



AGENDA
AD HOC COMMITTEE ON DIVERSITY AND INCLUSION
Friday October 26, 2018 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Brian Jackson, Vice Chair
Councilmember Patricia Spitzley

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes

October 19, 2018

5. Discussion
 - A.) Passage on amending the Purchasing Ordinance
 - B.) Review from Law on House Bill regarding covenants
 - C.) Public comment on proposed Immigration Law changes
6. Other
 - Updates on Participants in the Committee
7. Adjourn



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packet was published.
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ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE PURCHASING, CONTRACTS, AND SALES ORDINANCE, CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES, BY ADDING SEXUAL ORIENTATION AND GENDER ~~IDENTITY~~ IDENTITY TO NONDISCRIMINATION PROVISION, SECTION 206.20(b).

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 206, Section 20(b), of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

206.20(b) – Nondiscrimination clause in City Contracts

All contracting agencies of the City, or any department thereof, shall include in all contracts hereafter negotiated or renegotiated by them, for and on behalf of the City, a provision obligating the contractor or employer not to discriminate against any qualified employee or qualified applicant for employment with respect to hire, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of age, race, color, religion, national origin, sex, GENDER ~~IDENTITY~~ IDENTITY, SEXUAL ORIENTATION, height, weight, ~~handicap~~ DISABILITY, marital status or political ~~orientation~~ AFFILIATION, and shall require such contractor or employer to include a similar provision in all subcontracts.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

1 Section 3. Should any section, clause or phrase of this ordinance be declared to be
2 invalid, the same shall not affect the validity of the ordinance as a whole, or any part
3 thereof other than the part so declared to be invalid.

4 Section 4. This ordinance shall take effect on the 30th day after enactment unless given
5 immediate effect by City Council.

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Approved as to form:

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City Attorney

Dated: _____

Property; other; certain restrictive covenants in deeds and other instruments; prohibit.
Property: other; Civil procedure: civil actions; Civil rights: racial discrimination; Civil rights: sexual orientation discrimination; Property: recording

HOUSE BILL NO. _____

A bill to prohibit the recording of deeds or other instruments relating to real property that contain certain restrictive covenants or conditions; and to provide remedies with respect to those instruments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "prohibited restrictive covenants act".

3 Sec. 2. As used in this act, "person" means an individual,
4 partnership, corporation, association, governmental entity, or
5 other legal entity.

6 Sec. 3. (1) A person shall not record in the records of the
7 register of deeds a deed or other instrument that contains a



1 restriction, covenant, or condition, including a right of entry or
2 possibility of reverter, that directly or indirectly prohibits or
3 limits the conveyance, encumbrance, rental, occupancy, or use of
4 real property on the basis of race, sexual orientation, or gender
5 identity.

6 (2) A register of deeds shall not record a deed or other
7 instrument described in subsection (1).

8 Sec. 4. (1) A homeowners' or property owners' association,
9 acting through a simple majority vote of its board, may amend the
10 association's governing documents for the purpose of removing any
11 restriction, covenant, or condition, including a right of entry or
12 possibility of reverter, that directly or indirectly prohibits or
13 limits the conveyance, encumbrance, rental, occupancy, or use of
14 real property on the basis of race, sexual orientation, or gender
15 identity.

16 (2) If the board of a homeowners' or property owners'
17 association receives a written request by a member of the
18 association that the board exercise its amending authority under
19 subsection (1), the board shall, within a reasonable time, amend
20 the governing documents, as provided under this section.

21 (3) Board action under this section does not require the vote
22 or approval of the property owners.

23 (4) An amendment under subsection (1) may be executed by any
24 board officer.

25 (5) An amendment under subsection (1) must be recorded with
26 the register of deeds for the county where the property is located
27 and state the following:



1 "This amendment strikes from these restrictions, covenants, and
2 conditions the provisions that are prohibited under the prohibited
3 restrictive covenants act. Specifically, this amendment strikes the
4 provisions that directly or indirectly prohibit or limit the
5 conveyance, encumbrance, rental, occupancy, or use of the property
6 on the basis of race, sexual orientation, or gender identity."

7 Sec. 5. (1) A property owner may record in the records of the
8 register of deeds for the county where the property is located an
9 amended deed or other instrument to remove any restriction,
10 covenant, or condition, including a right of entry or possibility
11 of reverter, that directly or indirectly prohibits or limits the
12 conveyance, encumbrance, rental, occupancy, or use of real property
13 on the basis of race, sexual orientation, or gender identity.

14 (2) An amended deed or other instrument under this section may
15 be executed solely by the property owner. The deed or instrument
16 must be executed and acknowledged in the manner required by law.

17 (3) An amended deed or other instrument under this section
18 must state the following:

19 "This amended instrument strikes from an original instrument
20 restrictions, covenants, or conditions that are prohibited under
21 the prohibited restrictive covenants act. Specifically, this
22 amended instrument strikes the provisions that directly or
23 indirectly prohibit or limit the conveyance, encumbrance, rental,
24 occupancy, or use of the property on the basis of race, sexual
25 orientation, or gender identity."

26 Sec. 6. (1) If a deed or other instrument contains a provision
27 that is prohibited under this act, the owner, occupant, or tenant

1 of the property that is subject to the provision or any member of
2 the board of a homeowners' or property owners' association that
3 would have a right to enforce such a provision may bring an action
4 in the circuit court in the county in which the property is located
5 to have the provision stricken from the records of the register of
6 deeds.

7 (2) An action under this section must be brought as an in rem,
8 declaratory judgment action and the title of the action must be the
9 description of the property. The owners, occupants, or tenants of
10 the property or any part of the property are necessary parties to
11 the action.

12 (3) In an action under this section, if the court finds that
13 any provisions of the deed or instrument are prohibited under this
14 act, it shall enter an order striking the provisions from the
15 records of the register of deeds and eliminating the provisions
16 from the deed or other instrument for the property described in the
17 complaint.

18 Sec. 7. A person that refuses, before recording, to remove
19 from a deed or other instrument a restriction, covenant, or
20 condition, including a right of entry or possibility of reverter,
21 that directly or indirectly prohibits or limits the conveyance,
22 encumbrance, rental, occupancy, or use of real property on the
23 basis of race, sexual orientation, or gender identity is liable for
24 any damage sustained by another person because of the refusal.

25 Sec. 8. (1) Except as otherwise provided in section 4(2), this
26 act does not create a duty on the part of an owner, occupant,
27 tenant, association, board, or member or officer of a board to

1 amend a recorded deed or instrument or a governing document as
2 provided in this act, or to bring an action as authorized under
3 this act.

4 (2) An owner, occupant, tenant, association, board, or member
5 or officer of a board is not liable for failing to amend a recorded
6 deed or instrument or a governing document or to pursue an action
7 in court as authorized under this act.

8 (3) This act does not limit any right or remedy under the
9 Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to
10 37.2804, or any other law of this state.



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