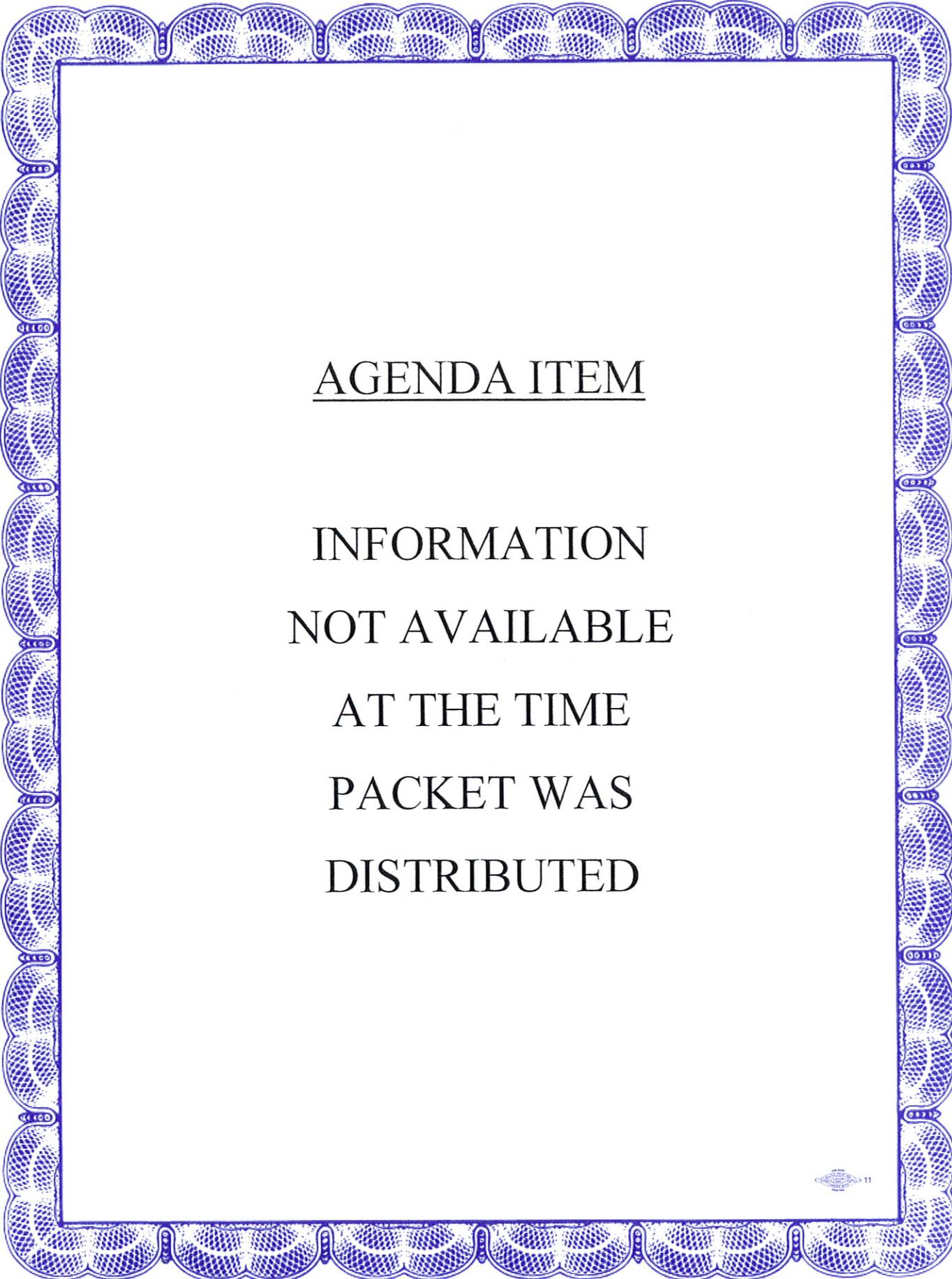




AGENDA
AD HOC COMMITTEE ON DIVERSITY
Friday, September 23, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
 - September 9, 2016
5. Presentation:
 - Code Compliance-Scott Sanford
 - Housing Grants – Barb Kimmel (Planning & Neighborhood Development)
6. Action/Discussion:
 - A. ORDINANCE - Chapter 297 Amendments; Human Rights
 - B. Review of Human Rights brochure to make sure it is consistent with ordinance.
7. Other
 - Updates on Participants in the Committee
8. Adjourn



AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

26 ~~belief, sexual orientation, gender identity or expression, mental or physical limitation,~~
27 ~~or source of income is prohibited.~~

28 IT IS THE INTENT OF THE CITY OF LANSING THAT NO PERSON BE DENIED THE
29 EQUAL PROTECTION OF THE LAWS; NOR SHALL ANY PERSON BE DENIED THE
30 ENJOYMENT OF THEIR CIVIL RIGHTS OR BE DISCRIMINATED AGAINST
31 BECAUSE OF THEIR ACTUAL OR PERCEIVED RACE, COLOR, RELIGION,
32 NATIONAL ORIGIN, SEX, AGE, HEIGHT, WEIGHT, MARITAL STATUS, PHYSICAL
33 OR MENTAL DISABILITY, FAMILY STATUS, SEXUAL ORIENTATION, GENDER
34 IDENTITY **OR EXPRESSION**, VETERAN STATUS OR HIV STATUS, **SOURCE OF**
35 **INCOME, ANCESTRY, STUDENT STATUS, HOUSING STATUS, POLITICAL**
36 **AFFILIATION OR BELIEF, SERVICE IN ARMED FORCES IN SOVEREIGN NATIONS**
37 AS ALL FORMS OF DISCRIMINATION ADVERSELY AFFECT LANSING CITIZENS
38 AND THE QUALITY OF LIFE AND OPPORTUNITIES AVAILABLE TO ALL PEOPLE.
39 NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT ANY
40 CAUSE OF ACTION BASED ON ANY OTHER LANSING, FEDERAL OR STATE LAW.

