating to prejudice and discrimination and make policy recommendations to the City Council to identify and

remove discriminatory structures and practices for the elimination of existing discriminatory policies and to remediate the effects of past discrimination.”

Choudhuri: Commented regarding the length of the sentence.

Jones-Darling: Noted that he has written, “The Commission shall serve as an advisory body to City Council and shall study problems in the city related to prejudice and discrimination and make policy recommendations to the City Council to identify and remove discriminatory structures and practices and to act to remediate the effects of past discrimination.”

Choudhuri: Responded, “...and to act to remediate the legacy of historical oppression”.

Fellows: Asked if commissioners were okay with moving on.

Hunter/Jones-Darling: Verbally answered yes.

[Section 2]

Fellows: Stated that she thinks Commissioner Krupin-Carter brought up that we should add something about the Commission is going to basically follow the City Charter and Code of Ordinances; that I think we covered the statement in Section 1 and in the Mission.

Jones-Darling: Added that the Commission will pursue the Mission and Objectives in accordance with the established laws of the City of Ypsilanti and City Charter.

Shuler: Expressed that he doesn’t like the word “policies” in Section 2; that he doesn’t think City Council has the ability to pass a policy that would be in conflict with either the Charter or the Ordinance; that he’d rather work with those two things rather than City Council’s policies.

(Discussion continued re: suggestions in rephrasing the Section 2 Bylaw language)

Jones-Darling: Noted that he has written, “The Commission will pursue the missions and objectives in accordance with these bylaws, applicable ordinances and the City Charter. The Commission shall also act in a manner to respond to all requests from City Council”.

[Section 3]

Jones-Darling: Asked if anyone had a problem with the language in Section 3.

(Discussion re: suggestions in rephrasing the Section 3 Bylaw language)

Jones-Darling: Noted that he has written, "The Commission shall invite and enlist the cooperation of all racial, religious, national origin, gender, sexual orientation and ethnic groups, as well as all persons representing various economic, educational and social groups, including groups concerned with age and/or such disability in all areas of the city and, as a whole, shall be representative of the diversity of the entire community and will act as a bridge between protected classes in the community and the city for the development of policies and programs which promote empowerment and a socially just community."

Fellows: I think it could be revisited again for another reading.

[Section 4]

Jones-Darling: Read, "The Commission shall communicate with federal and state agencies regarding human rights and affirmative action programs for the purpose of making recommendations to City Council".

(Discussion re: suggestions in rephrasing the Section 4 Bylaw language)

Choudhuri: Asked if, for the purposes of getting through other discussion items that seem important, if the bylaws discussion should be paused and then returned to.

(Dialogue re: pausing the Bylaw discussion)

Fellows: Asked if Section 4 is okay as it is now.

Jones-Darling: Answered in the affirmative and stated that the Bylaw conversation would end until the Commission chose to pick it back up, whether now or at another date.

Krupin-Carter: Asked if a supplementary meeting should be scheduled.

Jones-Darling: Agreed that a supplementary meeting would be best – a Special Meeting for Consideration of the Bylaws, May 21st, at 7 p.m. in City Council Chambers.

Choudhuri: Asked if, due to the hour, audience participation could be opened up so that it could take place before 9 o'clock.

Jones-Darling: Replied, that it could be done if there's a motion.

Choudhuri (second Hunter) moved for consideration of Agenda item VII before continuing with the Agenda Discussion items VI. Unanimous approval. Motion carries.

VII. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

Mickeila Tate, Ypsilanti: Greeted the Commission and mentioned that she is running for office. Stated that election after election, promises are made that certain things are going to change - such as getting housing or getting education or getting health care or getting gun laws under control; that there's all these real-life issues that are suppressing and oppressing Ypsilanti and Ann Arbor citizens. She stated that there are other issues being swept under the rug – domestic violence being at the top and that domestic violence and family issues that are capable of being dealt with by the State, their workers and administrators are not being taken care of due to lack of diligence and accountability.

Mickeila Tate further stated that coming from a place of a person who's dealt with these issues, that policies and rules in all government offices are not being followed and asks that the Commission address this because in order for the problem to resolve, you have to go for the root. She stated that she wonders, on the other side of that fence, why these things are not being dealt with by people who have authority over us that have the ability to make changes. She said she praised God for the Commission when they brought up human rights because people go to their homes and lie in their beds in distress and that people are on their phones daily constantly trying to figure out who to call but they can't figure out which direction to go.

Hunter: Stated he'd like to make a motion to extend the time.

Mickeila Tate: Apologized and added that she has maybe one more thing.

Jones-Darling: Asked her to continue.

Mickeila Tate: Continued that people are climbing the ladder trying to get attention on things that are being done to them and that, at the end of the day, the fate that you have to eat or the bed you have to lie in is persecution; or, being intimidated because you're screaming out for help and instead of the people who have the power to help, helping, you get attacked and persecuted. She stated that a lot of people are in fear right now, that they don't know what to say and don't know how to talk about things like the housing issue; all they know to do is to keep running up to DHS and doing the same cycle.

She expressed that one of the things she was thinking about is the need to create easy access for housing homeless citizens because, at the end of the day, they still have to live too. She continued that if we're saying we're trying to make this city better, why keep creating hoax in these areas that are causing oppression and suppression because the money is there.

She shared that she was triggered by the Holy Spirit to approach the Commission. When she saw in the newspaper that Ann Arbor is trying to fix something for \$8Million of

some little structure that's on the outside of a museum, her thought was that they're putting big money on all these different projects but people are still out here.

Bottom line, she continued, the top dog on her list is policies and rules because the policies and rules are not being followed from the start - the original policies and rules from the beginning, starting with Abraham Lincoln on down to now; that people are cherry-picking policies and rules and it's hurting the people. In conclusion, she said "if you got a bad head, the whole body's going to fall". She said, it's time to get heads that have a heart and a soul for the people and it's time to get a head that's going to go and talk to the people.

Choudhuri: Expressed thanks, and responded that she agrees with the layout of the ills and the current state of the issues as presented, but asked Mickeila Tate to share, from her experience, what could be looked to that would be one thing to begin a change in the direction of what she would like to see happen.

Mickeila Tate: Responded that the thing she would look to, first of all, is a person listening. She stated that the Lord our God says "he who humbles himself shall be exalted but he who exalts himself shall be soon humbled"; that in this hour that we're in right now, with all the stuff that's going on, someone having a heart to listen and having a pure heart is, at this time, the only thing I could see to fix it.

Choudhuri: Stated that it sounds like trust could be built only if you saw someone acting with a heart to listen in the first place.

Mickeila Tate: Stated in the affirmative.

Krupin-Carter: Asked what office she's running for, based on her earlier mention.

Mickeila Tate: Replied that she wanted to run for City Council; however, after getting kind of a nudge, she plans to run for mayor.

Krupin-Carter: Wished her luck.

Mickeila Tate: Expressed her appreciation.

VI. DISCUSSION ITEMS (Continued)

C. Housing Equity & Discrimination

Jones-Darling: Explained that in his conversation with the Mayor, that she brought up some of the things she's hearing across the city which might be worth the Commission diving into. He stated that there was a bit of discussion at the last meeting to potentially bring in the person who handles Section 8 related things, as a primary contact for the County is from the City of Ann Arbor and works with the Ann Arbor Housing

Commission; and to bring in our own housing commission to discuss housing inequities and discrimination specifically based on Section 8 vouchers and other forms of things.

Hunter: Added that Mিকেila Tate mentioned DHS. He stated that he doesn't see this conversation moving forward without some sort of representation on their end. He asked if there was such an entity in Ypsilanti involving matters relating to Section 8 housing.

Jones-Darling: Replied that housing vouchers usually go through the local commissions, which would be the DHS contact.

Fellows: Added that sometimes it's the Housing Commission and sometimes it's the State, MSHDA. Explained the many different kinds of housing vouchers and gave insight into how the agencies interconnect. She expressed curiosity as to how the Mayor would want to tackle this.

Jones-Darling: Shared that discrimination on sources of income with regards to housing was one of things brought up during the meeting and that it is illegal in Ypsilanti; that a property owner cannot, as method of source of income, deny a Section 8 voucher for rental purposes because it is considered a source of income.

Fellows: Stated that there is some movement on policies that are being developed at City Council level; that the Mayor talked about doing an ordinance to require landlords to give out a renter's rights handbook when they sign a lease and that City Councilor Murdock is putting together a package of ordinances that will put some protections in place. She further shared examples of income-based discrimination which is causing a lot of the current housing crisis right now.

Choudhuri: Stated that she noticed the Non-Discrimination Ordinance only mentions source of income, not amount of income as a reason to not discriminate; so, essentially, it's okay to discriminate on the basis of poverty.

Hunter: Replied that it always has been and that's why homelessness exists.

Choudhuri: Stated she doesn't think that it's accidental that there's way more in Ann Arbor who then move to Ypsilanti.

Hunter: Expressed his curiosity as to what Ann Arbor's Human Rights Commission would have to say about this in particular.

