

## Chapter 18 Civil Rights

---

### Article I Civil Rights Board

#### § 18-1 General policy.

- A. It is the intent of the City of Kalamazoo that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights.
- B. The purpose of this ordinance is the elimination of practices, procedures and policies which have a discriminatory effect and may hinder or restrict the enjoyment of liberty and freedom by all citizens of and visitors to our City. The City recognizes this goal has not been fully achieved for all members of our community and acknowledges the need for continued special attention for those groups which may not have become a part of the mainstream of American life. Such groups include, but are not necessarily limited to, racial and ethnic minorities; persons with a disability; senior citizens; young people, particularly teenagers; gay, lesbian, bisexual and transgender individuals; women; and prior offenders of the law.

#### § 18-2 Civil Rights Board creation; composition.

- A. To implement the general policy and purpose set forth in this article, the City Commission will create and appoint a Civil Rights Board.
- B. The Civil Rights Board consists of seven voting members appointed by the Mayor and approved by the City Commission and two ex-officio members who shall have no vote, but who may otherwise fully participate in any meeting of the Board.
- C. Members appointed to the Board shall be residents of the City reflecting and representing the diversity of the Kalamazoo community and be able to demonstrate experience in civil rights issues and law. Members to the Board may be appointed who are not residents of the City, not to exceed two members, when there is a valid reason for such appointment, such as the member works in the City, or has special expertise to carry out the duties and responsibilities of the Board.

#### § 18-3 Appointment and terms of Board members; filling of vacancies; termination of appointments.

- A. Except for the initial appointments, members of the Board are appointed for a term of three years. The initial appointments to the Board will consist of 3 members appointed for a 3-year term, 2 members appointed for a 2-year term and 2 members appointed for a 1-year term. Members of the Board may serve up to two consecutive terms. Vacancies may be filled by the same appointment procedure for the remainder of an unexpired term.
- B. The ex officio Board members shall be appointed by the Mayor and approved by the City Commission. One member shall be a City Commissioner and the other member

shall be a City officer or employee, recommended by the City Manager, but who shall not be a City Commissioner or the City Manager.

**§ 18-4 Election of Board officers.**

The Board shall elect a Chairperson to conduct its meetings and as it may desire, a Vice Chairperson to act in the absence of the Chairperson, from its members. Officer terms, rules and additional officers with such titles and duties shall be stated in the bylaws, as determined by the Board.

**§ 18-5 Secretary to Board; administrative support.**

The City Manager shall designate someone other than himself/herself to serve as Secretary to the Board and shall provide such administrative support as may be required.

**§ 18-6 Board subject to state law.**

Meetings of the Board shall be conducted in compliance with the Michigan Open Meetings Act, MCLA § 15.261 et seq. and its records shall be available to the public under the Michigan Freedom of Information Act, MCLA § 15.231, et seq.

**§ 18-7 Purpose of Board.**

The purpose of the Civil Rights Board is to ensure that every inhabitant of the City of Kalamazoo is permitted equal economic, political, and educational opportunity; have equal access to employment, housing opportunities, and public accommodations in the City of Kalamazoo by providing an avenue for redress when none exists under State or Federal law; eliminate prejudice and unlawful discrimination through the adjudication of cases brought before it; provide recommendations, advice, and assistance to the City Commission and City Manager of conditions, practices, attitudes, policies, and other factors contributing to or giving rise to hindering or restricting equal opportunities for housing, employment, or access to public accommodations in the City; and officially encourage private persons and groups to promote and provide equal opportunity for, and goodwill toward, all people.

**§ 18-8 Duties and responsibilities of Board.**

The Board shall exercise its authority, functions, powers, and duties in accordance with all ordinances, rules, regulations, orders, and city charter of the City of Kalamazoo. The authority, duties, and responsibilities of the Board shall include the following:

- A. Foster mutual understanding and respect among the people in the City and discourage and prevent discriminatory practices toward the protected classes described in this Chapter.
- B. Decide cases of disputed claims of discrimination brought by residents of the City of Kalamazoo following the investigation by the City Manager or the designee of the City Manager. The Board shall preside over hearings of cases related to discrimination in employment, housing, and public accommodations in the City of Kalamazoo in complement to other State or federal civil rights enforcement agencies.
- C. Review and analyze of conditions, practices, attitudes, policies, and other factors within Kalamazoo that contribute to discriminatory impact and further inequities, as well as evaluating the impact of anti-discrimination efforts.