41

42(297.02. - Definitions.

43

44 As used in this Chapter, the following words and phrases have the following meanings:

45

46 Age: Chronological age as measured from date of birth.

47

48 Ancestry: The nationality, ethnicity, or family lineage from which a person is a

49 descendent.

50

51 Bona fide occupational qualifications: Characteristics that are reasonably necessary for
52 the proper performance or evaluation of an occupation or the normal operation of a
53 business.

54

55 BULLYING: REPEATED, PERSISTENT, WILLFUL, AGGRESSIVE BEHAVIOR
56 DIRECTED AT ANOTHER PERSON THAT IS INTENDED TO CAUSE HARM TO THE
57 OTHER PERSON'S BODY, EMOTIONS, SELF-ESTEEM OR REPUTATION.

58

59 Contractor: A person who by contract furnishes services, materials or supplies.
60 "Contractor" does not include a person who is merely a creditor or debtor of the City,
61 such as those holding the City's notes or bonds or persons whose notes, bonds or stock
62 are held by the City.

63

64 Discriminate/discrimination: To ~~harass or treat differently or the act of harassing or~~
65 ~~treating differently, a person, or the person's friends, relatives, or associates, based in~~
66 ~~whole or in part on irrelevant characteristics of that person.~~ MAKE A DECISION,
67 OFFER TO MAKE A DECISION OR REFRAIN FROM MAKING A DECISION IN
68 WHOLE OR IN PART ON THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION,
69 NATIONAL ORIGIN, SEX, AGE, HEIGHT, MARITAL STATUS, PHYSICAL OR
70 MENTAL DISABILITY, FAMILY STATUS, SEXUAL ORIENTATION GENDER
71 IDENTITY, OR HIV STATUS . DISCRIMINATION BASED ON SEX INCLUDES

72 SEXUALLY HARASSMENT, WHICH MEANS UNWELCOME SEXUAL ADVANCES,
73 REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL
74 CONDUCT OR COMMUNICATION OF A SEXUAL NATURE .WHEN:

75 (i) Submission to such conduct or communication is made a term or condition or
76 condition either explicitly or implicitly to obtain employment, public
77 accommodation or housing.

78 (ii) Submission to or rejection of such conduct or communication by an individual is
79 used as a factor in decisions affecting such individual's employment, public
80 accommodations or housing.

81 (iii) Such conduct or communication has the purpose or effect of substantially
82 interfering with an individual's employment accommodations or housing, or
83 creating an intimidation, hostile, or offensive employment, public
84 accommodations, or housing environment.

85

86 Employee: A person, paid or unpaid, performing work duties for an employer, including
87 an applicant for paid or volunteer employment, or a participant in a training or
88 apprenticeship program.

89

90 Employer: Any person with a business located within or doing business within the
91 corporate City limits of Lansing or doing Business with the City of Lansing who employs
92 or is seeking to employ five or more employees, including any agent of that person or
93 entity.

94

95 Employment: The act of an employee performing work duties for an employer.

96

97 Employment agency: Any person, paid or unpaid, who regularly undertakes to procure,
98 refer, recruit, or place an employee with an employer, including any agent of that
99 person.

100

101 Familial status: The state of being in a family or functional family.

102

103 Family: Any one of the following:

104 (1) An individual who is pregnant; or

105 (2) Two or more individuals related by blood within four degrees of consanguinity,
106 marriage, adoption, or in a foster care relationship.

107

108 Functional family: A group of individuals who do not meet the definition of “family,” living
109 together as a single housekeeping unit and intending to live together as a single
110 housekeeping unit for the indefinite future. “Functional family” does not include a
111 fraternity, sorority, club, hotel, or other group of persons whose association is temporary
112 or commercial in nature.

113

114 Gender identity or expression: A person’s gender-related self-perception, appearance,
115 or behavior, regardless of that person’s BIOLOGICAL sex at birth.

116

117 Harass/harassment: Physical conduct or communication directed at another person

118 intentionally for the purpose or effect of creating an intimidating, hostile, or offensive
119 environment with regard to employment, places of public accommodation, public
120 services, or housing.

121
122 HOSTILE WORK ENVIRONMENT: THIS DEFINITION ADOPTS BY REFERENCE THE
123 DEFINITION OF THIS TERM UNDER MICHIGAN LAW AND INCLUDES THAT A
124 HOSTILE WORK ENVIRONMENT EXISTS WHEN THERE IS PERSISTENT AND
125 PERVASIVE DISCRIMINATORY CONDUCT OR BEHAVIOR IN THE PLACE OF
126 WORK THAT IS UNWELCOME AND OFFENSIVE TO AN EMPLOYEE OR GROUP OF
127 EMPLOYEES OF A PROTECTED CLASS STATUS, THAT IS SEVERE ENOUGH TO
128 DISRUPT, BEYOND A REASONABLE DEGREE, THE WORK OF THE TARGETED
129 EMPLOYEE OR EMPLOYEES.

130
131 Housing status: The state of having or not having a fixed residence, including, but not
132 limited to, the state of owning or renting (with or without receiving public housing
133 assistance) a place to live. This includes a person's type of dwelling or shelter,
134 including, but not limited to, single family or multiple family homes, apartments,
135 condominiums, rooming houses, housing cooperatives, hotels, motels, public or
136 subsidized housing units, retirement homes, nursing homes, and temporary or long-
137 term shelters.

138
139 Irrelevant characteristic/irrelevant characteristics: Any status or condition which is
140 unrelated to a person's ability to:

- 141 (1) Safely and competently perform specific duties of a particular job or profession, or
142 qualify for promotion,
143 (2) Use or benefit from a place of public accommodation,
144 (3) Use or benefit from public services, or
145 (4) Acquire, rent, or maintain property.