Jones-Darling: Replied that that's something he wanted to talk directly to Commissioner Fellows about specifically, because their ordinance also prohibits source of income. So the question is why is the Ann Arbor Human Rights Commission failing to act on their duty, which is then falling to us in the city to handle?

Krupin-Carter: Stated that it sounds like a good thing to bring up at our joint meeting with them, if we have a joint meeting.

D. Resolution No. 2018-001, requesting City Council to display the LGBT Rainbow Pride Flag in Council Chambers

Jones-Darling: Explained his reason for writing the resolution - that it means a lot in terms of being representative with what the City's values are. He added that the Mayor also noted her support and then opened the floor for discussion.

Hunter: Stated his agreement.

Choudhuri: Asked Jones-Darling if he's offering it.

Jones-Darling: Replied that, yes, he is offering the Resolution.

Fellows: Expressed that this Resolution will likely pass in Council but may have some push-back from some corners of the community; however, thinks there's good cause for inclusion and she is supportive of representation.

Hunter: Asked why the "QIA+" in "LGBTQIA+" isn't listed on the last line of the Resolution?

Jones-Darling: Replied that it is debated whether or not that particular flag represents the "QIA+", which is why.

Fellows: Asked if there could be a discussion on that issue?

Jones-Darling: Answered in the affirmative.

Fellows: Expressed that there's lots of conversation that the flag is not very representative at this time and kind of represents the most privileged and bourgeois of queer folks.

Hunter: Asked if this could be seen as pink washing?

Fellows: Answered yes, to some people.

Shuler: Asked what is "IA".

Choudhuri: Answered, "Intersex and Ally".

Jones-Darling: Added, or asexual.

Choudhuri: Clarified that it is “Ally” rather than asexual, that it does not acknowledge asexual.

(Further discussion re: different types of flags and historical perspectives)

Fellows: Noted that there was a lot of public input push-back against flying the Trans flag at the police station from Trans folks in our community who say that it is insulting to fly the Trans flag at the police station when brutality is still an issue for many folks that are transgender. She said she does hear a lot of critiques around standing behind the symbol of flags or rainbow washing/pink washing, so it will probably always be a bit conversational and controversial on both sides.

Hunter: Added that the communities we’re addressing are not monoliths, so when it comes to displays of support for the Muslim community or black community, we understand that even within those, there are people who may not find these flags to be efficient or relevant or positive even. He stated that there’s nuance but he still supports having something here.

Shuler: Added, in agreement, this truly acknowledges this city as very inclusive of this community and that displaying a symbol of what is true in the city is not a bad thing. He said that it’s different to say “let’s put that up there because it makes us look good”, but thinks that we do look good and it’s different than that.

(Further discussion ensued re: perspectives)

Fellows: Stated that people talk about the gay lobby, that there’s lots of money behind certain initiatives and so it isn’t kind of a grass-roots effort anymore.

Jones-Darling: Shared that as a person who came from the “gay lobby” at one point, working yourself into that system is a grass-roots effort in itself, coming out of the closet is a grass-roots effort in itself, getting out of the bed is a grass-roots effort in itself, living every single day in this country that, in a lot of places, doesn’t even recognize that you exist is literally a grass-roots effort in itself. He added that he takes offense to individuals who characterize the LGBTQ+ movement as a massive thing because, literally, it’s not.

Choudhuri: Stated that it is intersexual but, at the same time, we already have some flags, so we’re not avoiding complexity. She added that we don’t have anything that represents our support for or diversity in terms of sexual orientation and gender identity, so a beginning place is a Rainbow flag. She expressed that she would be prouder to be in this room if there were such a flag.

Shuler: Asked if the Commission wants just a Rainbow flag or wants to specifically name both flags.

(Discussion re: flag type(s) and perspectives)

Jones-Darling: Stated that there needs to be a decision on what flags we're asking for.

Hunter: Stated that he can't really make any request.

Shuler: Agreed, stating that he's not really connected enough to make a decision.

Krupin-Carter: Stated that she's not part of the community and isn't comfortable speaking on it.

Jones-Darling: Stated, the Rainbow Pride flag because of its history of activism and what it means politically and, personally, as to the queer part of him, primarily for what it means visibility-wise.

Choudhuri: Expressed that, historically, gender identity has found its first home, as homes go, in the LGBT community so that even though the issues are different, they are linked by acceptance, affiliation and space given.

Shuler: Asked what is meant by "joint" in the second "Whereas"; that since it applies to two different entities, he doesn't know who it refers to.

Jones-Darling: Explained that it's the citizens' joint responsibility – "the citizens of the City of Ypsilanti acknowledge our joint responsibility". So Council's passing this and, like in the words of Council, they're speaking from themselves and as citizens.

Hunter: Asked if it could be said in a more concise way.

Krupin-Carter: Responded that it makes sense in Council-speak.

Choudhuri (second Hunter) requested a friendly amendment to amend Resolution No. 2018-001 with the following language: "Be it resolved that the City Council of the City of Ypsilanti authorizes the display of the LGBT Rainbow Pride and the Trans flag in the Ypsilanti City Hall Council Chambers".

Shuler (second Choudhuri) moved to accept Resolution No. 2018-001 as amended. Unanimous approval by voice vote. Motion carries.

- E. Resolution No. 2018-002, requesting City Council to call upon the Eastern Michigan University Board of Regents and Ann Arbor Area Transportation Authority Board of Directors to enter into an agreement granting Eastern Michigan University students, staff, faculty and administrators 100% subsidized fixed-route transportation.

Shuler (second Fellows) moved to table consideration of Resolution No. 2018-002 to the May 21st special meeting. Unanimous approval. Motion carries.

VIII. PROPOSED BUSINESS

A. Follow-up re: Police Chief and either a Council meeting or Town Hall

Jones-Darling: Presented the history explaining a resolution which City Council recently passed. He stated that it might be best for the Commission Chair/Vice Chair to meet with the police commission chair/vice chair to determine how it will proceed.

Krupin-Carter: Asked why that commission was created and why the Commission responsibilities were separated and given to them.

Jones-Darling: Replied that there's been a demand for a police/civilian appeals-type of board. He stated that although Council went ahead with this, they didn't really consult the Commission on it, outside of the Black Lives Matter task force meetings, that were suspended halfway through last year.

Shuler: Further added that it wasn't specifically ever the Commission's responsibility to review complaints; that City Council and the Commission came up with a resolution to form a police council based on our Charter, which was to review complaints only specifically regarding matters of discrimination.

IX. NEXT MEETING DATE: Monday, May 21, 2018 – Special Meeting Monday, June 25, 2018 – Regular Meeting

X. ADJOURNMENT: 9:35 p.m.

Fellows (second Hunter) moved to adjourn. Unanimous approval. Motion carries.

Meeting Minutes

**City of Ypsilanti
Human Relations Commission**

**Special Meeting
City Council Chambers – One South Huron St.
Ypsilanti, MI 48197**

Monday, May 21, 2018 – 7:00 p.m.

I. CALL TO ORDER: 7:08 p.m.

II. ROLL CALL:

Commissioner Jones-Darling	Present
Commissioner Saunders	Present
Commissioner Shuler	Absent
Commissioner Fellows	Present
Commissioner Gaines	Present, (arrived at 7:16 p.m.)
Commissioner Hunter	Present
Commissioner Choudhuri	Present
Commissioner Krupin-Carter	Present (non-voting member)

Staff present: Nancy Hare-Dickerson, Commission Secretary

III. AGENDA APPROVAL:

**Fellows (second Saunders) moved to approve the Agenda as submitted.
Unanimous approval. Motion carries.**

IV. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

V. DISCUSSION ITEMS

A. Bylaws

Article II, Section 5

Fellows: Directed the commissioners to Article II Section 5 of the Bylaws draft copy, which is where they left off from the last meeting. She clarified that the bolded language items are to solicit discussion and any necessary changes of things that have come up in conversation before.

Hunter: Suggested that the word “racial” be removed.

Jones-Darling: Asked Commissioner Hunter for further explanation.

Hunter: Responded that if race is a construct and it’s had nothing but negative implications for those who ascribe to it, at some point we’re going to have to start detaching from it in our political language while still respecting people’s ethnicity.

Choudhuri: Replied that provided that the underlying piece that reads, “receive and review complaints from individuals alleging violations of Ypsilanti’s Non-Discrimination Ordinance, and take appropriate action, including but not limited to referral of complaints to appropriate agencies or to the City Attorney, mediation of complaints, or dismissal of complaints” is not based about race or any social identity but it’s based on the Non-Discrimination Ordinance.

Hunter: Responded that it puts a lot of weight on the Non-Discrimination Ordinance to justify actions taken and complaints respected.

Krupin-Carter: Asked, isn’t the Commission supposed to use the Non-Discrimination Ordinance as precedent as to what they’re supposed to do as a commission; and so wouldn’t it make sense referring to that, making sure that the Commission is aware of what the Non-Discrimination Ordinance says in order to be able to judge and make decisions about potential complaints.

