

Appendix B

Chapter 22 - HUMAN RELATIONS¹¹

Footnotes:

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Cross reference— Administration, ch. 2; human relations commission, § 2-361 et seq.; housing commission, § 2-401 et seq.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-30. - Reserved.

ARTICLE II. - CIVIL RIGHTS

Sec. 22-31. - Public policy.

It is hereby declared to be contrary to the public policy of the City of East Lansing for any person to deny any other person the enjoyment of his/her civil rights or for any person to discriminate against any other person in the exercise of his/her civil rights or to harass any person because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.301, 3-19-2002; Ord. No. 1275, 2-7-2012)

Sec. 22-32. - 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, except as otherwise provided by law.

Commission means the East Lansing Human Relations Commission.

Contractor means a person or business that provides goods or services to the city.

Disability means that term as defined at section 103(d) of the Persons With Disabilities Civil Rights Act, Public Act No. 220 of 1976 (MCL 37.1103(d)).

Gender identity or expression means 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.

Marital status means being single, divorced, widowed, separated or married, and the conditions associated therewith, including pregnancy and parenthood.

National origin includes the national origin of an ancestor, and shall include persons who are not naturalized citizens.

Sex includes, but is not limited to, pregnancy, childbirth, or a medical condition related to pregnancy, or childbirth. Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of 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 public services, education, 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 public services, education, or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing; or creating an intimidating, hostile, or offensive employment, public accommodation, public service, educational or housing environment.

Sexual orientation means being or regarded as being heterosexual, homosexual, bisexual, or having a history of such identification.

Student status refers to a person enrolled in an educational institution recognized by the State of Michigan in pursuit of a recognized degree.

To harass means to have physical conduct or communication which refers to an individual protected under this article, when such conduct or communication demeans or dehumanizes and has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

(Ord. No. 977, ch. 111, § 9.302, 3-19-2002; Ord. No. 1275, 2-7-2012; Ord. No. 1340, 9-10-2014)

Cross reference— Definitions generally, § 1-7.

Sec. 22-33. - Employment.

(a) As used in this section:

Employer means a person who has one or more employees and includes any agent of that person.

Employment agency means a person regularly undertaking, with or without compensation, to procure, refer, recruit, or place an employee for an employer, or to procure, refer, recruit, or place for an employer or person the opportunity to work for an employer and includes any agent of that person.

Labor organization includes an organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employees concerning grievances, labor disputes, wages, rate of pay, hours, or other terms or conditions of employment.

(b) It is unlawful for an employer to:

- (1) Limit, segregate, classify, fail or refuse to hire, to recruit, to discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment, including a benefit plan or system, because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status, or because of the use by an individual of adaptive devices or aids.
- (2) Fail or refuse to hire, recruit, or promote an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.

- (3) Discharge or take other discriminatory action against an individual on the basis of physical or mental examinations that are not directly related to the requirements of the specific job.
 - (4) Fail or refuse to hire, recruit, or promote an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.
 - (5) Discharge or take other discriminatory action against an individual when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job.
 - (6) Discriminate against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of an arrest, detention, or disposition of a violation of a misdemeanor, felony, or local ordinance substantially corresponding to state law, when a conviction did not result, other than employment by a law enforcement agency. This prohibition shall not apply to persons who have been convicted of a crime constituting a sexual offense, which shall include criminal sexual conduct in any degree, or a child abusive commercial activity, or child cruelty or child torture, or any act of violence against a child, or attempts to commit such offenses and who are employed or seeking employment with a licensed child care center or child caring institution, or who are employed or seeking employment with a licensed foster care facility or a facility contracted with by the community mental health board, or to persons who are employed or seeking employment with any business licensed by the city if the person will be in direct contact alone with a child or children. This section shall not apply to information relative to a felony charge before a charge is dismissed in cases where the charges involve a child victim or a mentally ill victim or a developmentally disabled victim and are still pending.
 - (7) Make, keep, or use an oral inquiry, form of application, or record that elicits or attempts to elicit information concerning the religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or because of the use by an individual of adaptive devices or aids except where applicable under federal and state law, or local ordinance.
- (c) An employer, labor organization, or employment agency shall not print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign relating to employment by the employer, or relating to membership in or a classification or referral for employment by the labor organization, or relating to a classification or referral for employment by the employment agency, which indicates a preference, limitation, specification, or discrimination, based on religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.
 - (d) This section shall not apply to the employment of an individual by his/her parent, spouse, or child.
 - (e) A person subject to this section may apply to the commission for an exemption on the basis that religion, national origin, age, sex, height, weight, marital status, sexual orientation, gender identity or expression, or student status is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Upon sufficient showing, the commission may grant an exemption to this section. An employer who does not obtain an exemption for such bona fide occupational qualification shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.
 - (f) An individual seeking employment shall not publish, or cause to be published, a notice or advertisement that specifies or indicates the individual's religion, race, color, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or expresses a preference, specification, limitation, or discrimination as to the religion, race, color, national origin, age, disability, height, weight, sex, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids of a prospective employer.
 - (g) A contract to which the city, a political subdivision, or an agency thereof, is a party shall contain a covenant by the contractor and his/her subcontractors not to discriminate against an employee or

applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, including a benefit plan or system or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, disability, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids. Breach of this covenant may be regarded as a material breach of the contract.

- (h) This section is also applicable to labor organizations, employment agencies, apprenticeships, and job training programs. In addition, a labor organization shall not discriminate in its membership practices nor fail to fairly represent its membership in a grievance process because of religion, race, color, national origin, age, disability, sex, height, weight, marital status, sexual orientation, gender identity or expression, student status or use by an individual of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.303, 3-19-2002; Ord. No. 1275, 2-7-2012)

Sec. 22-34. - Housing.

- (a) As used in this section:

Housing accommodation includes 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 the home or residence of one or more persons.

Real estate broker or salesperson means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; negotiates or attempts to negotiate any of those activities; who holds himself/herself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesperson.

Real estate transaction means the sale, exchange, rental, or lease of real property, or an interest therein.

Real property includes a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

- (b) The opportunity to purchase, lease, sell, hold, use, and convey dwelling houses or dwelling units or engage in any other type of real estate transaction as protected in this section or under state and federal law is hereby recognized and declared to be a civil right. This includes, but is not limited to seeking, inspecting, advertising, offering, or listing of real property without discrimination because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use of adaptive devices or aids, or legal source of income, except with respect to age or income only, where necessary to meet the requirements of federal, state, or local programs.
- (c) It shall not be a violation of this section for the owner of an owner-occupied, one-family dwelling to restrict occupancy in the rental unit, or to the rental of a housing accommodation for not more than 12 months by the owner or lessor where it was occupied by him/her for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
- (d) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:
 - (1) Discriminate against the applicant because of the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, legal source of income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant.

- (2) Use a form of application for financial assistance or financing or make or keep a record of inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, source of legal income, or the use by an individual of adaptive devices or aids of the applicant or a person residing with the applicant, except that information relative to the age, marital status, or source of income may be obtained when necessary for the preparation of a deed or other recordable instrument or to meet the requirements of a federal, state, or local housing program.
- (3) Subsection (d)(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 1750g (Supp. 1973) or by a regulatory board or officer acting under the statutory authority of this state or the United States.
- (e) A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, use by an individual of adaptive devices or aids, or legal source of income of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.
- (f) Subparagraph (b) of this section and section 22-31 of this Code do not apply, with respect to the age provisions only, to the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or housing accommodations otherwise intended, advertised, designed, or operated, bona fide, for the purpose of providing housing accommodations for persons 55 years of age or older.

(Ord. No. 977, ch. 111, § 9.304, 3-19-2002; Ord. No. 1275, 2-7-2012; Ord. No. 1332, 5-6-2014)

Sec. 22-35. - Public accommodations or services.

(a) *Definitions.* As used in this section:

Place of public accommodation means a business, or an educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public service means a public facility, department, agency, board or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof, or a nonprofit organization, or a tax-exempt private agency established to provide service to the public.

(b) *Prohibited practices.* Except where permitted by law, a person shall not:

- (1) **Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids.**
- (2) **Print, calculate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service will be refused, withheld from, or denied an individual because of religion, race, color, national origin, age, height, weight, sex, disability, marital status, sexual orientation, gender identity or expression, or student**

status, or because of an individual's use of adaptive devices or aids, or that an individual's patronage of, or presence at a place of public accommodation, is objectionable, unwelcome, unacceptable, or undesirable because of religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, or student status or because of the use by an individual of adaptive devices or aids.

(Ord. No. 977, ch. 111, § 9.305, 3-19-2002; Ord. No. 1275, 2-7-2012)

Sec. 22-36. - Duty to accommodate persons with disabilities.