146
147 “Irrelevant characteristics” do not include bona fide occupational qualifications but do
148 include a person’s actual or perceived race, religion, ancestry, national origin, color,
149 sex, age, height, weight, student status, marital status, familial status, housing status,
150 veteran status, political affiliation or belief sexual orientation, gender identity or
151 expression, mental or physical limitation, source of income, **HIV STATUS** OR
152 SERVICES IN ARMED FORCES IN SOVERIGN NATIONS.

153
154 Labor organization: Any union, committee, association, or organized group of
155 employees that exists primarily for the purpose of dealing with employment concerns,
156 grievances, wages, labor disputes, rates of pay, hours of work, or other terms or
157 conditions of employment.

158
159 Marital status: The state of being single, married, separated, divorced, in a functional
160 family, or a surviving spouse.

161
162 Mental limitation: Actual or perceived disability or handicap, as those terms are defined
163 in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental

164 capabilities unrelated to a person's ability to:

165 (1) Perform a particular job or profession or qualify for promotion,

166 (2) Use or benefit from a place of public accommodation,

167 (3) Use or benefit from public services, or

168 (4) Acquire, rent, or maintain property.

169

170 "Mental limitation" includes, but is not limited to, developmental disabilities,
171 psychological conditions, and the use by any person of adaptive devices, aids, or
172 medication to mitigate such limitations. "Mental limitation" does not include any
173 condition caused by the current use of an illegal or controlled substance or alcohol.

174

175 National origin: The country where a person or a person's ancestors were born.
176 Discrimination against a person based on national origin shall include discrimination
177 against nonnaturalized citizens and persons for whom English is a second language.

178

179 Perceived: As used in this chapter "perceived" refers to the perception of ~~the~~
180 ~~respondent and not the perception of the claimant.~~ THE PERSON WHO ACTS, AND
181 NOT TO THE PERCEPTION OF THE PERSON FOR OR AGAINST WHOM THE
182 ACTION IS TAKEN.

183

184 Person/persons: One or more individuals, partnerships, associations, or organizations;
185 labor organizations, labor unions, or joint apprenticeship committees; businesses,
186 companies, or corporations; legal representatives, receivers, trusts, or trustees;
187 unincorporated organizations; employers or employment agencies; employees or

188 contractors; realtors, real estate brokers, salespersons, or leasing agents; the City of
189 Lansing, agencies of the city, and any recipient of city funds or any other legal or
190 commercial entity.

191

192 Physical limitation: Actual or perceived disability or handicap, as those terms are
193 defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding
194 physical capabilities and human motor performance unrelated to a person's ability to:

195 (1) Safely and competently perform specific duties of a particular job or profession or
196 qualify for promotion,

197 (2) Use or benefit from a place of public accommodation,

198 (3) Use or benefit from public services, or

199 (4) Acquire, rent, or maintain property.

200

201 "Physical limitation" includes, but is not limited to, blindness or partial sightedness,
202 deafness or hearing impairment, muteness, partial or total absence of any body part(s),
203 speech impairment, motor impairment, and the use by any person of adaptive devices
204 or aids to mitigate such limitations.

205

206 "Physical limitation" does not include any condition caused by the current use of an
207 illegal or controlled substance, or alcohol.

208

209 Place of public accommodation: A place open to the general public that is a facility or
210 business of any educational, governmental, nonprofit, health, day care, entertainment,

211 cultural, recreational, refreshment, transportation, or human services, financial, or other
212 business of any kind, whose goods, services, facilities, activities, privileges, or
213 advantages are extended, offered, sold, rented, leased, or otherwise made available to
214 the public.

215
216 Public services: Goods, services, facilities, activities, privileges, or advantages
217 extended, offered, sold, rented, leased, or otherwise made available to the public
218 through a department, agency, board, or commission owned, operated, or managed by
219 or on behalf of the state or a political subdivision of the state or a nonprofit organization,
220 including tax-exempt private agencies, which receive financial support through the
221 solicitation of the general public or through governmental subsidy of any kind.

222
223 Real property: Any habitable or potentially habitable land or building, as used in this
224 definition "habitable building" includes, but is not limited to, single and multiple family
225 homes, apartments, condominiums, housing cooperatives, mobile homes or trailers,
226 mobile home or trailer parks, and tenements, including any lease or interest in real
227 property.

228
229 Religion: All aspects of religious observance, dress, practice, and belief.

230
231 Sexual orientation: ~~Male or female homosexuality, heterosexuality or bisexuality,~~
232 ~~whether past or present.~~ A PERSON'S SEXUAL IDENTITY IN RELATION TO THE
233 GENDER TO WHICH THEY ARE ATTRACTED; THE **STATE** OF BEING

234 HETEROSEXUAL, HOMOSEXUAL, BISEXUAL, OR ASEXUAL.

235

236 Sex: The condition of being male, ~~or~~ female, OR INTERSEX. Discrimination based on
237 sex includes sexual harassment, which means unwelcome sexual advances, requests
238 for sexual favors, and other verbal or physical conduct or communication of a sexual
239 nature when:

240 (1) Submission to such conduct or communication is made a term or condition either
241 explicitly or implicitly to obtain employment, public accommodation, or housing;
242 or

243 (2) Submission to or rejection of such conduct or communication by a person is used
244 as a factor in decisions affecting such person's employment, public
245 accommodation, or housing; or

246 (3) Such conduct or communication has the purpose or effect of substantially
247 interfering with a person's employment, public accommodation, or housing, or
248 creating an intimidating, hostile, or offensive employment, public accommodation,
249 or housing environment.

250

251 Student status: The current state of pursuing a diploma/degree at any educational
252 institution.

253

254 Source of income: Any legal source from which a person obtains money.

255

256 Veteran Status: Having served in any unit of the United States Armed Forces or their

257 reserve components, including the National Guard and the Coast Guard.

258

259

260

261

262)

263. **297.03. - Prohibitions in employment.** DISCRIMINATORY EMPLOYMENT
264 PRACTICES.

265.