Hunter: Replied that that made sense.

Jones-Darling: Summarized that based on the discussion, the bold language would be struck and the underlined language would be inserted.

Article II, Section 6

Hunter: Expressed that in the underlined section of Article II Section 6, the words “eliminate racial tensions, prejudice and/or discrimination”, is better than the word “discourage”.

Krupin-Carter: Responded that the words “discourage” and “eliminate” say different things in a different connotation.

Choudhuri: Expressed that she would to see “address” or “respond to”.

Hunter: Asked if they are talking about addressing structural or personal examples.

Choudhuri: Replied that she thinks the personal examples are in Section 8, so that this would be structural.

Hunter: Asked if that should then be in the language - “eliminating structural discriminatory...”.

Fellows: Responded that she supports having something about structural oppression; that she sees the point that it could be taken that we’re just a body that’s mediating over individual disputes instead of going after patterns and policies, etc.

Hunter: Expressed his desire that the Commission be an active body and not a reactionary body.

(Discussion continued re: proposed Section 6 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - “Promote education and enforcement of the Non-Discrimination Ordinance, provide programming for this and other Commission initiatives and advocate to discourage the promulgation of and eliminate structural racial tensions, prejudices, and discrimination”.

Hunter: Responded that the word “tensions” is almost kind of a non-word.

Krupin-Carter: Added that she doesn’t like the word “eliminate”; that she likes it more in context of structural components rather than personal beliefs because the Commission can’t change what people believe; that it’s a good goal to have but not necessarily something the Commission can achieve.

Choudhuri: Stated that, in another body, there was language of “advocating for accountability in leadership for broad-based structural changes that impact the climate of equity”.

Krupin-Carter and Saunders: Responded that they liked the language presented by Choudhuri.

Fellows: Offered the language - "To advocate for accountability among City Council for broad-based structural changes that impact the climate of community equity".

(Discussion continued re: proposed Section 6 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - "The Commission shall from time-to-time conduct public forums, town hall meetings, educational and other programs to promote the equal rights and opportunities of all persons. This shall include advocating for accountability of City Council for broad-based change that impacts structural inequity".

Fellows: Indicated that Section 5 had not been completed.

Article II, Section 5 Continued

Choudhuri: Offered that instead of having the whole litany of social identities, to just word it as "all persons" as was done in Section 6 – "foster equality and respect among all persons".

Saunders: Expressed that she liked the words "all persons" because of its consistency with the next paragraph. She voiced her concern with the underlined section of Section 5 that reads, "referral to the appropriate agencies or to the City Attorney"; that the Commission wouldn't refer to the City Attorney.

Jones-Darling: Responded that the Commission is required by Ordinance to refer complaints to the City Attorney for investigation if they involve the City.

Saunders: Agreed but added clarification that the Commission would not refer persons.

Krupin-Carter: Asked if, with that said, then shouldn't it be "and the City Attorney"; that if the Commission is required to send complaints to the City Attorney for investigation, then appropriate agencies would also be involved in addition to the City Attorney.

Jones-Darling: Stated that he would add "and/or".

Choudhuri: Asked if the Commission should have the power to either mediate or dismiss complaints.

Jones-Darling: Responded that the Commission does have that power under the City Ordinance.

Fellows: Added that she thinks it's a legitimate question because, as far as she knows, this commission doesn't mediate complaints as much as the Ann Arbor Human Rights Commission does; that they have a whole process for it that is set up.

Jones-Darling: Replied that this commission has the same authority.

(Discussion continued re: proposed Section 5 language)

Jones-Darling: Summarizing the discussion, noted his draft of the following - "The Commission shall promote mutual understanding and foster equality and respect among all persons which shall include receiving and reviewing complaints from individuals alleging violations of Ypsilanti's Non-Discrimination Ordinance and taking appropriate action, including but not limited to referral of complaints to appropriate agencies and/or to the City Attorney, mediation of complaints, or dismissal of complaints".

Article II, Section 7

Jones-Darling: Read the following current language of Article II Section 7 - "The Commission shall from time-to-time issue publications, studies or reports to promote good will in the community as a whole and spotlight points of necessary research. Such reports shall not include names of parties or other facts which might clearly identify parties without their consent. The Commission shall also study problems which may result in patterns of tension, discrimination or prejudice within the city, and offer assistance and attempt conciliation or mediation".

He read the underlined portion as follows - "Make periodic public reports and recommendations to the City Council on ways to improve city government programs and ordinances designed to eliminate discrimination or to remove the effects of past discrimination".

Hunter: Stated his thought that there was more detail in the previous language.

(Discussion continued re: proposed Section 7 language)

Choudhuri: Asked how commissioners felt about the language - "The Commission shall from time-to-time issue publications, studies, reports or recommendations to the City Council and community as a whole".

Krupin-Carter: Replied that she felt it was fine.

Saunders: Added that it leaves intact what the Commission can do rather than just limiting scope to discrimination cases. She expressed that she hoped there would also be positive reports.

Hunter: Added that maybe it should be more specific as to what publications, studies and reports the Commission should be focusing on because now there are sections that specifically read "eliminate structural discrimination".

Choudhuri: Suggested the language - "issues of structural discrimination and suggested interventions".

Fellows: Expressed that in keeping some alignment with the previous language, that the past discrimination wording should also be kept - "The Commission shall from time-to-time issue public reports and recommendations to City Council on ways to improve city government programs and ordinances designed to eliminate structural discrimination".

Hunter: Agreed.

Fellows: Added - or "to remove effects of past discrimination", or "respond to the effects of past discrimination."

Jones-Darling: Offered - "remediate the effects of past discrimination."

Choudhuri: Responded that sometimes the first step is to highlight or to make it visible before it can be eliminated.

Jones-Darling: Offered that the word "remediate" includes everything from visibility to elimination.

(Discussion continued re: proposed Section 7 language)

Fellows: Offered that, rather than "remediate", the words "addressing the effects of past discrimination".

Jones-Darling: Affirmed the consensus for the word "addressing".

Article II, Section 8

Jones-Darling: Read the following current language of Article II Section 8 -: "The Commission shall acknowledge and review requests from citizens of the city for the study of matters that may result in patterns of tensions, discrimination or prejudice. The Commission shall not receive or deal with complaints between individuals, but may refer persons with complaints concerning individuals to appropriate agencies".

He read the underlined portion as follows - "Investigate, study, hold hearings and make recommendations to City Council regarding complaints from any class or group protected under the Non-Discrimination Ordinance".

Saunders: Expressed that the language flies in the face of taking requests from citizens; that it's a tough deal because a person might have an issue with the police department who is not a citizen of Ypsilanti but, yet, their complaint should be heard.

Krupin-Carter: Added that there could be a complaint against one specific police officer which is technically a complaint between two people but is also a complaint against a person and the surrounding body of that person.

Choudhuri: Offered - "The Commission shall acknowledge and review requests for --"

Saunders: Offered - "-- the investigation of matters".

Krupin-Carter: Responded that it's the City Attorney's job to investigate; not the Commission's.

Saunders: Offered - "The Commission shall acknowledge and review requests".

Choudhuri: Offered - "The Commission shall acknowledge and review complaints that --"

Saunders: Offered - "-- may result in patterns of tension, discrimination or prejudice".

Choudhuri: Offered - "-- that may arise from violations of the Non-Discrimination Ordinance".

Saunders: Agreed.

Choudhuri: Summed up with the following language - "The Commission shall acknowledge and review complaints that may arise from violations of the Non-Discrimination Ordinance."

Fellows: Voiced that although the language in Section 3 was talked about, it was not finalized.

Article II, Section 3

Saunders: Asked if the language, "The Commission as a whole shall be representative of the diversity of the entire community" is what the Commission wants.

Hunter: Stated that It's a mouthful.

Saunders: Added that they'd have to run the numbers; that if it's going to be representative of the diversity, the community is majorly white and the school district is majorly African-American.

Fellows: Agreed and added that if it were interpreted by the word, it could mean representation is proportional to the community.

Saunders: Added that there are age differences; that that would be one statistic if they're going to try to mirror the diversity of the entire community.

Choudhuri: Asked if representation is wanted by social identity or representation of perspective.

Fellows: Offered that the language, "The Commission as a whole shall be representative of the diversity of the community" instead of "the entire community", makes her think more about advocating for better representation for marginalized populations but that it's up for interpretation.

(Discussion continued re: proposed Section 3 language)

Choudhuri: Asked about using the word "expressive" instead of "representative".

Hunter: Responded that it's a nice clarification.

Saunders: Agreed.

Choudhuri: Summarized that just the underlined piece will be sufficient for Section 3.

Krupin-Carter: Added to change "representative".

Fellows: Clarified the language - "expressive of the diversity of the entire community".

Article III, Section 1 and 2

Fellows: Explained that work was done on this as a subgroup; so that work is now being brought to the larger Commission.