- D. Engage in public awareness-building activities to ensure residents are informed of increased local protections and the role of the Board, including issuing an annual report of the activity of the Board.
- E. The Board shall provide an annual report to the City Commission regarding complaints received and actions taken.
- F. The Board, with the assistance of the City Attorney, shall develop the rules of procedure deemed necessary for reporting, hearing, and resolution of complaints.

**§ 18-9 Complaint Process; Information and Investigation**

- A. Any person claiming a violation of this article must file a signed, written complaint with the City Manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim, within 180 days of the incident forming the basis of the complaint.
- B. No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this article.
- C. In the course of the investigation, the City Manager or the designee of the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this article. If said person does not comply with such request, the City Attorney may apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.
- D. Within 30 days of a written complaint being filed, the City Manager or the designee of the City Manager shall undertake an investigation of any complaint alleging a violation of this article not currently recognized or proscribed by Michigan or federal anti-discrimination statutes. All other complaints will be referred to an appropriate state or federal agency for review. After the completion of an investigation, the City Manager shall give written notice of the results of the investigation to the Board, the person who filed the complaint, and the person accused of the violation. If the investigation establishes that a violation of this article occurred, the City Manager may attempt to resolve the matter by conciliation.
- E. Within 30 days following the conclusion of the investigation and notification by the City Manager to the affected parties of the results of the investigation, the person who filed the complaint or the person accused of discrimination may seek a hearing before the Board.

**§18-10 Voluntary Settlement Agreements.**

- A. Cases may be resolved by a voluntary settlement, agreed to by both parties, prior to a formal finding by the Board, or by an administrative closure, for example if the request for hearing is withdrawn or a complaint is filed in court or with other administrative agency based on the same incident of discrimination.
- B. If the investigation establishes probable cause of discrimination, an offer to conciliate (settle) the matter will take place as soon as possible. The City may enter into enforceable agreements with a respondent to terminate discriminatory conduct and reverse the effects of

past discrimination.

C. The respondent will be asked to 1) cease and desist from the specific discriminatory act or practice involved in the complaint, and 2) implement whatever actions and policies are necessary to remedy the discrimination uncovered in the investigation.

D. Violations of conciliation agreements are violations of this article, subjecting the respondent to prosecution and equitable action to enforce the agreement.

#### **§18-11 Public Hearing.**

- A. Following the investigation of a claim of discrimination by the City Manager, and notification to the affected parties of the results of the investigation, the person who filed the complaint or the person accused of discrimination may seek a hearing before the Board. Any request for a hearing before the Board must be filed in writing with the City Manager no later than 30 days from the date of notification of the results of the investigation.
- B. Upon receipt of a request for hearing, a hearing will be scheduled before the Board. The affected parties will be provided written notice of hearing at least 15 days before the date of hearing.
- C. The City Manager shall transmit all documents and other materials received or discovered as part of the investigation to the Board and shall be part of the record of the hearing.
- D. At the hearing the City Manager or the designee of the City Manager shall present the findings of the investigation. The party requesting the hearing, or their legal counsel, will be provided an opportunity to address the Board and present evidence and witnesses in support of their position. The Board may also permit the opposing party, or their legal counsel to address the findings of the investigation.
- E. The Board may affirm, partly affirm, modify or reverse the determination of the City Manager. The decision of the Board shall be based upon competent, material and substantial evidence on the record. The Board may impose conditions that ensure the requirements of this Chapter are followed. The decision of the Board shall be final.

§18-12 through §18-16 [Reserved]

## **Article II Discrimination Prohibited**

#### **§ 18-17 Intent, purpose and construction.**

- A. It is the intent of the City of Kalamazoo that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of his or her actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, educational affiliation, source of income, status as a victim of domestic violence, personal identification method, prior

arrests, or conviction record.

- B. The prohibitions against discrimination provided for in this Chapter do not preempt federal or state law, but are intended to supplement existing state and federal civil rights law to prohibit discrimination in the areas of employment, public accommodations, and housing that do not exist at State or Federal law, especially in regards to actions taken because of an individual's sexual identity, gender identity, source of income, status as a victim of domestic violence, prior arrests and conviction record; provided, however, this Article shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

## § 18-18 Definitions.

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

### **ACTUAL EVICTION**

The completed legal process of a landlord removing a tenant from a rental property.