266 (a) Except as otherwise provided, no employer shall discriminate against any other
267 person with regard to recruiting, referring, hiring, contracting, compensating, grading,
268 classifying, promoting, demoting, disciplining, terminating or otherwise restricting or
269 conditioning terms and privileges of employment.

270 (b) Except as otherwise provided, no labor organization or apprentice program shall
271 discriminate by limiting membership, conditions of membership, privileges of
272 membership or termination of membership of any person in any labor union or
273 apprentice program.

274 (c) Except as otherwise provided, no person shall discharge, terminate, expel, or
275 otherwise discriminate against any other person because that person has opposed
276 any discriminatory practice forbidden by this chapter or has filed a complaint,
277 testified, or assisted in any proceeding regarding any discriminatory practice
278 forbidden by this chapter.

279.

280.

281.

282.

283. **297.04. - Prohibitions in DISCRIMINATORY places of public accommodation**

284 PRACTICES.

285.

286 (a) No person shall discriminate against any other person by withholding, denying,
287 curtailing, or otherwise limiting the full use and enjoyment of places of public
288 accommodations.

289

290 (b) No person shall prohibit a breastfeeding mother from or segregate a
291 breastfeeding mother within any place of public accommodation where she and the
292 child would otherwise be authorized to be.

293.

294.

295. **297.05. - Prohibitions DISCRIMINATION in provision of public services AND**

296 **HEALTH CARE.**

297 (a) No person shall discriminate against any other person in providing information,
298 offering access, or making referrals regarding public services, or by withholding,
299 denying, curtailing, or otherwise limiting the full use of and benefit from public
300 services.

301. **297.06. - Prohibitions in DISCRIMINATORY housing PRACTICES.**

302.

303 (a) No person shall discriminate in referring, leasing, selling, renting, showing,
304 advertising, pricing, offering, inspecting, listing, or otherwise making available any

305 real property, including discrimination in providing information and receiving or
306 communicating a bona fide offer on any real property.

307

308 (b) No person shall discriminate in (a) the application, conditions, or granting of
309 mortgages (b) No person shall discriminate in (a) the application, conditions or
310 granting of mortgages, or other financing, (b) the offer, conditions, or sale of home-
311 owner or rental insurance, or (c) the contracting of construction, rehabilitation,
312 maintenance, repair, or other improvement of any housing facility.

313 (c) No person shall refuse to lend money for the purchase or repair of any real
314 property or insure any real property solely because of the location in the city of such
315 real property.

316

317 (d) No person shall promote any sale, rental, lease, sublease, Exchange, transfer, or
318 assignment of real property by representing that changes are occurring or will occur
319 in an area with respect to any irrelevant characteristics.

320

321 (e) No person shall indicate, communicate, or otherwise represent to another person
322 that any real property or interest therein is not available for inspection, sale, rental,
323 or lease knowing in fact it is available, including failing to make a person aware of a
324 real property listing, refusing to permit inspection of real property, and representing
325 that a property has been sold when In fact it has not.

326

327 (f) No person shall offer, solicit, accept, use or retain a listing of real property or an

328 interest therein with the understanding that a person may be discriminated against in
329 a real estate transaction or in the furnishing of facilities or services in connection
330 therewith.

331

332. 297.07. - Other prohibited practices.

333.

334 (a) No person shall adopt, enforce, or employ any policy or publish, circulate,
335 post, mail, or otherwise broadcast any statement, advertisement, sign, or notice
336 or use a form of application or make a record of inquiry which directly or indirectly
337 discriminates or indicates discrimination in providing employment, public
338 accommodations, public services, ~~or~~ housing OR HEALTH CARE.

339

340 (b) No person shall discriminate in the publication or distribution of advertising
341 material, information, or solicitation regarding employment, public accommodations,
342 public services, ~~or~~ housing, OR HEALTH CARE.

343

344 (c) No person shall coerce, intimidate, threaten, harass, retaliate against, BULLY or
345 interfere with any person:

346 (1) In the exercise or enjoyment of, or on account of one's having exercised or
347 enjoyed, or on account of one's having aided or encouraged any person in the
348 exercise or enjoyment of, any right protected in this chapter; or

349 (2) Making a complaint or assisting in an investigation regarding a violation or
350 alleged violation of this chapter.

351

352 (d) No person shall require, request, conspire with, assist, BULLY or coerce another

353 person to:

354 (1) Discriminate in any manner prohibited by this chapter; or

355 (2) Intimidate, threaten, harass, or retaliate against another person for making a
356 complaint or assisting in an investigation regarding an alleged violation of this
357 chapter.

358

359 (e) No person shall provide false or misleading information to any authorized person
360 investigating a complaint regarding a violation or alleged violation of this chapter, or sign
361 a complaint for a violation of this chapter based upon false or substantially misleading
362 information.

363

364

365. 297.08. - Exceptions.

366 ~~Exceptions to discrimination and harassment under this chapter shall include, but are~~
367 ~~not limited to:~~ NOTWITHSTANDING ANYTHING CONTAINED IN THIS CHAPTER,
368 THE FOLLOWING PRACTICES SHALL NOT BE VIOLATIONS OF THIS CHAPTER:

369

370 (a) Employment;

371 (1) This chapter does not apply to the employment of any person by his/her parent,
372 spouse, or child.

373 (2) It is permissible to discriminate in hiring and selecting between one person and
374 another based on bona fide occupational qualifications. Upon a claim of
375 discrimination, the Claimant shall have the burden of making a prima facie

376 showing that a qualification or selection resulted from a prohibited discriminatory
377 act. An employer shall then have the burden of establishing that a qualification
378 or selection criterion is reasonably necessary for the claimant to perform in the
379 normal operation of the business. The Claimant will then have the burden of
380 showing that such qualification or criterion is mere pretext.

381 (1) It is permissible to give preferential treatment in hiring to veterans and their
382 relatives as required by federal or state law.