A person shall accommodate a person with disabilities for purposes of employment, public accommodation, public service, education, or housing unless the person demonstrates that the accommodation would impose an undue hardship.

(Ord. No. 977, ch. 111, § 9.306, 3-19-2002)

Sec. 22-37. - Exemptions.

This article shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation, or if it is licensed, chartered, or certified by the state or any of its political subdivisions.

(Ord. No. 977, ch. 111, § 9.307, 3-19-2002)

Sec. 22-38. - Complaint process.

- (a) As used in this section, the human relations commission shall mean the whole commission or the designee of the commission which may be a subcommittee of the commission.
- (b) The human relations commission may receive, initiate, investigate, mediate, conciliate, adjust, dispose of, issue orders, and hold hearings on complaints alleging a violation of this article.
- (c) Any person claiming to be aggrieved by a violation of civil rights as set out in this article may file with the human relations commission a signed, notarized complaint, in writing, which shall state the name and address of the person alleged to have deprived him/her of a civil right, the nature and date of the alleged deprivation. A person filing a complaint must do so within 180 days of the incident or situation which is the cause of the complaint.
- (d) Upon the filing of such a complaint, the human relations commission may investigate such alleged deprivation of a civil right. If it is determined that no violation of civil rights has occurred, the commission shall state such finding and dismiss the complaint. If upon investigation the commission finds that a violation of this article has occurred, the commission shall attempt to mediate the matter. In the event that the commission holds any hearings in the process of its investigations, written notice to the complainant and respondent shall be made.
- (e) In the course of its investigations, the commission may, through court authorization, require answers to interrogatories, order the submission of books, papers, records, and other materials pertinent to a complaint, and require the attendance of witnesses, administer oaths, take testimony and compel compliance with its orders.
- (f) Any time after a complaint has been filed, the commission is authorized to and may assist the complainant in filing a complaint with an appropriate state or federal agency.
- (g) If the commission, after receiving a complaint, and after failing to mediate the matter, determines that the respondent has violated this article, the commission may refer the matter to the MDCR and/or the CA for appropriate action.

- (h) Action ordered under this section may include, but is not limited to, an order which requires:
- (1) Hiring, reinstatement, or upgrading of employees with or without back pay.
 - (2) Admission or restoration of individuals to labor organization membership, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program, or other occupational training or retraining program, with the utilization of objective criteria in the admission of persons to those programs.
 - (3) Admission of persons to a public accommodation.
 - (4) Sale, exchange, lease, rental, assignment, or sublease of real property to a person.
 - (5) Extension to all persons of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent.
 - (6) Reporting as to the manner of compliance.
 - (7) Requiring the posting of notices in a conspicuous place which the commission may publish or cause to be published setting forth requirements for compliance with civil rights law or other relevant information which the commission determines necessary to explain those laws.
 - (8) Payment to an injured party of profits obtained by the respondent through violation of this article.
 - (9) Payment to the complainant of damage for an injury or loss caused by a violation of this article, including reasonable attorney fees plus statutory interest from the date of occurrence.
 - (10) Payment to the complainant of all or a portion of the costs of maintaining the action before the commission, including reasonable attorney fees and expert witness fees, when the commission determines that award to be appropriate.
 - (11) In addition to any other penalty or legal remedy available to the City of East Lansing or any complainant under this article, a person who is convicted in district court of a violation of any provision of this article, or any rule or regulation adopted or issued in pursuance thereof, may be punished by a fine of not more than \$500.00 and cost of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur constitutes a separate offense. The penalty provided in this section, unless another penalty is expressly provided therein, shall apply to each and every addition to this article and to the amendment of any section thereof without the necessity of providing such penalty in the ordinance making any such addition or amendment.
 - (12) Any other relief the commission deems appropriate.
- (i) In addition, in the case of a respondent operating by virtue of a license issued by the city, the commission, upon finding that the respondent has violated this article and that the violation was authorized, requested, commended, performed, or permitted by the board of directors of the respondent or by an officer or agent acting within the scope of his/her employment, may refer the matter to the city clerk and/or city manager and such violations of this article shall be grounds for suspension or revocation of the respondent's license.
- (j) The commission shall monitor contracts to insure compliance by a contractor or subcontractor.
- (1) In the case of a respondent who violates this article in the course of performing under a contract or subcontract with the city, where the violation was authorized, requested, commended, performed, or permitted by the board of directors of the respondent or by an officer or agent acting within the scope of his/her employment, the commission shall so certify to the contracting agency. The finding is binding on the contracting agency.
 - (2) Upon receiving a certification made under this section, the city, or a contracting agency of the city, shall take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a

program of compliance with this article. The city, or any agency of the city, shall not enter into further contracts or extensions or modifications of existing contracts with the respondent until the commission is satisfied that the respondent carries out policies that conform to this article.