Jones-Darling: Read Article III Section 1 language as follows: "Membership of the Human Relations Commission shall consist of nine voting members, and two youth commissioners with no vote. Members of the Commission shall be appointed as provided in Section 9.03 of the City Charter of the City of Ypsilanti."

Read Article III Section 2 language as follows: "The first priority of each member of the Commission shall be to represent and advocate for equality and social justice in the City of Ypsilanti, putting aside personal or special interests."

Fellows: Suggested for Section 1 - "nine voting members, and two non-voting youth members".

Choudhuri: Clarified - "Membership of the Human Relations Commission shall consist of nine voting members, and two non-voting youth members. Members of the Commission shall be appointed as provided ..."

Article III, Section 4

Choudhuri: Stated that the only change is, “shall remove himself” to “themselves”.

Article III, Section 5

Jones-Darling: Read the Article III Section 5 language as follows: “Members shall avoid *ex parte* contact about cases before the Commission whenever possible. If such contact occurs, the member shall make a report of the discussion to the Commission at the deliberation of the case.”

Saunders: Asked if the language should be “before the deliberation of the case” as opposed to “at”.

Choudhuri: Responded that she would then add “as possible” because sometimes you don’t know.

Saunders: Responded that she could live with that.

Jones-Darling: Read the remaining language, as follows: “Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to accurately represent the position reflected by the outcome of the vote. From time-to-time, or on a specific issue, the Commission may appoint a spokesperson for the Commission on all matters which occur outside of the meeting of the Commission. Otherwise, this shall fall to the Chairperson.”

Article III, Section 6

Jones-Darling: Read the Article III Section 6 language as follows: “If any discussion occurs regarding a member or officer performance leading to recommendation for dismissal, such discussion and identification of persons shall occur in closed session to protect privacy”.

He stated that the language is in violation of the Open Meetings Act; that “closed session” cannot be done.

Saunders: Responded that it can be done.

Krupin-Carter: Agreed with Saunders that it can be done.

Jones-Darling: Indicated that Commission members are all public appointed officials and that any discussion that happens about one of us, because we are not under contract with the City, we do not fall under the exemption of the Open Meetings Act.

Saunders: Stated that there's not an exemption; that you can't have a hearing about a member and call that person's name in public.

Krupin-Carter: Added that it can't be without their consent.

Fellows: Replied that Council does closed sessions for personal matters.

Jones-Darling: Replied that that's because those people are under contract with the City; that they're employees with the City and it's an employee exemption under the Open Meetings Act.

Saunders: Stated that she would like an opinion from the City Attorney.

Jones-Darling: Replied that he will type that in and send it immediately; that, in the meantime, they should move on.

Article IV, Section 5

Jones-Darling: Read the Article IV Section 5 language as follows - "Nomination of officers shall be made from the floor at the annual organizational meeting which shall be the regular meeting in January each year, and the election shall be immediately thereafter. Members may self-nominate or be nominated prior to the meeting where elections will occur and will be asked to provide a statement of service".

Saunders: Asked if they would be asked to provide a statement of service prior to or at the meeting.

Krupin-Carter: Added that if they're nominated at that meeting, they may not have time to prepare.

Fellows: Responded that she thinks it would happen before or during because the sentence before it says, "election shall be immediately thereafter".

Jones-Darling: Indicated he added - "...before a vote shall be taken".

Article IV, Section 7

Jones-Darling: Read the Article IV Section 7 language as follows - "Vacancies in office shall be filled immediately by regular --"

Choudhuri: Indicated the correction that "immediately by regular election procedures" is cancelled out and it goes to "by the next scheduled meeting"; that it would read - "Vacancies in office shall be filled by the next scheduled meeting".

Article IV, Section 9

Jones-Darling: Read Article IV Section 9 language as follows – “The Commission may vacate an officer from their seat during a regular meeting only by affirmative vote of at least two thirds of the current voting roster of the Commission”.

He indicated that no comments were expressed regarding Section 9.

Article V, Section 5

Jones-Darling: Asked if there's a cancellation.

Choudhuri: Replied that the second sentence is cancelled out completely; that the language would read - “Audience participation shall be limited to 3 minutes per person, per participation period. The Chairperson may extend the time limit at their discretion”.

Hunter: Asked if they wanted to have a time limit.

Jones-Darling: Responded in the affirmative.

Saunders: Agreed with Jones-Darling.

Choudhuri: Explained that there may be more than one person who wants to speak.

Jones-Darling: Added that the Commission could open themselves up to an OMA legal liability if there is a time frame, for example, that is only judged by the Chair.

Article V, Section 6

Jones-Darling: Read the Article V, Section 6 language as follows – “A quorum shall consist of a majority of the current voting Human Relations Commissioners. When all 9 voting Commission seats are not filled, a quorum will be not less than four (4) voting commissioners”.

Article V, Section 10

Jones-Darling: Read the Article V, Section 10 language as follows – “Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, as amended. A copy of Roberts Rules of Order will be available at Human Relations Commission meetings”.

Hunter: Indicated that he's not seen a copy of Roberts Rules.

Jones-Darling: Responded that he would work with Andrew to make sure he gets one.

Hunter: Expressed that they should be given out to each commissioner upon being sworn in.

(Discussion continued re: Roberts Rules)

Jones-Darling: Summarized that based on the discussion, he added in between the two sentences, “The Commission shall establish procedures as it deems necessary” which, essentially, is giving the Chair the authority to run Roberts Rules outside of not violating Roberts Rules.

Saunders: Responded that that is fine.

Article VI, Section 1

Jones-Darling: Stated that the only change made was in the line that states, “five concurring votes or a majority of the voting members present”.

Hunter: Responded that that is okay.

Article VII

Jones-Darling: Stated there were no changes in Article VII.

Article VIII, Section 1b

Jones-Darling: Read Article VIII, Section 1 language as follows – “In order to maintain maximum participation of all appointed Human Relations Commission members at all regularly scheduled meetings of the Ypsilanti Human Relations Commission, the following attendance guide and Commissioner replacement policy for ‘excused’ or ‘unexcused’ absences should be implemented;

When appointed, each Commissioner shall be aware of the expectation to attend each scheduled monthly meeting of the Human Relations Commission;

In the event of an unplanned personal matter, business trip, family vacation trip, changed job requirement, sickness, religious practice, or other physical disabilities that prohibit the Commissioner from attending the scheduled monthly meeting, the Commissioner shall notify professional staff at City Hall or the Human Relations Commission Chairperson as early as possible, or at least an hour prior of their inability to attend the scheduled meeting. The Human Relations Commission member upon this

notification will receive an 'excused absence' for the involved scheduled meeting. During meeting roll call, professional staff at City Hall or the Human Relations Commission Chairperson shall make note of the excused absence."

Jones-Darling: Asked if there were any changes for Section 1b.

Hunter: Asked about the inclusion of "weather" – snow, Acts of God.

Krupin-Carter: Agreed that "weather" should be included.

Choudhuri: Added that religious practice should be included.

(Discussion continued re: religious holidays)

Fellows: Suggested that instead of "Commissioner shall notify professional staff", it should be clarified that "Commissioner shall notify clerical staff" because that's what we do.

Choudhuri: Asked if the Chair is called.

Jones-Darling: Responded that either way is fine because he is called by the Clerk's office if a commissioner calls them to say they'll be absent.

He summarized the language as, "Commissioner shall notify the Clerk's office at City Hall".

Article VIII, Section 1c

Choudhuri: Asked the meaning of "the Commissioner will be canvassed".

Jones-Darling: Replied that "canvass" means to discuss thoroughly.

(Discussion continued re: language meaning)

Fellows: Stated that the Section reads that you would have to tell the Clerk's office or the Chair.

Choudhuri: Added that even if that is done three times, they're still out.

Krupin-Carter: Expressed that if there are three absences, that's 30% of the scheduled meetings for the year, with the exception of any special meetings and that that is a lot.

(Discussion continued re: possible medical/hospitalization issues)

Choudhuri: Suggested the following language - "... the commissioner would be canvassed and recommended for dismissal unless the Commission considered there to be extenuating circumstances".

Saunders: Asked that Section "c" be repeated.

Jones-Darling: Indicated that "c" reads – "There will be a limit of three consecutive excused absences or two consecutive unexcused absences for any member of the Human Relations Commission. If any member meets the above criteria for consecutive yearly scheduled regular meetings, the Commissioner will be canvassed and recommended for dismissal unless extenuating circumstances exist".

Article VIII, Section 1d

Jones-Darling: Indicated that "d" reads – "If any Human Relations Commission member is absent from any five scheduled monthly Human Relations Commission meetings during any one-year period, whether consecutive or not, the Commissioner is subject to recommendation for dismissal immediately after the fifth missed meeting –"

Krupin-Carter: Expressed that the word "consecutive" is redundant because it's already established if you miss three consecutive meetings, then you're out; that if you're missing five, then you should have been out two meetings ago.

Fellows: Suggested that "d" be eliminated, as this is five of the total in a year which would be hard to track.