383 (2) It is permissible to engage in a bona fide effort to establish, maintain, or improve
384 employment opportunities for persons protected from discrimination and
385 harassment under this chapter.

386 (5) It is permissible to consider legal source of income as a bona fide occupational
387 qualification where the employment involves non-compete agreements, trade
388 secrets, or similar legally recognized restraints on employment based on source
389 of income.

390 (b) Public accommodation and public services;

391 (1) It is permissible to restrict the use of shower or changing areas in health clubs or
392 recreational facilities on the basis of sex when separate and private shower or
393 changing areas do not exist.

394 (2) It is permissible to refuse to admit to a place of public accommodation serving
395 alcoholic beverages a person under the legal age for purchasing alcoholic
396 beverages.

397 (3) It is permissible to refuse to admit persons under 18 years of age to a business
398 providing entertainment or selling literature or merchandise, which the operator of

399 the business deems unsuitable for minors, or which is a “sexually explicit matter”
400 as defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL
401 722.673.

402 (4) It is permissible for an educational institution to limit the use of its facilities to
403 those affiliated with such institution.

404 (5) It is permissible to provide discounts on products or service to students, minors,
405 and senior citizens.

406 (6) it is permissible to restrict participation on athletic teams or in athletic events on
407 the basis of age.

408 (c) Housing;

409 (1) It is permissible to discriminate in any arrangement for the sharing of a single unit
410 dwelling, the remainder of which is occupied by the owner or a member of his/her
411 immediate family.

412 (2) It is permissible for the owner of a dwelling devoted entirely to the housing or
413 accommodation of a single sex to restrict occupancy and use on the basis of sex.

414 (3) This chapter does not require any person who does not participate in the Federal
415 Section 8 Housing Assistance Program to accept any subsidy, payment
416 assistance, voucher or contribution in connection with such program, or to lease or
417 rent to any tenant or prospective tenant who is relying on such a subsidy as
418 payment for at least part of the rent.

419

420

421. 297.09. - Other exceptions as required by law.

422.

423 This chapter shall not be construed to limit rights granted by State or Federal
424 Constitution, law, rule or regulation, including but not limited to, the following:

425

426 (a) It is permissible to discriminate in employment, public accommodation, public
427 services ~~and~~ housing, AND HEALTH CARE based on a person's age, income level,
428 or mental or physical limitations when such discrimination is required or allowed by
429 Federal, State or Local constitution, law, rule or regulation.

430

431 (b) It is permissible for a governmental institution to restrict access to any of its
432 facilities or to restrict employment opportunities based on duly adopted institutional
433 policies that conform to Federal, State or local constitution, law, rule or regulation.

434 (c) This chapter shall not be read to prohibit or interfere with the exercise of a
435 person's first amendment rights.

436 (d) It is permissible for a religious organization or institution to restrict employment
437 opportunities, housing facilities, or accommodations that are operated as a direct
438 part of religious activities to persons who are members of or who conform to the
439 moral tenets of that religious institution or organization.

440 (e) It is permissible to limit occupancy in a housing development or to provide public
441 accommodations or employment privileges or assistance to persons of low income,
442 over 55 years of age, or who have a physical or mental limitation.

443 (f) It is permissible to discriminate based on a person's age when State, Federal, or
444 local law requires it.

445 (g) It is permissible to refuse to enter into a contract with an emancipated minor.

446 (h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations,
447 rights, or remedies as otherwise provided by any union contract, collective
448 bargaining agreement, or federal, state or local constitution, law, rule or regulation,
449 which shall control over this chapter.

450 (i) This chapter shall not be read to require an employer, whether public or private, to
451 provide benefits to UNMARRIED domestic partners in contravention of Article I,
452 Section 25 the Michigan Constitution.

453(

454 297.10. - Complaints.

455 (a) Any person claiming to be discriminated against or harassed in violation of this
456 ordinance may file with the Human Relations and Community Services ~~department~~
457 Department (~~hereafter referred to as~~ "the department") a complaint, in writing,
458 setting forth with reasonable specificity the person or persons alleged to have
459 violated this chapter, the specific nature of the violation and the date(s) of the
460 alleged violation. A person filing a complaint must do so within 180 days of the
461 incident forming the basis of the complaint.

462
463 (b) To the extent permitted by law, all written complaints of discrimination in
464 employment, public accommodation, public services, and housing received by the
465 department shall be kept confidential.

466

467 (c) UPON RECEIPT OF THE COMPLAINT the department shall:

468 (1) Be responsible for ~~receipt, recordation, investigation, mediation, conciliation,~~
469 ~~recommendation, and/or referral to the Office of the City Attorney~~

470 ; DETERMINING WHETHER THERE IS SUFFICIENT EVIDENCE OF A

471 VIOLATION OF THIS CHAPTER. IF THE DEPARTMENT DETERMINES THAT

472 SUFFICIENT EVIDENCE OF A VIOLATION EXISTS, IT WILL REFER THE
473 MATTER TO THE OFFICE OF THE CITY ATTORNEY.

474 ~~(2)~~

475 ~~Ensure there are no undue burdens placed on a Claimant, which might~~
476 ~~discourage filing of a discrimination complaint;~~

477 ~~(3)~~

478 ~~Commence and complete the complaint investigation, mediation/conciliation,~~
479 ~~and recommendation process in a timely manner;~~

480 ~~(4)~~

481 ~~Promulgate and publish rules and guidelines for processing, investigating,~~
482 ~~mediating/conciliating, and recommending resolution of the complaint; and~~

483 ~~(5)~~

484 ~~Refer a complaint it deems valid and sufficiently egregious directly to the City~~
485 ~~Attorney for review and additional action.~~

486

487 (D) UPON RECEIPT OF A REFERRAL FROM THE DEPARTMENT, THE OFFICE OF
488 THE CITY ATTORNEY SHALL:

489 (1) CONTACT THE CLAIMANT TO DISCUSS ITS CONCERNS AND SCHEDULE
490 AN INFORMAL CONFERENCE (ESTIMATED TIME WITHIN 45 DAYS);

491 (2) ENSURE THERE ARE NO UNDUE BURDENS PLACED ON A CLAIMANT,
492 WHICH MIGHT DISCOURAGE FILING OF A DISCRIMINATION COMPLAINT;

493 (3) COMMENCE AND COMPLETE THE COMPLAINT INVESTIGATION,
494 MEDIATION/CONCILIATION, AND RECOMMENDATION PROCESS IN A
495 TIMELY MANNER.