- (k) This article shall not be so construed as to diminish the rights of a person to direct or immediate legal or equitable remedies in the courts of this state.
- (l) Two or more persons shall not conspire to, or a person shall not retaliate or discriminate against a person because a person has opposed a violation of this article, or because the person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this article. A violation of this subsection shall be punishable as provided by section 1-12 of this Code.
- (m) This article shall not be construed as preventing the commission from securing civil rights guaranteed by law other than the civil rights set forth in this article, nor as restricting the implementation of approved plans, programs, or services to eliminate discrimination and the effects thereof when appropriate.

(Ord. No. 977, ch. 111, § 9.308, 3-19-2002)

Sec. 22-39. - Posting requirements.

- (a) *Employer posting requirements.* The city shall provide a notice as set forth in subparagraph (c) to all employers with places of business within the City of East Lansing which the employer shall post in a conspicuous area of their place of business, readily visible to employees.
- (b) *Rental unit posting requirements.* The city shall include on all rental unit licenses the notice described in subparagraph (c) of this section. All owners of rental units and/or their legal agents required to display a rental unit license pursuant to provision ES-1005.11 of section 6-175 of chapter 6 of this Code, shall display the rental license in a manner that the notice contained in subparagraph (c) of this section is visible. Owners of class V rental licenses shall display the license and notice contained in subparagraph (c) of this section in their rental offices in a place readily visible to prospective tenants.
- (c) *Notice.* The notice prepared by the city for posting pursuant to subparagraph (a) shall be capitalized, in no less than 12-point type and shall read as follows:

EAST LANSING ORDINANCES PROHIBIT DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC ACCOMMODATION AND PUBLIC SERVICE BECAUSE OF RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, HEIGHT, WEIGHT, DISABILITY, SEX, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, STUDENT STATUS, USE OF ADAPTIVE DEVICES OR AIDS OR LEGAL SOURCE OF INCOME.

PERSONS DENIED EQUAL OPPORTUNITY BECAUSE OF THESE REASONS MAY FILE A COMPLAINT WITH THE EAST LANSING HUMAN RELATIONS COMMISSION WITHIN 180 DAYS OF THE INCIDENT OF DISCRIMINATION.

SEE ARTICLE II OF CHAPTER 22 OF THE CODE OF THE CITY OF EAST LANSING FOR DETAILS, OR CONSULT A LEGAL REPRESENTATIVE.

- (d) *Penalty.* A person who violates this section is responsible for a civil infraction and is punishable as provided in section 1-13 of this Code.

(Ord. No. 1127, 10-18-2005; Ord. No. 1275, 2-7-2012)

Sec. 22-40. - City contractor discrimination in providing benefits; prohibited.

- (a) **Except as otherwise provided herein, the city, a political subdivision, or an agency thereof shall not enter into a contract with any contractor that discriminates against its employees on**

the basis of marital status, sexual orientation, or gender identity or expression by failing to provide employment benefits for employees with domestic partners that it otherwise provides for the spouse of a married employee.

- (b) A contract to which the city, a political subdivision, or an agency thereof, is a party shall contain a covenant that the contractor is in compliance with this provision and that a breach of this covenant may be regarded as a material breach of the contract.
- (c) This provision shall not apply to any of the following contracts:
 - (1) Contracts less than \$20,000.00 total.
 - (2) Where there are no compliant contractors capable of providing the goods or services at comparable prices.
 - (3) Where another public agency is a party to the contract and a law, rule or policy of that agency would not permit compliance with this section.
 - (4) Where the work or purchases are funded in whole or in part by a governmental entity and the application of this section is not feasible.
 - (5) Purchases made through the State of Michigan's Extended Purchasing Program or other cooperative purchasing contractual arrangements utilized by the city.
 - (6) Purchases with any sole source supplier for supplies, material, or other equipment.
 - (7) Contracts entered into in response to emergency or exigent circumstances.
 - (8) Contracts which provide benefits that are collectively bargained by city employees.

(Ord. No. 1340, 9-10-2014)

Secs. 22-41—22-50. - Reserved.