### **ADVERSE ACTION**

To evict an individual, fail or refuse to rent or lease real property to an individual, or fail or refuse to continue to rent or lease real property to an individual, or fail or refuse to add a household member to an existing lease, or reduce any tenant subsidy. The adverse action must relate to property located in the City of Kalamazoo.

### **AGE**

Chronological age.

### **APPLICANT**

Includes the following:

- A. An individual applying to rent or lease a housing facility and an individual applying to be added to an existing housing facility lease.
- B. An individual applying for employment directly to an employer or through an employment agency or labor organization.

### **ARREST RECORD**

Information indicating that a person has been apprehended, detained, taken into custody, held for investigation, or restrained by a law-enforcement department or military authority due to an accusation or suspicion that a person committed a crime. Arrest record includes pending criminal charges, where the accusation has not yet resulted in a final judgment, acquittal, conviction, plea, dismissal, or withdrawal of charges.

### **CITY MANAGER**

The City Manager of the City of Kalamazoo or his or her designee.

### **CONTRACTOR**

A person who by contract furnishes services, materials or supplies. "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.

## **CONVICTION RECORD**

Information received from a criminal background check or contained in records collected by criminal justice agencies, including courts, consisting of identifiable descriptions and notations to arrests, arrest records, detentions, indictments, information, or other criminal charges, any disposition arising therefrom, including conviction records, waiving trial rights, deferred sentences, stipulated order of continuance, or any other initial resolution which may or may not later result in dismissal or reduction in charges depending on subsequent events. This term includes acquittals by way of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release of any issue certificates of restoration of opportunities and any information contained in records maintained by or obtained from criminal justice agencies, including courts, which provide individuals' record of involvement in the criminal justice system as an alleged or convicted individual. The term does not include status registry information.

## **DIRECTLY-RELATED CONVICTION**

The conduct for which the person was convicted or that is the subject of an unresolved arrest that has a direct and specific negative bearing on the health, safety, or right to peaceful enjoyment of the premises by persons and includes one or more of the following offenses:

- A. Any conviction where State or federal law prohibits the applicant from being eligible for public housing; or
- B. Any conviction that leads to the applicant becoming a lifetime registered sex offender.

## **DISCRIMINATE**

To make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, educational affiliation, source of income, status as a victim of domestic violence, personal identification method, arrest record and conviction record.

A. 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.

B. Discrimination based on actual or perceived physical or mental limitation

includes discrimination because of the use by an individual of adaptive devices or aids.

C. Discrimination also includes the use of facially neutral policies or practices that have a disparate impact on members of a protected class.

### **EDUCATIONAL AFFILIATION**

The fact of being enrolled, or not enrolled, in any educational institution.

### **EMPLOYER**

Any person employing one or more persons.

### **EMPLOYMENT AGENCY**

A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

### **EVICTION FILING**

A legal filing intended to start the process in which a landlord removes a tenant from a rental property.

### **EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS**

Includes but is not limited to, a person's satisfactory compliance with all terms and conditions of parole or probation. However, an inability to pay fines, fees and restitution due to indigents shall not be considered in compliance with terms and conditions of parole or probation or both; employer recommendations, especially concerning a person's post-conviction employment; educational attainment or vocational or professional training since a conviction, including training received while incarcerated; completion or active participation in rehabilitative treatment, such as alcohol or drug treatment; letters of recommendation from community organizations, counselors or case managers, teachers, community leaders, or probation or parole officers who have observed the applicant since his or her conviction; and age of person at the time of the conviction. Successful completion of parole, probation, mandatory supervision, or post-release community supervision shall create a presumption of rehabilitation. Examples of mitigating factors that may be offered voluntarily by the person include, but are not limited to, explanation of the precedent course of conditions, intimate physical or emotional abuse, untreated substance abuse, or mental illness that contributed to the conviction.

### **FAMILY STATUS**

A. An individual who is pregnant, or

B. One or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person.

### **GENDER IDENTITY**

A person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or

behavior is different from that traditionally associated with the person's biological sex as assigned at birth as being either female or male.

**HOUSING FACILITY**

Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons, including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

**LABOR ORGANIZATION**

An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

**LANDLORD**

Any owner, lessor, sublessor, managing agent, or company, or any other person that rents, leases, approves the rental or lease of a housing facility, or makes tenancy decisions.

**MARITAL STATUS**

The state of being married, single, widowed, divorced, or separated.

**PERCEIVED**

Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

**PERSONAL IDENTIFICATION METHOD**

The legal form of identification that an individual may use, including any valid, government-issued identification, such as a state ID card, federal immigration documentation, municipal or county ID card, or passport issued by a foreign country.