496 (E) THE OFFICE OF THE CITY ATTORNEY SHALL BE RESPONSIBLE FOR
497 PROMULGATING AND PUBLISHING RULES AND GUIDELINES FOR

498 PROCESSING, INVESTIGATING, MEDIATING/CONCILIATING, AND
499 RECOMMENDING RESOLUTION OF THE COMPLAINT.

500.

501.

502.

503.

504. 297.11. - Investigation and hearing.

505.

506 (a) During an investigation, the ~~department~~ OFFICE OF THE CITY ATTORNEY may
507 request the appearance of witnesses and the production of books, papers, records
508 or other documents that may be relevant to a violation or alleged violation of this
509 chapter.

510 (b) If the ~~department~~ OFFICE OF THE CITY ATTORNEY determines that the
511 complaint and preliminary evidence gathered indicates a prima facie violation of an
512 ordinance in this chapter, the ~~department~~ OFFICE OF THE CITY ATTORNEY shall
513 assign a person within the department to conduct a hearing (hereinafter referred to
514 as the "Hearing Officer") within 90 days after completion of its preliminary
515 investigation. The person who is alleged to have committed a violation (the
516 "Respondent") and the claimant shall be sent by regular mail at least 14 days
517 advance, notice of the scheduled date and time of the hearing and a request for
518 each to appear. At the hearing, testimony will be taken. All testimony shall be on the
519 record, under oath and either recorded or transcribed. Both Claimant and
520 Respondent shall be allowed to testify, present evidence, bring witnesses to testify,
521 and to cross examine all witnesses at the hearing. Technical rules of evidence shall
522 not apply.

523 (c) A failure of either the Claimant or the Respondent to cooperate with the OFFICE
524 OF THE CITY ATTORNEY ~~department~~ may result in an adverse determination for
525 that person at the hearing.

526. 297.12. - Findings and recommendations.

527 The Hearing Officer shall make findings of fact based on the testimony and evidence
528 introduced at the hearing and shall recommend such relief as the Hearing Officer
529 deems appropriate. The Claimant and Respondent shall have the right to appeal the
530 Hearing Officer's findings and recommendations in writing within 30 days to the
531 ~~Director of the department~~ HEARING OFFICER. On appeal, the hearing record and
532 Hearing Officer's findings and recommendations shall be reviewed by the ~~Director of~~
533 ~~the department~~ CITY ATTORNEY who shall approve, approve with modification, or
534 disapprove of the findings and recommendations. After the ~~Director's~~ CITY
535 ATTORNEY'S review, the ~~department's~~ HEARING OFFICER'S findings and
536 recommendations shall be served by regular mail on the Claimant and Respondent.
537 ~~to the complaint, who shall have~~ THE PARTIES SHALL HAVE 30 days to comply with
538 such findings and recommendations, unless otherwise provided by the ~~department~~.
539 HEARING OFFICER.

540(297.13. - Available recommendations AND REMEDIES.

541 ~~Department recommendations may include, but are not limited to one or more of the~~
542 ~~following:~~ IF A VIOLATION OF THIS CHAPTER IS FOUND, THE HEARING OFFICER
543 MAY RECOMMEND THAT REMEDIAL ACTION BE TAKEN. THE RECOMMENDED
544 REMEDIES MAY INCLUDE, BUT ARE NOT LIMITED TO ONE OR MORE OF THE
545 FOLLOWING:

546 (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the
547 effect of such illegal conduct;

548 (b) Requiring the respondent apologize to the Claimant;

549 (c) Closure of the matter based upon a mediation/ conciliation agreement of the
550 Claimant and Respondent;

551 ~~(d) Paying actual~~ REQUIRING THE RESPONDENT PAY damages for injury or
552 loss;

553
554 (e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or

- 555 providing such fringe benefits as the Claimant may have been denied;
- 556 (f) Selling or leasing of housing or dwelling unit in question to the Claimant;
- 557 (g) Admitting the claimant to a place of public accommodation or extending full and
558 equal use and enjoyment of said place of public accommodation;
- 559 (h) Paying some or all of the Claimant's costs, costs incurred at any stage of review;
- 560 (i) Posting the explanation of and requirements for compliance with this chapter;
- 561 (j) Dismissing the complaint; and
- 562 (k) Imposing costs against a Claimant for a frivolously filed claim.

563

564

565. 297.14. – CONCILIATORY AGREEMENTS.

566 IN CASES INVOLVING ALLEGED VIOLATIONS OF THIS CHAPTER, THE HEARING
567 OFFICER MAY HAVE THE PARTIES ENTER INTO AGREEMENTS WHEREBY THE
568 INVOLVED PARTIES AGREE TO TAKE STEPS THAT WILL TERMINATE
569 CONTINUED DISCRIMINATORY PRACTICES AND/OR COMPENSATE FOR PAST
570 AND FUTURE INJURY. VIOLATIONS OF SUCH AGREEMENTS SHALL BE
571 VIOLATIONS OF THIS CHAPTER.

572 297.15 CIVIL INFRACTIONS

573 (A) A VIOLATION OF ANY PROVISION OF THIS CHAPTER IS A CIVIL INFRACTION
574 AND SHALL BE PROSECUTED BY AN INDEPENDENT PROSECUTOR'S OFFICE.
575 EACH DAY UPON WHICH A VIOLATION OCCURS SHALL CONSTITUTE A
576 SEPARATE AND NEW VIOLATION.