(Consensus to eliminate 1d)

Article VIII, Section 1e [changed to d]

Jones-Darling: Indicated that "d" [formerly "e"] reads, "The recommended for dismissal action as required will be initiated by City Clerk's office staff and forwarded on to the City Council for official action. The commissioner should be replaced as soon as possible by the Mayor and City Council in order to maintain the prescribed number of Human Relations Commission members."

Choudhuri: Stated that this is all punitive and asked what happens if a commissioner resigns and there's a vacancy.

Jones-Darling: Replied that the commissioner would be replaced; that if a Commission member resigns, per the City Ordinance, then the process for their appointment goes back to the Mayor's office and the Mayor has the right to appoint another.

Article IX, Section 1

Choudhuri: Indicated that in Article IX Section 1, everything from “at least” to “Commission” is cancelled out and that it would read, “These rules and regulations may be amended or altered during a regular meeting by the affirmative vote of at least two thirds of the current voting roster of the Commission, provided notice of the proposed change is given to the Commission at a preceding regular meeting”.

Jones-Darling: Stated that was okay.

Hunter: Stated to everyone, “Good work”.

Choudhuri (second Hunter) moved to place Discussion of the Bylaws – Third Reading on the Agenda for the June 25, 2018 Human Relations Commission meeting, barring an opinion from the City Attorney’s office.

Unanimous approval.

Motion carries.

VI. AUDIENCE PARTICIPATION/COMMISSION RESPONSE

None

VII. NEXT MEETING DATE: Monday, June 25, 2018

VIII. ADJOURNMENT:

Commission Chair Jones-Darling adjourned the meeting of the Human Relations Commission at 8:34 p.m.

Notes about this draft:

-Underlined items are added language and strikethrough indicates language that was removed since the last review with the entire Commission.

MISSION

The Ypsilanti Human Relations Commission was created in 1994 by the City Charter and codified by City Council in 1995, to ensure full access to human and civil rights of the people for Ypsilanti. Its nine voting members and two youth members are Ypsilanti residents appointed for three-year and one-year terms respectively, by the Mayor and City Council.

Ypsilanti's Non-Discrimination Ordinance prohibits discrimination in employment, housing, and public accommodations. No person may be denied their civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight. (Ypsilanti Code of Ordinances, Chapter 58, Article III, Division 1, Sec. 58-61)

ARTICLE I – Name

The name of the Commission shall be the Human Relations Commission of The City of Ypsilanti, hereinafter referred to as "Commission."

ARTICLE II – Objectives

The objectives, purposes, powers, and duties of the Commission are those set forth by Article IX, Section II of the City Charter and chapter 58-32 through 58-39 of the City Code of Ordinances.

Section 1. The Commission shall serve as an advisory body to the city council, and shall study problems in the city relating to prejudice and discrimination and make policy recommendations to the City Council to identify and remove discriminatory structures and practices, and possible actions that may be taken to remediate the legacy of historical oppression.

Section 2. The Commission will pursue the mission and objectives in accordance with all established policies of city council and charter.

Section 3. The Commission as a whole shall be expressive of the diversity of the entire community and will act as a bridge (or coordinating agency) between protected classes in the community and the city, for the development of policies and educational programs which promote empowerment and a socially just community.

Section 4. The Commission shall communicate with federal and state agencies regarding human rights and affirmative action programs for the purpose of making recommendations to City Council.

Section 5. The Commission shall promote mutual understanding and foster equality and respect among all persons, which shall include receiving and reviewing complaints from individuals alleging violations of Ypsilanti's Non-Discrimination Ordinance, and take appropriate action, including but not limited to referral of complaints to appropriate agencies and/or to the City Attorney, mediation of complaints, or dismissal of complaints.

Section 6. The Commission shall from time-to-time conduct public forums, town hall meetings, educational and other programs to promote the equal rights and opportunities of all persons. This shall include advocating for accountability of City Council for broadbase changes that impacts structural equity.

Section 7. The Commission shall from time-to-time issue public reports and recommendations to the City Council on ways to improve city government programs and ordinances designed to eliminate structural discrimination and/or to address the effects of past discrimination.

Section 8. The Commission shall acknowledge and review complaint that may arise from violations of the Ypsilanti Non-Discrimination Ordinance. The Commission pursuant to section 58-36 and 58-67 shall receive opinions from the Ypsilanti City Attorney regarding any complaints and shall make recommendations regarding those complaints.

ARTICLE III – Membership

Section 1. Membership of the Human Relations Commission shall consist of nine voting members, and two non-voting youth members. Members of the Commission shall be appointed as provided for in Section 9.03 of the City Charter of the City of Ypsilanti.

Section 2. The first priority of each member of the Commission shall be to represent and advocate for equality and social justice in the City of Ypsilanti, putting aside personal or special interests.

Section 3. Membership of the Commission shall be representative of the entire geography and diversity of the City of Ypsilanti.

Section 4. Each member of the Commission shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest. Each member of the commission shall be bound by Chapter 46, Article 3 of the Ypsilanti City Code otherwise known as the Ethical Standards of Conduct.

Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Commission determines that a conflict exists, the member shall remove themselves from the meeting room during deliberation of the case.

Section 5. Members shall avoid *ex parte* contact about cases before the Commission whenever possible. If such contact occurs, the member shall make a report of the discussion to the Commission before the deliberation of the case, as possible.

Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to accurately represent the position reflected by the outcome of the vote.

From time-to-time, or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission. Otherwise, this shall fall to the Chairperson.

Section 6. If any discussion occurs regarding a member or officer performance leading to recommendation for dismissal, such discussion and identification of persons shall occur in accordance with MCL 15.261 otherwise known as the Open Meetings Act.

ARTICLE IV – Officers, and Their Duties

Section 1. The officers of the Commission shall be a Chairperson and a Vice-Chairperson which on the date of their election must have served at least one calendar year on the Commission. Such other officers, sub-committees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Commission.

Section 2. The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson and Secretary of the Commission shall sign approved minutes of meetings, receive communications and petitions sent to the Human Relations Commission.

Section 3. The Vice-Chairperson shall preside and exercise all of the duties of the Chairperson in their absence. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present, upon a tie vote, the longest continuously serving member shall act as temporary Chairperson.

Section 4. The City Clerk may designate a person who is not a member of the Commission to serve as Recording Secretary. The Recording Secretary shall prepare draft minutes for review by the Commission and shall perform such other duties as may be ordered by the Commission.

Section 5. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be the regular meeting in January each year, and the election shall be immediately thereafter. Members may self-nominate or be nominated prior to the meeting where elections will occur, and will be asked to provide a statement of service before a vote shall be taken.

Section 6. A candidate receiving a majority vote of the Commission shall be declared elected and shall serve a term of one year or until their successor shall take the office.

Section 7. Vacancies in office shall be filled immediately by the next scheduled meeting.

Section 8. The officers shall be members of the Commission.

Section 9. The Commission may vacate an officer from their seat by an affirmative two thirds vote of the entire voting commission membership, but only for cause and after notice and the opportunity for a due process hearing on the merits.

ARTICLE V – Meetings

Section 1. All regular and special meetings, hearings, and records shall be open to the public. Meetings shall be conducted under the Open Meetings Act of the State of Michigan.

Section 2. The Commission shall hold a minimum of one meeting each quarter.

Section 3. A special meeting of the Commission may be called by the Chairperson, or the Vice-Chairperson in the event the Chairperson is unavailable, or any three (3) members of the Commission. Each member of the Commission must receive at least two days notice as to the time, place and purpose of the meeting.

Section 4. The normal order of business at meetings shall be as follows:

1. Call to order
2. Roll call
3. Approval of minutes
4. Public Comment
5. Old business
6. New business
7. Public Comment
8. Proposed business for next meeting
9. Commissioner comments
10. Adjournment

Section 5. Audience participation shall be limited to 3 minutes per person, per participation period. The Chairperson may extend the time limit at their discretion.

Section 6. A quorum shall consist of a majority of the current voting Human Relations Commissioners. When all 9 voting Commission seats are not filled, a quorum will be no less than four (4) voting Commissioners.

Section 7. All proceedings, decisions and resolutions of the Commission shall be initiated by motion.

Section 8. An affirmative vote of a majority of those present shall be necessary to pass any motion involving the adoption or amending of policy statements or recommendations to the Council.

Section 9. Voting shall be by voice vote and shall not be recorded as individual ayes or nays unless requested by a member of the Commission, in which case the Chairperson shall order the vote to be so recorded except that any member may abstain by so declaring prior to vote. An abstention may only be made in the case of a conflict of interest; it is otherwise the duty of all Commissioners present to participate in the vote.

Section 10. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, as amended. The Commission shall establish procedures as it deems necessary.. A copy of Roberts Rules of Order will be available at Human Relations Commission meetings.

Section 11. The City Clerk, City Attorney, and other officials of the City may participate in the Commission's discussion, but shall not vote, introduce motions, be counted towards quorum, or initiate any other parliamentary action.