**PHYSICAL OR MENTAL DISABILITY**

A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or mental disability" does not include any condition caused by the current illegal use of a controlled substance, the use of alcohol liquor, or use of marijuana by an individual.

**PLACE OF PUBLIC ACCOMMODATION**

An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods,

services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

**PREGNANT**

The condition of carrying a developing human embryo in the uterus.

**RELIGIOUS ORGANIZATION**

An organization, church, group, or body of communicants that is organized not for pecuniary profit that regularly gathers for worship and religious purposes and includes a religious-based private school that is not organized for pecuniary profit.

**RENTAL APPLICATION FEE**

Any fee paid by an applicant to a landlord to permit a background check of the applicant before or after a leasehold contract is created.

**SEXUAL ORIENTATION**

Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

**SOURCE OF INCOME**

Lawful verifiable income derived from sources other than wages, salaries or other compensation for employment. It includes but is not limited to social security benefits, supplemental security income, unemployment benefits, retirement income, child support, Federal Housing Choice Voucher, Local Housing Assistant Fund Millage, or any other housing subsidy.

**VICTIM OF DOMESTIC VIOLENCE**

An individual against whom any of the following acts were perpetrated by a person that was not an act of self-defense:

- A. Causing or attempting to cause physical or mental harm to a family or household member;
- B. Placing a family or household member in fear of physical or mental harm;
- C. Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; or
- D. Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, threatened, harassed, or molested.
- E. Conduct constituting sexual assault as described in MCL 750.520a to 750.520l
- F. Conduct constituting stalking as defined at MCL 750.411h and 750.411i

**§ 18-19 Discriminatory housing practices.**

Except as otherwise provided in this Article:

- 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 or insure 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 race, religion or national origin.
- 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.
- F. No landlord shall have or enforce a blanket policy that prohibits renting to a person based on eviction filings or actual evictions, or outright bans prospective tenants with prior actual evictions or eviction filings. Landlords must carefully consider, on a case-by-case basis, the reason for and length of time since an actual eviction of, or eviction filing against a rental applicant.
- G. No person is permitted to establish an outright ban on any aspect of housing because of a conviction record.
- H. A landlord may not refuse or base an adverse action, in whole or in part on either an applicant or tenant with the status as a victim of domestic violence having secured a protective order restraining a party from entering the premises under MCL 600.2950 or an early lease termination under MCL 554.601b.
- I. A landlord may not require an individual who receives housing assistance of dedicated rent via voucher or any other housing subsidies to earn any more than what is needed to pay for utilities as a requirement for tenancy.
- J. The City Manager or his or her designee shall publish on the City website and make available to landlords, in all languages spoken by more than 5% of the City population, a notice suitable for posting that informs applicants for eligible housing of their rights under this article. This notice shall be updated on or before December 1 of any year in which there is a change in the language is spoken by more than 5% of the City population.

#### **§18-19.1 Rental housing-prohibition on criminal record inquiries**

- A. No person shall use any criminal history information, other than convictions contained in a conviction record, to deny an individual any aspect of housing. An individual's conviction record may only be used to deny the individual any aspect of housing if the landlord considers an applicant's conviction record on a case-by-case basis, using objective criteria, and taking into account such factors as evidence of rehabilitation or other mitigating factors, the length of time since conviction, the severity of a criminal conviction, the relevance of the conviction to housing, and any circumstances surrounding the conviction relating to disability or domestic violence. This provision shall not bar a landlord from considering criminal conduct occurring on the premises of the landlord's property, regardless of whether that conduct resulted in conviction.

- B. It is the responsibility of a landlord to ensure that its employees and agents comply with this Section.
- C. Regarding applicants and their household members, a landlord may base an adverse action in whole or in part on directly-related convictions that have a direct and specific negative bearing on the safety of persons or real property, given the nature of the housing, and includes one or more of the following:
- (1) Any conviction where State or federal law prohibits the applicant from being eligible for public housing; or
  - (2) Any conviction that leads to the applicant becoming a lifetime registered sex offender.
- D. The landlord shall promptly notify the applicant of any final adverse action based upon their conviction history or contents of the criminal background check.
- E. It shall be unlawful for any landlord to engage in a communication, including the production or dissemination of advertisements, related to held housing that expresses, directly or indirectly, that any person with an arrest record or conviction record will not be considered for the rental or lease of real property or may not apply for the rental or lease of real property, except as required by local, State or federal law. For purposes of this subsection, "engage in a communication" includes, but is not limited to, making a verbal statement or producing or disseminating any solicitation, advertisement or signage.
- F. A landlord shall state in all solicitations or advertisements for the rental or lease of eligible housing, or made on their behalf, a landlord shall consider qualified applicants consistent with this article. This language shall include, at a minimum, the following statement:
- "The rental or lease of this property must comply with the City of Kalamazoo ordinance regulating the use of criminal background checks as part of the tenant screening process to provide citizens with criminal backgrounds a fair opportunity. For additional information please contact the City of Kalamazoo Civil Rights Board."