577 (B) IF THE HEARING OFFICER DETERMINES THAT A VIOLATION OF THIS

578 CHAPTER HAS OCCURRED AND THE RESPONDENT DOES NOT COMPLY WITH
579 THE HEARING OFFICER'S RECOMMENDATION WITHIN THE SPECIFIED TIME
580 PERIOD, EITHER THE COMPLAINANT OR THE HEARING OFFICER MAY REFER
581 THE MATTER TO A CITY OR, COUNTY PROSECUTOR, THE MICHIGAN
582 DEPARTMENT OF CIVIL RIGHTS, THE UNITED STATES DEPARTMENT OF
583 JUSTICE, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OR OTHER
584 APPROPRIATE ENFORCING AGENCY.

585 (C) A VIOLATION OF A PROHIBITED ACT IN THIS CHAPTER IS DESIGNATED A
586 MUNICIPAL CIVIL INFRACTION, IS NOT A CRIME, AND SHALL NOT BE
587 PUNISHABLE BY IMPRISONMENT.

588 (D) SCHEDULE OF CIVIL FINES. THE VIOLATION SHALL BE ACCORDING TO THE
589 FOLLOWING SCHEDULE:

- 590 (1) FIRST VIOLATION\$ 150.00
- 591 (2) SECOND VIOLATION \$ 250.00
- 592 (3) THIRD (OR ANY SUBSEQUENT) VIOLATION \$ 500.00

593

594 (E) CONTINUING VIOLATION.

595 (1) FOR AN OFFENSE THAT IS A SINGLE AND DISCRETE OCCURRENCE, A
596 SINGLE VIOLATION SHALL ACCRUE (FOR EXAMPLE, A SINGLE ACT OF
597 HARASSMENT LIKE A RACIAL EPITHET). SUBSEQUENT SINGLE AND
598 DISCRETE OCCURRENCES SHALL RESULT IN ADDITIONAL
599 VIOLATIONS ACCORDING TO THE ABOVE SCHEDULE (FOR EXAMPLE,
600 TWO SEPARATE INSTANCES OF RACIAL EPITHETS WOULD

601 CONSTITUTE A FIRST AND SECOND VIOLATION).

602 (2) FOR OFFENSES THAT ARE CONTINUING IN NATURE, RATHER THAN
603 SINGLE AND DISCRETE, THE FIRST VIOLATION SHALL ACCRUE WITH
604 THE FIRST DAY OF THE OCCURRENCE, AND SUBSEQUENT
605 VIOLATIONS SHALL ACCRUE FOR EACH ADDITIONAL DAY OF THAT
606 OCCURRENCE (FOR EXAMPLE, AN IMPERMISSIBLE HIRING PRACTICE
607 THAT CONTINUES EACH DAY ON AN ONGOING BASIS).

608 (3) FOR CONTINUING VIOLATIONS UNDER SUBSECTION (F)(2), THE DAY
609 OF THE FIRST OCCURRENCE SHALL BE MEASURED FROM THE DAY
610 OF SERVICE OF THE COMPLAINT.

611.

612 ~~(A) AN ACTION FOR A CIVIL INFRACTION FOR A VIOLATION OF THIS CHAPTER MAY BE~~
613 ~~INITIATED BY THE DEPARTMENT ON THE BASIS OF ITS INVESTIGATION OF A COMPLAINT AND~~
614 ~~ISSUANCE OF FINDINGS AND RECOMMENDATIONS.~~

615 ~~(B) IF THE DEPARTMENT DETERMINES THAT DISCRIMINATION OR HARASSMENT TOOK PLACE~~
616 ~~AND THE RESPONDENT DOES NOT COMPLY WITH THE DEPARTMENT'S RECOMMENDATION~~
617 ~~WITHIN THE SPECIFIED TIME PERIOD, THE DEPARTMENT MAY REFER THE MATTER TO THE~~
618 ~~CITY ATTORNEY, COUNTY PROSECUTOR, THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS,~~
619 ~~THE UNITED STATES DEPARTMENT OF JUSTICE, DEPARTMENT OF HOUSING AND URBAN~~
620 ~~DEVELOPMENT, OR OTHER APPROPRIATE ENFORCING AGENCY.~~

621 ~~(C) THE CITY ATTORNEY MAY COMMENCE LEGAL ACTION BY FILING AND SERVING A~~
622 ~~COMPLAINT TO OBTAIN INJUNCTIVE RELIEF OR ANY OTHER REMEDY IN AN EFFORT TO~~
623 ~~PREVENT FURTHER DISCRIMINATION PROHIBITED BY THIS CHAPTER AND TO REMEDY THE~~
624 ~~EFFECTS OF SUCH DISCRIMINATION.~~

625 ~~(D) A VIOLATION OF A PROHIBITED ACT IN THIS CHAPTER IS DESIGNATED A MUNICIPAL CIVIL~~
626 ~~INFRACTION, IS NOT A CRIME AND SHALL NOT BE PUNISHABLE BY IMPRISONMENT.~~

627 ~~(E) SCHEDULE OF CIVIL FINES. THE VIOLATION SHALL BE ACCORDING TO THE FOLLOWING~~
628 ~~SCHEDULE:~~

- 629 ~~(1) FIRST VIOLATION\$150.00~~
- 630 ~~(2) SECOND VIOLATION\$250.00~~
- 631 ~~(3) THIRD (OR ANY SUBSEQUENT) VIOLATION\$500.00~~

632 ~~(F) CONTINUING VIOLATION:~~

633 ~~(1) FOR AN OFFENSE THAT IS A SINGLE AND DISCRETE OCCURRENCE, A SINGLE~~
634 ~~VIOLATION SHALL ACCRUE (FOR EXAMPLE, A SINGLE ACT OF HARASSMENT LIKE A~~
635 ~~RACIAL EPITHET). SUBSEQUENT SINGLE AND DISCRETE OCCURRENCES SHALL RESULT~~
636 ~~IN ADDITIONAL VIOLATIONS ACCORDING TO THE ABOVE SCHEDULE (FOR EXAMPLE, TWO~~
637 ~~SEPARATE INSTANCES OF RACIAL EPITHETS WOULD CONSTITUTE A FIRST AND SECOND~~
638 ~~VIOLATION):~~