ARTICLE VI – Disposition and Record

Section 1. The decision of the Commission shall take effect five (5) days from the date of determination. However, the Commission may find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall certify with five (5) concurring votes or a majority

vote of the voting members present. The applicant shall be advised of the decision in writing within five (5) days of the final hearing and decision.

Section 2. The Commission shall keep, or cause to be kept, a permanent record of Commission meetings and decisions, which shall, at a minimum, include:

- a. A copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.)
- b. A copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence
- c. Records of any action, support documents, investigation reports, photographs, and correspondence received, attached as an appendix to the minutes

Section 3. The City Clerk, their designee, or the Chairperson shall communicate the actions and recommendations of the Commission to the City Council and general public.

ARTICLE VII – Committees

Section 1. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Section 2. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 3. The same principals of these Bylaws for the Commission also apply to all committees of the Commission, including, but not limited to, making all meetings open to the public and keeping a record of all proceedings.

ARTICLE VIII – Commission Absences

Section 1. In order to maintain maximum participation of all appointed Human Relations Commission members at all regularly scheduled meetings of the Ypsilanti Human Relations Commission, the following attendance guide and Commissioner replacement policy for “excused” or “unexcused” absences should be implemented:

- a. When appointed, each Commissioner should be aware of the expectation to attend each scheduled monthly meeting of the Human Relations Commission.
- b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, religious practice, weather, or other physical disabilities that prohibit the Commissioner from attending the scheduled monthly meeting; the Commissioner shall notify the Clerk’s Office at City Hall or the Human Relations Commission Chairperson as early as possible, or at least an hour prior of their inability to attend the scheduled meeting. The Human Relations Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.[SJ2] During meeting roll call, professional staff at City Hall or the Human Relations Commission Chairperson shall make note of the excused absence.
- c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Human Relations Commission. If any member meets the above criteria for consecutive yearly scheduled regular meetings, the Commissioner will be asked to provide cause and recommended for dismissal unless extenuating circumstances exist.

d. The “recommended for dismissal” action as required will be initiated by City Clerk’s office staff and forwarded on to the City Council for official action. The Chairperson of the Commission shall work with the Mayor and City Council to locate appropriate individuals to fill any vacancies.

ARTICLE IX – Miscellaneous

Section 1. These Rules and Regulations may be amended or altered during a regular meeting by the affirmative vote of at least two thirds of the current voting roster of the Commission, provided notice of the proposed change including the proposed language is given to the Commission at least 15 days prior.

Section 2. The provisions of these Rules and Regulations shall be discussed and/or adopted or readopted by the Commission annually at their regular January meeting.

Section 3. The Commission shall during the November regular meeting construct proposed Commission priorities for the next calendar year and provide City Council with an annual report. This report shall include discussion of the Commission’s activities, the status of any on-going investigations, the status of any concluded investigations, the proposed Commission priorities and any recommendations to Council for the coming year, along with any fiscal needs anticipated. This report shall be prepared and submitted to City Council on or before December 31st.



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MEMORANDUM

To: Andrew Hellenga, Ypsilanti Deputy City Clerk
From: John M. Barr, Ypsilanti City Attorney
Date: June 12, 2018
Re: Review of Bylaws of Ypsilanti Human Relations Commission

I reviewed the proposed bylaws of the Ypsilanti HRC and offer the following comments and advice:

1. The bylaws are generally acceptable.
2. Article II, Section 1. The Commission serves as an advisory body to City Council and the City Manager. The use of the word "act" here implies an action by the Commission, rather than Council or the Manager. I recommend that this be rephrased to read: ...and possible actions that could be taken to remediate...
3. I recommend that Article II, Section 8 be revised to read essentially as follows: The Commission shall, pursuant to the Ypsilanti City Code (YCC), and especially sections 58-36 and 58-67, receive opinions from the Ypsilanti City Attorney regarding any complaint and make recommendations regarding mediation as provided in YCC section 58-68.
4. I recommend a similar revision of Article II, Section 5 where it discusses receiving and reviewing complaints and subsequent steps.
5. Article III, Section 4. It may be beneficial to reference the City Ethics Ordinance here. Ethical standards of conduct are found in Chapter 46, Article III.
6. Article III, Section 6 should be changed to reflect the requirements of Section 8 of the Michigan Open Meetings Act, MCL 15.261, et seq.:

Sec. 8. A public body may meet in a closed session only for the following purposes:



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(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

In other words, the hearing must be open unless the person involved requests a closed session. Rather than set an OMA standard in the bylaws, I recommend that the Commission just provide to follow the OMA. If any individual questions arise of the application, we stand by to offer our advice.

7. Article IV, Section 1. I am not sure of a reason to have a matter they are deciding (generally a recommendation) be delayed. However, I have no reason to object. So, if the Commission believes that there is sufficient cause to include this in their rules then it should be included.
8. Article IV, Sections 2 and 4. Section 58-24(b) of the Code provides that the City Clerk shall serve as secretary to the Commission.
9. Article IV, Section 9. Removal of officers requires due process. I recommend that the section be amended to read substantially as follows: Commission officers may be removed from office by an affirmative two thirds vote of the entire voting commission membership, but only for cause and after notice and the opportunity for a due process hearing on the merits.
10. Article V, Section 2. The Code requires that the Commission hold it's meetings quarterly. This is a little different than four meetings per year.
11. Article V, Section 4. I recommend that "Audience participation- Commission response" be changed to "Public comment." Commission meetings belong to the Commission to do the work of the Commission. Pursuant to the Open Meetings Act, the public has the right to attend and observe and offer comments but does not have the right to engage in dialog with Commissioners during the meeting. This is more a policy than legal issue, but I believe it best to not raise an expectation of the public to have non-appointed persons being able to argue or debate with the Commissioners in a back and forth. Many times, questions are raised that



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- require time and effort to answer properly, and quick responses from the table may not be accurate.
12. Article VIII, Section 1(c) makes use of the word "canvass" and I am unclear as to the meaning. I believe the intent is that the Commission will make an inquiry into the matter and seek input from the commissioner in question. If that is the case, this should be stated. If not, I would recommend more explanation be provided.
 13. Article VIII, Section 1(d). The Commission would have no authority to impose the requirement or suggestion contained in the last sentence. If this language were retained, it would have no force or effect.
 14. Article IX, Section 1. Amendment of the bylaws requires notice to all members a reasonable time before the action. I suggest the section be changed to read in part as follows: "...provided notice of the proposed bylaw change with the proposed language is given to all members by announcement at a preceding meeting, and the notice be included in the minutes of the meeting, said meeting to occur not less than 15 days before the meeting to consider the change.

It is the position of the Human Relations Commission that the meaning of “income” as defined in 58-62 of the City Code includes housing vouchers issued by the United States, a federal agency, the state, or a political subdivision of the state. These vouchers include those issued by the United States Department of Housing and Urban Development under section 1437f of 42 United States Code. These vouchers are to be considered due to the individual as long as the individual remains eligible for a state or federal program which has a primary purpose of providing affordability within housing. The denial of these vouchers due to known property conditions or actions on the part of a landlord shall in the view of the Commission constitute a violation of section 58-63 of the City Code.

Additionally, it is the position of the Human Relations Commission that the meaning of “income” as defined in 58-62 of the City Code includes student loans, grants, or scholarships granted by any individual, association, partnership, private or public corporation, United States or federal agency, the state or a political subdivision of the state, or another legal entity. If these student loans, grants or scholarships are given on a regular bases they are to be considered debts and the denial of these sources of income shall in the view of the Commission constitute a violation of section 58-63 of the City Code.

Additionally, it is the view of the Human Relations Commission that a healthy living environment is standard not to be abridged by the government or any person. It is the view of the Commission that the right of housing, that is a healthy, accessible, sturdy and affordable living environment is an inalienable human right. It is the position of the Human Relations Commission to advise City Council and the City Manager to keep this under advisement for the future of the City of Ypsilanti and to promote this in future development.

ARTICLE III. - DISCRIMINATION

DIVISION 1. - GENERALLY

Sec. 58-61. - Intent.

- (a) It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight.
- (b) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(Ord. No. 865, § I, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-62. - Definitions.

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

Age means chronological age.

Contractor means a person who by contract furnishes services, materials or supplies. The term "contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds or stock is held by the city.

Disability means a functional limitation that interferes with a person's ability to see, walk, lift, hear or learn. It may refer to a physical, sensory or mental condition unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion or a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property. Impairment refers to loss or abnormality of an organ or body mechanism, which may result in disability.

Discriminate means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, age, marital status, disability status, gender expression, familial status, educational association, height, or weight. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.
- (2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
- (4) Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

Educational association means the fact of being enrolled or not enrolled at any educational institution.

Employer means a person employing five or more persons.

Familial status means the state of being related by blood or affinity to the fourth degree.

Housing facility means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

Income means any of the following:

- (1) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.
- (2) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.
- (3) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.

Marital status means the state of being married, unmarried, divorced, separated or widowed.