#### **§18.19.2 Rental application fees**

- A. A rental application fee may not exceed the actual cost of the background check process which may include national, state and local criminal histories, credit reports, rental history records, reference checks, eviction records and employment verification obtained by a landlord to screen an applicant. An application fee shall not include administrative fees, except for actual reasonable costs necessarily incurred to check the rental history and employment verification of an applicant. Landlords must provide applicants an itemized explanation of an application fee. A landlord must provide an applicant with any reports or correspondence generated as a result of the screening process to the extent permitted or required by State and Federal law.
- B. Before receiving a rental application fee, a landlord must provide a written notice to

the applicant setting forth the criteria on which the application will be judged and the amount of the application fee that will be charged. The amount received shall not exceed the amount disclosed.

C. Landlords shall only advertise housing facilities, receive applications, screen applicants and accept rental application fees for properties that are readily available for rent and occupancy unless an applicant consents in writing to being added to a waiting list. A housing facility is no longer considered available if a different applicant has been offered the housing facility and accepted and has placed a deposit on the housing facility. For purposes of this section, a housing facility may be considered available if a tenant of the unit has declared they will not be renewing the lease. Landlords shall document the date and time that deposits are placed housing facilities.

D. A landlord may collect and hold an application fee for an available housing facility for up to 30 calendar days so long as the landlord provides a written receipt to the applicant. If a housing facility becomes no longer available after applications and application fees are received but before some applications have undergone screening process, all application fees associated with unscreened applications must be returned to the respective applicants within 14 calendar days from the date the housing facility is no longer available for rent.

E. In all cases where an applicant is not offered the housing facility applied for, the landlord shall provide the applicant with a written statement explaining the reason or reasons that the housing facility was not offered to the applicant. The explanation must provide the applicant with a clear statement of the reason or reasons that the housing facility was not offered along with any documentation substantiating the reason or reasons.

F. If an applicant believes the application fee exceeds the actual cost of the screening process or believes that the reasons for denial deviate from the disclosed criteria for evaluating the application, or believes that the landlord has violated any other requirement of this section, the applicant or his or her representative may, within 30 days of receipt of the denial, file a written complaint with the City Manager or the City Manager's designee. For purposes of this section, a denial means any circumstances which the applicant is not offered the housing facility.

G. If it is determined that a landlord has violated this section, in addition to any fines imposed as a result of a municipal civil infraction, the rental property owner must refund the entire application fee to the applicant including, but not limited to, situations in which the screening process has not occurred or has not been documented sufficiently prior to denial.

### §18-19.3 Landlord records

A. Unless prohibited by federal or State law, a landlord shall maintain and retain records of tenant application forms, and other pertinent data and records required in this article, for a minimum of one year from the date of application, and shall allow the administering or enforcing agencies to access such records, with appropriate notice and at a mutually agreeable time, to monitor or verify compliance with the requirements of this article.

B. At no time shall the administering or enforcing agencies require a landlord to provide any information or documents the disclosure of which would violate local, State or federal law.

C. Anytime a landlord does not maintain or provide adequate records documenting compliance with this article or does not allow reasonable access to such records, the Office of the Chief Financial Officer or other City department or agency shall have the authority to provide all nonfinancial information necessary to fill the administering or enforcing agencies responsibilities under this article subject to confidentially provisions of this article and all applicable laws.

#### **§18-19.4 Exercise of rights protected; retaliation prohibited**

A. It shall be unlawful for a landlord or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this article.

B. It shall be unlawful for a landlord to interrupt, terminate, or fail to refuse to initiate or conduct a transaction involving the rental or lease of eligible housing, including falsely representing that such property is not available for rental or lease, or otherwise take adverse action against a person in retaliation for exercising rights protected under this article. Such rights include but are not limited to:

(1) the right to file a complaint or inform any person about a landlord's alleged violation of this article;

(2) the right to inform the administering agency about a landlord's alleged violation of this article;

(3) the right to cooperate with the administering or enforcing agencies or other persons in the investigation or prosecution of any alleged violation of this article; or

(4) the right to inform any person of his or her rights under this article.