639 ~~(2) FOR OFFENSES THAT ARE CONTINUING IN NATURE, RATHER THAN SINGLE AND~~
640 ~~DISCRETE, THE FIRST VIOLATION SHALL ACCRUE WITH THE FIRST DAY OF THE~~
641 ~~OCCURRENCE, AND SUBSEQUENT VIOLATIONS SHALL ACCRUE FOR EACH ADDITIONAL~~
642 ~~DAY OF THAT OCCURRENCE (FOR EXAMPLE, AN IMPERMISSIBLE HIRING PRACTICE THAT~~
643 ~~CONTINUES EACH DAY ON AN ONGOING BASIS):~~

644 ~~(3) FOR CONTINUING VIOLATIONS UNDER SUBSECTION (F)(2), THE DAY OF THE FIRST~~
645 ~~OCCURRENCE SHALL BE MEASURED FROM THE DAY OF SERVICE OF THE CITY~~
646 ~~ATTORNEY'S COMPLAINT.~~

647. ~~297.15~~ 297.16 . - Private actions.

648

649 Any person who is the victim of discrimination in violation of this chapter retains his
650 or her right to pursue any and all other legal action to which the person may be
651 entitled in addition to the remedies available under this chapter. Nothing in this
652 chapter shall be construed to limit rights granted under the laws of the State of
653 Michigan or the United States.

654

Where to Start

(Frequently Asked Questions)

What does the Lansing Human Rights Ordinance (HRO) protect against?

Lansing's HRO prohibits discrimination based on irrelevant characteristics (actual or perceived) in employment, public accommodation, housing, and public services including:

- race
- religion
- ancestry
- national origin
- color
- sex
- age
- height
- weight
- student status
- marital status
- familial status
- veteran status
- political affiliation
- sexual orientation
- gender identity or expression
- mental or physical limitation
- source of income

What do I do if I feel I am discriminated against?

- Immediately document the facts of the incident: date, time, place, names, witnesses, etc. for your personal records.
- Fill out the Initial Inquiry form and return it to City Hall by mail or in person, or contact the Lansing Human Relations and Community Service Department for assistance.

Where can I find more information about Lansing's HRO and my rights?

The City of Lansing Human Relations and Community Service Department

DIRECTOR

Dr. Joan Jackson Johnson

4th Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933

517-483-4477

www.lansingmi.gov/hrccs

joan.jacksonjohnson@lansingmi.gov

HOURS

Monday - Friday

8:00 AM - 5:00 PM



Revised 07/2015



LANSING'S HUMAN RIGHTS ORDINANCE

*An overview for individuals
encountering discrimination
in Lansing*



Human Rights Ordinance Initial Inquiry Form

Please fill out this form to the best of your ability. Attach additional pages if necessary. Mail or return the completed form and any attachments to:

**City of Lansing Human Relations and
Community Services Department
4th Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933**

A staff member will contact you to discuss your concern and schedule an informal conference. If you have questions, call City Hall at **517-483-4477** or visit www.lansingmi.gov/hrcs.

Name: _____

Today's Date: _____

Phone: _____

Address: _____

How should we contact you? _____

How were you discriminated against?

Who discriminated against you (if known)?

When and Where did the incident occur?

What happens after I file a complaint?

- A staff member will contact you to discuss your concerns and schedule an informal conference (est. within 45 days).
- You must file a sworn statement within 180 days of the incident. A copy will be sent to the party against whom the complaint is made.
- The Human Relations and Community Service Department will investigate your claim. Only those claims that allege conduct found to be in violation of the City Ordinance can be mediated.
- If the Department finds probable cause that there was discriminatory behavior and a mediated settlement is not possible, it will take appropriate action.
- Decisions may be referred to the City Attorney, Michigan Department of Civil Rights, County Prosecutor, or other appropriate enforcing agency.

What are the penalties for violating the HRO?

- Violating the HRO is a Civil Infraction. Penalties for a violation are as follows:
 - First Violation: \$150.00
 - Second violation: \$250.00
 - Third (or subsequent) violation: \$350.00
- In addition the City Attorney may commence legal action to obtain injunctive relief or any other remedy in an effort to prevent further discrimination prohibited by the HRO and remedy the effects of such discrimination.
- A violation of the HRO may also be a violation of state or federal laws against discrimination. Filing an HRO complaint does not waive your rights to pursue any and all other legal action to which you may be entitled.

What can a violation of the HRO look like? (examples)

- Discrimination in employment by refusing to hire, promoting, or terminating or altering conditions of employment because of an irrelevant characteristic.
- Failing to make reasonable accommodations upon request from a qualified person with a disability.
- Harassing an individual based on an irrelevant characteristic.
- Publish, circulate, display, post, or mail any communication that goods, services, facilities, privileges, and advantages of any place of public accommodation shall be withheld or denied to a person or that patronage of such a person is unwelcome on the basis of an irrelevant characteristic.
- Represent to a person because of that person's irrelevant characteristic that any dwelling or real estate is not available for inspection/sale/lease when in fact it is available.
- Deny access to public accommodations to a person based on irrelevant characteristics.

This list is for illustration only and does not represent all potential scenarios or violations of the HRO.

This brochure is a brief overview and does not contain all of the information found within the Ordinance. Certain Exemptions may apply. For further details, refer to the Ordinance in its entirety located on the Human Relations and Community Services web site at:

***[http://www.lansingmi.gov/media/view/
Chapter_297_Human_Rights_Ordinance/8117](http://www.lansingmi.gov/media/view/Chapter_297_Human_Rights_Ordinance/8117)***