Place of public accommodation means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

Sexual orientation shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

Gender identity shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

Gender expression shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(Ord. No. 865, § II, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Definitions generally, § 1-2.

Sec. 58-63. - Discriminatory housing practices.

- (a) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- (b) No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.
- (d) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight.
- (e) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

(Ord. No. 865, § III, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-64. - Discriminatory public accommodation practices.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

(Ord. No. 865, § IV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-65. - Discriminatory employment practices.

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.
- (c) **No employer shall request the criminal or economic history of a person applying for a position until an offer of employment has been made.**

(Ord. No. 865, § V, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Businesses, ch. 22.

Sec. 58-66. - Other prohibited practices.

- (a) No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- (b) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- (c) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.
- (d) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- (e) No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-67. - Information and investigation.

- (a) All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.
- (b) After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.
- (c) The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.
- (d) After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.
- (e) For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.
- (f) If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.

(g) All complaints received by the human relations commission shall retained for three years.

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-68. - Conciliation agreements and mediation.

- (a) If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.
- (b) Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-69. - Injunctions.

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-70. - Discriminatory effects.

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, sex, sexual orientation, immigration status, age, source of income, familial status, educational association, marital status, having a disability, height or weight for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-71. - Exceptions.

Notwithstanding anything contained in this article, the following practices shall not be violations of this article:

- (1) This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.
- (2) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy.
- (3) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (4) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.
- (5) To engage in a bona fide effort to establish or enforce an affirmative action program to improve opportunities in employment for minorities and women.

- (6) To discriminate based on a person's age when state, federal or local law requires such discrimination.
- (7) To refuse to enter into a contract with an unemancipated minor.
- (8) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- (9) To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).
- (10) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (11) To provide discounts on products or services to students, minors and/or senior citizens.
- (12) For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.
- (13) To restrict use of lavatories and locker room facilities on the basis of sex.
- (14) To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.
- (15) Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-72. - Affirmative action by city contractors.

All contractors proposing to do business with the city shall abide by article VI of chapter 2.

(Ord. No. 865, § XII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-73. - Penalties.

- (a) A violation of any provision of this article is a civil infraction punishable by a fine of not more than \$500.00, **per day the violation persists** plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.
- (b) Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.
- (c) **The Human Relations Commission by unanimous recorded vote in severe circumstances request that the City Attorney seek a court of competent jurisdiction's order to enforce the provisions of this article to preserve the personal human rights of an affected person.**

(Ord. No. 865, § XIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-74. - Private actions for damages or injunctive relief.

- (a) An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.
- (b) As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

- (c) Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-75. - Limitation of action.

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-76. - Immunity concerning performance of city duties.

This article shall not apply to the following persons concerning the performance of their official city duties:

- (1) Mayor.
- (2) Mayor pro tem.
- (3) City council members.
- (4) City attorney and all assistants.
- (5) All employees and staff of the city attorney.
- (6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

- (1) Mayor.
- (2) Mayor pro tem.
- (3) City council members.
- (4) City attorney and all assistants.
- (5) All employees and staff of the city attorney.
- (6) All members of the human relations commission and the clerk and secretary thereof.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-78. - Appeal.

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-79. - Complaints against city attorney or human relations commission members.

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable

cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

Editor's note— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as § 58-79 at the discretion of the editor.

Secs. 58-80—58-90. - Reserved.

DIVISION 2. - FAIR HOUSING³

Footnotes:

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Cross reference— Businesses, ch. 22.

State Law reference— Similar provisions, MCL 37.2501 et seq.

Sec. 58-91. - 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 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.

Manager means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

Owner means possessor of any interest in real property including lessor, sublessor, assignor, 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 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.

The term "real estate broker or salesperson" shall include 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 1983, § 6.200; Ord. No. 1279, § 1, 1-24-2017)

Cross reference— Definitions generally, § 1-2.

Sec. 58-92. - Discrimination prohibited.

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 actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, 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, maintenance 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 real estate transaction with a person;
- (5) Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental 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 actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, 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;
- (8) Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services;
- (9) Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased.

(Code 1983, § 6.201; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-93. - Exemptions.

Notwithstanding anything contained in this division, the following practices shall not be violations of this division:

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.
- (2) A housing facility operated by a student organization recognized by the university dean of students, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (3) To limit occupancy in a housing project to persons of low income, over 55 years of age or who are handicapped.
- (4) To discriminate based on a person's age when such discrimination is required by state, federal or local law.
- (5) To refuse to engage in a real estate transaction with a unemancipated minor.
- (6) For an educational institution to limit the use of its housing facilities to those affiliated with such institution.
- (7) For the owner of an owner occupied, single-family dwelling to limit the gender of the renter.

(Code 1983, § 6.202; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-94. - 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 or such person shall not:
 - (1) Discriminate against the applicant because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, 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 actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, 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 USC 1701 to 1750(g), as amended, or by a registration 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, lender, or an 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 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 1983, § 6.203; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-95. - Unlawful representations to induce transaction.

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person 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 actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, 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 anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-96. - 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 actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(Code 1983, § 6.205; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-97. - Enforcement.

- (a) *Report of violation.* Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the 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.
- (b) *Investigation of complaints.* Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.
- (c) *Conciliation agreements.* The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-98. - Injunctions.

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207; Ord. No. 1279, § 1, 1-24-2017)

Sec. 58-99. - 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 1983, § 6.208; Ord. No. 1279, § 1, 1-24-2017)

Secs. 58-100—58-120. - Reserved.

ARTICLE IV. - LANDLORD AND TENANT RELATIONS^[4]

Footnotes:

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Cross reference— Businesses, ch. 22.

State Law reference— Rent control prohibited, MCL 123.411; general provisions pertaining to rent, MCL 554.131 et seq.; security deposits, MCL 554.601 et seq.; truth in renting, MCL 554.631 et seq.

DIVISION 1. - GENERALLY

Sec. 58-121. - Landlord's duty to specify responsibility for property maintenance.

- (a) *Generally.* It shall be the duty of every landlord leasing residential or commercial property, when he does not live on the property, to specify in the lease agreement between the landlord and the tenant, the responsibilities of landlord and/or tenant for the maintenance of the premises, both interior and exterior, in compliance with this Code.
- (b) *Litter.* If the landlord does not specify that the tenant shall keep the premises free from litter, except the temporary storage of litter in waste receptacles, then the landlord shall be responsible for fulfilling the requirements of article II, division 3 of chapter 42, and shall be held responsible under sections 42-68 and 42-69. It shall be the duty of every landlord who requires the tenant to so keep the premises free from litter to notify the city building inspection department of such an agreement prior to the expiration of the time limit stated in section 42-69.

(Code 1983, § 9.41)

Sec. 58-122. - Lease or license of residential premises.

- (a) In every lease or license of residential premises, the lessor or licensor covenants:
 - (1) That the premises and all common areas are fit for the use intended by the parties.
 - (2) To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the city, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants wilful or irresponsible conduct or lack of conduct. Any residential premises failing to have a valid certificate of compliance from the city building inspection department is not in compliance with the health and safety laws of the city.
- (b) The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one year.
- (c) The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his right to have the benefit of the covenants established herein.

- (d) No lessee or licensee shall be obligated to pay rent for any time periods that the lessor or licensor is in violation of this section. Such violation shall be a complete defense for any lessee or licensee sued for nonpayment of rent for such period.

(Ord. No. 854, § 6.300, 5-6-1997)

State Law reference— Untenantable buildings, MCL 554.201.

Secs. 58-123—58-135. - Reserved.

DIVISION 2. - TENANT'S RIGHT TO PRIVACY

Sec. 58-136. - 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:

Agent means any employee, or any person with implied or apparent authority or acting under color of authority of the landlord or of a housing cooperative board or other governing entity.

Dwelling unit means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Imminent danger means a condition exists which, if not curtailed immediately, will cause serious structural damage or expense.

Landlord means the owner, lessor or sublessor of residential premises; or his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

Rental agreement means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of residential premises.

Residential premises means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities for the use of the tenant generally or the use of which is promised the tenant.

Tenant means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises.

(Code 1983, § 6.100)

Cross reference— Definitions generally, § 1-2.

Sec. 58-137. - Privacy rights.

(a) Tenant's right to privacy includes, but is not limited, to the following:

- (1) Right to exclusive use and occupancy of the dwelling unit.
- (2) Right to no entries by landlord or agent without notice and tenant's permission except in case of an extreme condition.
- (3) Right to respect for their personal possessions when the landlord or the agent has legally entered the unit.
- (4) Right to be free from sexual harassment by the landlord or his agent.
- (5) Right to require identification of any person seeking to enter the unit.
- (6) Right to install additional locks.

- (b) A tenant is entitled to both agreed upon or legally required maintenance and repairs and to privacy. A tenant may not be evicted or denied services or repairs for asserting his right to privacy.

(Code 1983, § 6.101)

Sec. 58-138. - Regulation of entry.