C. Protections of this section shall apply to persons who mistakenly but in good faith allege violations of this article

D. Taking adverse action against a person within 90 days of the exercise of one or more than rights described in this section shall create a rebuttable presumption in the administering agency's investigation of such adverse action was taken in retaliation for the exercise of those rights.

#### **§ 18-20 Discriminatory public accommodation practices.**

A. Except as otherwise provided in this article, 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.

B. Nothing in this article permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct.

C. Nothing in this article shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities.

**§ 18-21 Discriminatory employment practices.**

Except as otherwise provided in this article:

- 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 labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- C. No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

**§ 18-22 Other prohibited practices.**

- A. No person shall adopt, enforce or employ any policy or requirement, or 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 organization, 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.
- F. No landlord shall discriminate based on source of income. Landlords are prohibited to require that applicants paying rent with a housing subsidy or voucher demonstrate household income to an amount equal then what is necessary to pay rental obligations. The value of the housing vouchers is to be included as income/dedicated rent.
- G. No landlord shall have a blanket policy or practice that refuses to rent or lease a property based on current or past eviction filings and/or actual evictions.
- H. No person shall use any history information other than convictions contained in a criminal record.

**§ 18-23 Nondiscrimination by City contractors.**

- A. All contractors proposing to do business with the City of Kalamazoo shall satisfy the nondiscrimination administrative policy adopted by the City Manager in accordance

with the guidelines of this section. All contractors shall receive approval from the City Manager prior to entering into a contract with the City, unless specifically exempted by administrative policy.

- B. A contractor shall, as a condition of being deemed a responsible bidder, at the time of its submission to the City in responding to an invitation for bids or request for proposals, certify in writing that it is in compliance with the provisions of this article.
- C. All City contracts shall provide further that breach of the obligations not to discriminate shall be a material breach of the contract.
- D. In addition, the contractor shall be liable for any costs or expenses incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract.

**§ 18-24 Discriminatory effects.**

No person shall adopt, enforce or employ any policy, *practice*, or requirement which has the effect of creating unequal opportunities according to actual or perceived race, color, religion, national origin, sex, age, height, weight, family status, sexual orientation, marital status, physical or mental disability, ~~or~~ *gender identity, educational association, source of income, status as a survivor of domestic violence, personal identification method, arrest record, or conviction history* for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a bona fide business 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 but shall require a demonstration that the policy or requirement is reasonably necessary to the normal operation of the person's business.

**§ 18-25 Exceptions.**

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

- A. For a religious organization to restrict the occupancy of any of its housing facilities 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 to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, *and* educational facilities, that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization. This does not include housing facilities in homeless shelters or dormitories that are publicly accessible.
- B. 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 based on sex.
- C. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disabled persons.

- D. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable state and federal law.
- E. To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- F. To refuse to enter into a contract with an unemancipated minor.
- G. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- H. To refuse to admit persons under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- I. For an educational institution to limit the use of its facilities to those affiliated with such institution.
- J. To provide discounts on products or service to students, or on the basis of age.
- K. To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- L. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations.
- M. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age, sex, height, or weight.
- N. To restrict membership in a private club that is not open to the public except to the extent that private clubs which permit members to invite guests on the premises are not exempted as it concerns a member's guest.
- O. To the employment of an individual by one's family.
- P. To the use of marital status or family status limitations in a health or pension plan if such limitations conform to federal and state laws and regulations.
- Q. To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

§18-26 through §18-27 [Reserved]

### Article III Enforcement

### § 18-28 Injunctions

The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination or to enforce a conciliation agreement.

### § 18-29 Prosecution.

- A. Prosecution for violation of this article may be initiated by complaint of the affected person on the basis of a violation of a conciliation agreement or at the direction of the Civil Rights Board on the basis of an investigation undertaken by the City Manager.
- B. Violation of this chapter shall be prosecuted by the City Attorney as a municipal civil infraction pursuant to the provisions of the Revised Judicature Act of 1961, MCLA 600.101 et seq.

### § 18-30 Penalties.

- A. A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$2000, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
- B. Each day upon which a violation occurs shall constitute a separate and new violation.
- C. A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
- D. Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.