- (a) The landlord or agent may enter the dwelling unit only after the landlord:
 - (1) Gives any tenant in the dwelling unit a three-day written notice (72 hours); or 24 hours' written notice if the building is for sale, or the lease term is within its last three months; or
 - (2) Gains the permission of any tenant in the dwelling unit.
- (b) The tenant may not unreasonably withhold permission.
- (c) The landlord and tenant may agree to a notice period of less than 72 hours for a particular entry, but a general waiver of the 72-hour notice is prohibited.
- (d) The landlord shall include in the notice the reason for entry, the person making the entry, the approximate time of entry and a notice of tenant's right to privacy as found in section 58-142.
- (e) The landlord or agent shall not abuse the right of access or use it to harass the tenant. Repeated demands for entry otherwise lawful, but which have the effect of harassing the tenant, shall constitute a violation of this division.
- (f) The landlord or agent shall not look through personal possessions of the tenant.
- (g) When an entry is made after proper notice and the tenant is not present, the landlord or person making entry shall leave a notice indicating the time of entry, the person making entry and actions taken.
- (h) City officials entering the unit under the provisions of articles V and VI of chapter 18 shall provide notice as required therein. When the tenant is not present during the entry, the city official shall leave a notice pursuant to this section.

(Code 1983, § 6.102)

Sec. 58-139. - Proof of identification.

The person requesting entry shall have been identified by the landlord in the notice and shall provide proof of identification at the time of entry. If the person fails to provide such proof and is not known to the tenant, the tenant shall be presumed reasonable in denying access to the unit.

(Code 1983, § 6.103)

Sec. 58-140. - Right to be free from sexual harassment.

- (a) As used in this section the term "tenant" means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises, and their guests.
- (b) If a landlord or agent requests or demands that the tenant perform or permit sexual activities, this shall be an invasion of the right of privacy and shall be considered a violation of this division.
- (c) Sexual activities includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature.
- (d) In cases of sexual harassment, a tenant shall have the right to obtain:
 - (1) Injunctive relief:
 - a. Restraining order;
 - b. Termination of lease;

- (2) Damages as provided in this act; and
- (3) Such additional damages as may be provided in other local, state and federal laws.

(Code 1983, § 6.104)

Sec. 58-141. - Entry in event of extreme condition.

- (a) The notice provisions in section 58-138 shall not apply in extreme conditions when:
 - (1) Entry is made solely to preserve life or limb; or
 - (2) When property is in imminent danger.
- (b) If a tenant is not present when entry is made, the landlord or person making entry shall provide the tenant with a written notice within 24 hours of the entry describing reason for entry, the person making entry, time of entry and actions taken.

(Code 1983, § 6.105)

Sec. 58-142. - Notice in lease.

The following notice shall be included in the lease or, if there is no written lease, provided to the tenant at the time of rental. Such notice should be in bold type no smaller than 14-point:

YOU HAVE THE RIGHT TO PRIVACY IN YOUR RENTAL HOME. CITY LAW PERMITS THE LANDLORD TO ENTRY ONLY IF THE LANDLORD HAS:

- (1) **PROVIDED THREE DAYS' (72 HOURS') WRITTEN NOTICE UNLESS THE BUILDING IS FOR SALE OR THE LEASE TERM IS IN ITS FINAL THREE MONTHS, IN WHICH CASE 24 HOURS' WRITTEN NOTICE; OR**
- (2) **GAINED YOUR PERMISSION AS REQUIRED BY CITY LAW.**

A LANDLORD MAY ONLY ENTER WITHOUT NOTICE TO RESPOND TO AN EXTREME CONDITION.

(Code 1983, § 6.106)

Sec. 58-143. - Additional locks.

- (a) The tenant has the right to install additional locks at any time provided the installation is done in a manner that does not damage the structure, is in compliance with all applicable city codes, and a key is provided to the landlord.
- (b) All locks so installed shall be installed by a licensed locksmith. Notice must be given to the landlord prior to installation. The landlord shall approve the placement and style of the locks on the door. If this cannot be agreed upon, then either party may appeal to the building code board of appeals.
- (c) The landlord must rekey locks between tenancy.

(Code 1983, § 6.107)

Sec. 58-144. - Damages for illegal entry.

- (a) Upon written notice to the landlord of an entry by the landlord or agent not permitted under this division, the tenant may:
 - (1) Deduct one month's rent and place it in an escrow account to be held by the city treasurer, pursuant to sections 58-145, 58-146 and 58-147. This amount shall be deposited on the date that the month's rent is due; or

- (2) May bring an action for damages which shall be the greater of one month's rent, \$500.00 or actual damages, plus actual attorney's fees.
- (b) Upon written notice of a second entry and any additional entries by the landlord or agent not permitted by this division, tenant shall have the right to:
 - (1) The greater of actual damages, three times one month's rent or \$1,500.00, and actual attorney's fees;
 - (2) Terminate the lease; and
 - (3) Any other relief provided by local, state or federal law.
- (c) If rent is withheld, the landlord may bring suit under state law for nonpayment of rent. The tenant may defend the suit by citing violation of this division.
- (d) A tenant, tenants' union or group of tenants may bring an action for injunctive relief for threatened or actual violation of this division.
- (e) In addition, after a court judgment deciding the landlord or agent has violated this division or after an undisputed deduction by the tenant for violation of this division, the tenant shall have the right to install additional locks on windows and/or doors in the unit to improve their security. Upon request by the landlord, if additional locks are installed, the tenant shall furnish a key that shall be sealed in an envelope and signed across the seal. The landlord shall open the envelope to use the key only in the event of an extreme condition, as explained in this division.

(Code 1983, § 6.108)

Sec. 58-145. - Escrow agent.

The city treasurer or authorized agent is hereby authorized to act as escrow agent and to receive all monies deposited as security for damages pursuant to a standard landlord-tenant escrow agreement signed by the tenant or tenants (where a single apartment or housing unit is leased or rented to more than one tenant) and filed with the city treasurer.

(Code 1983, § 6.109)

Sec. 58-146. - Escrow agreement; information.

The standard landlord-tenant escrow agreement, which shall be prepared by the city treasurer, shall include the following items of information, authorizations and instructions for action by the city treasurer or authorized agent:

- (1) The date of execution of the agreement.
- (2) The names and addresses of the landlord and the tenant or tenants respectively.
- (3) The location of the leased or rented premises to which the agreement applies.
- (4) The dates of beginning and of termination of the tenancy to which the agreement applies.
- (5) The amount of money deposited under the agreement.
- (6) Instructions for the city treasurer or authorized agent to deposit the amount received by the city treasurer pursuant to the agreement in a special account in a local savings institution, to be known as the landlord-tenant escrow account, wherein it may be commingled and authorization for the city treasurer to use any interest earned on such deposit for defraying costs of maintaining the escrow account.
- (7) Instructions for the city treasurer or authorized agent to pay out the amount deposited in this fashion:
 - a. If the landlord and tenant shall jointly instruct the city treasurer or authorized agent in writing to pay out some or all of the money to a certain person, this joint instruction shall be obeyed.

- b. If the landlord instructs the city treasurer or authorized agent in writing to pay out some or all the money to the tenant, this instruction shall be obeyed.
- c. If the tenant instructs the city treasurer or authorized agent in writing to pay out some or all the money to the landlord, this instruction shall be obeyed, except that in instances of leasing to more than one tenant, the instruction must come from all tenants.
- d. If the landlord files a verified written statement with the city treasurer or authorized agent that the tenant or tenants have withheld rent other than in accordance with section 58-144, and more than 60 days has elapsed since the lease terminated, the city treasurer or authorized agent shall pay to the landlord that portion of the deposit equal to the withheld rent.
- e. In accordance with instructions of the court.
- f. If tenant files a copy of the notice of violation which was served upon the landlord with the city treasurer showing that more than 60 days has elapsed since the notice was provided to the landlord and the tenant provides a verified statement to the city treasurer stating that he has not been served and to the best of his knowledge no action has been filed by the landlord against him for nonpayment of rent or any other claim arising out of the tenancy, the city treasurer shall pay to the tenant the amount held in escrow, less interest.
- g. Failure to escrow money voids claim.

(Code 1983, § 6.110)

Sec. 58-147. - Defraying cost of escrow service.

The city treasurer or authorized agent is authorized to use the interest paid on the landlord-tenant escrow to defray the cost of providing the escrow service authorized by this division.

(Code 1983, § 6.111)

Sec. 58-148. – Tenant Voter Registration

The landlord shall present a tenant with a valid voter registration form issued by the Michigan Department of State, information on how and where to file such form and shall not act to interfere with the right of the tenant to register to vote.

Sec. 58-149. – Standard of Unit

The landlord shall present the tenant with a copy of the most recent inspection report and a signed notice stating that the property is in compliance with city code. This notice shall include the assurance that mold, lead, and other common environmental hazards have been contained or removed, and will not adversely affect the environmental quality of the unit. This notice shall be in no less than 14-point and may be added as a component of a written lease.