

AGENDA

Ad Hoc on Housing and Resident Safety AGENDA FOR JULY 22, 2022 AT 8:30 AM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Councilmember Spitzley, Chairperson
Councilmember Wood, Vice Chairperson
Councilmember Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. July 8, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Presentations:**
 - B. "Community Court" - Judge Kristen Simmons (54-A District Court)
6. **Discussion/Action:**
 - C. ORDINANCE Discussion- Updates to Chapter 297- Human Rights Ordinance
 - D. DISCUSSION - Recommendations to Council
7. **Other**
8. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



Minutes
Ad Hoc on Housing and Resident Safety
Friday, July 8, 2022 @ 8:30 a.m.
City Council Conference Room

CALL TO ORDER

Council Member Wood called the meeting to order at 8:30 a.m.

PRESENT

Council Member Spitzley, Chair- excused
Council Member Wood, Vice-Chair
Council Member Brown, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Lisa Hagen, OCA
Susan Stachowiak, EDP
Craig Puckett, Real Estate Association
Jim Smiertka, OCA
Belinda Fitzpatrick
Dr. Charla Burnett, HRCS Board Member
Joy Gleason
Doug Benson, RPOMM

MINUTES

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MINUTES FROM JUNE 24, 2022 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Ms. Fitzpatrick spoke on the form based code and residential neighborhoods.

Dr. Burnett spoke about citizens complaints the HRCS Board has heard on sale of properties of the Lansing Housing Commission, and what she has witnessed when visiting some of the sites. She outlined her future plans to file civil lawsuits through The Fledge. Council Member Wood asked if a study was done through HRCS or independent. Ms. Burnett stated she was told by Ms. Coleman that a study could not be done by the HRCS Board, and she also told them they cannot have Council attend their meetings and they have asked to have Mr. Fleming with LHC attend and were told by Ms. Coleman he cannot attend. Mr. Smiertka stated he intends to attend the next HRCS Board meeting to provide them an update on all the duties and responsibilities they haven.

Ms. Gleason spoke on residential properties owned by LHC, and the lack of options provided to the residents to purchase the homes they live in. Ms. Gleason then spoke on her concerns with the rental ratio in the City.

Council Member Wood noted that the Lansing City Council does not have any oversight over the Lansing Housing Commission, the LHC Board Members are appointed by the Mayor but Council does not do any recommendation appointments. The last records of inspections the Council did get copies of was back in 2018 and 2019.

PRESENTATIONS

City of Lansing Economic Development and Planning – Form Based Code Residential

Council Member Wood informed Ms. Stachowiak that at past meetings there were questions on small homes and if form based code supports that, and if not is there a way to amend to allow.

Ms. Stachowiak summarized the ordinance, anything 40' greater in width, minimum is 24' x 24'. If lot is less than 40' in width, it is 20' x 20' minimum size home. When writing the form based code, it was discussed and they determined 400 sq ft was the minimum they would go. If someone had a large tract of land, they could petition the City for that and it would be considered a "trailer park" because they can be moved because they are so small. If that does occur there would be a public hearing. Ms. Stachowiak reiterated that they support the decision, and to her knowledge the only community she is aware of in Michigan tiny houses are allowed in Detroit. In the City of Lansing homes have to have a pitched roof, have to be put on a foundation, and meet building codes. They believe this was not an oversight and feel this was done to protect the character and property values of the existing neighborhoods, and not unique to Lansing.

Council Member Wood recapped that on a residential property there needs to be foundation, and Ms. Stachowiak confirmed it has to have a permanent foundation and no skirting. Council Member Wood asked if there has been anyone that has approached planning for a 20' x 20'. Ms. Stachowiak stated the Capital Area Housing is considering a 20' wide on some 36' lot sizes, but there has been no inquiries for a home, but have been asked to put a trailer on a lot and were told they cannot. Council Member Wood asked if someone does apply for a trailer park, would it fall under the State, and so the City would have no ability at that point because they are then regulated by the State. Ms. Stachowiak confirmed they would be regulated by the State, but the City would determine when they could do.

Real Estate Association

Council Member Wood noted Mr. Puckett was invited to discuss the small home information that was just presented and also information on details for housing from Nations Outside request for when to consider criminal records.

Mr. Puckett stated they did support the form based code, and he confirmed he has not heard of any in this area, and any discussions he has heard are occurring in Eaton Rapids but they are larger than the City. Mr. Puckett then spoke briefly on the inventory shortage, labor shortage, increase in material cost, and noted it is a nationwide problem. With the housing shortage there are bidding wars, and making home unaffordable for many people. He added they are also having issues with the landbank on the 20 year restriction and working with the Ingham County Commissioners on making a change. Regarding Nations Outside, Mr. Puckett confirmed he has attended one of their meetings and stated the Association opposes any form of discrimination, and members are required to do annual trainings. Concerns with what Nations Outside is proposing include the delays they want for a background check, the vagueness of what they are looking on what criminal records are admissible or not, and lastly there are Federal guidelines so could be hypocritical to impose stronger restrictions than the governments

would. Mr. Puckett concluded by asking the City to consider best practices for fair housing, and HUD does already have guidelines.

Mr. Benson first acknowledged he does not live in the City but has 65 rentals in the City. Mr. Benson then stated HUD has guidelines of what they cannot do, and cannot prevent someone from housing if they have a criminal record. Mr. Benson did not support moving extreme cases into his family units, noting in the final analysis some people will not make it past the bar of people landlords want living in their building.

Mr. Puckett added that he would be interested in how the City would enforce and if there would be a penalty if there was a violation. Mr. Benson noted if someone moves in and then becomes a criminal afterwards he as a landlord can evict them.

Home Builders Association of Greater Lansing

Council staff reached out to the organization but never heard back, and no one was in attendance.

Discussion/Action

ORDINANCE – Discussion – Updates to Chapter 297 – Human Rights Ordinance

Ms. Hagen distributed a draft document. Mr. Smiertka stated they looked at the Human Rights Ordinance and could not do amendments, so proposed a stand alone ordinance.

Ms. Hagen outlined a new ordinance Chapter 296.20 to 296.31 to address the fair chance to housing that has been discussed. There was a pause in the meeting so Ms. Hagen could send the document to the printer for copies for the public. The intern was asked to go to the OCA office and get copies.

Ms. Hagen went through the document on creating Fair Chance Access to Rental Housing, noting there has not been in the court of law where something like this has been tested, so has been untested and possible open to litigation. Council Member Wood asked if they have looked at the HUD practices when they put this together, and Ms. Hagen stated they have but this is a working document and will continue to look at HUD best practices.

Council Member Brown noted when people have a low credit score they are denied as well, they just get a letter. Is that how the current HUD background check is or is there data. Asking who would the objective review be done. Ms. Hagen stated the intent of the ordinance is to be permissive for the property owner because they have a lot of rights under law as the property owner. Regarding HUD best practices, Ms. Hagen stated she would have to do further research.

Mr. Puckett distributed a summary from the Fair Housing Act on Criminal History Based Practices and Policies, noting it is his understanding that the City of Jackson has adopted something. He asked for it to be vetted and time taken. Council Member Wood stated the Committee intent is to gather information, and moving recommendations to the full Council in September per the Ad Hoc charge.

OCA Intern presented copies of the draft ordinance, and Council Member Wood reiterated that this is informational only. Mr. Smiertka added that the OCA has an ordinance review committee and will be legally analyzed.

Ms. Hagen began outlining the ordinance, noting the scope does not require a landlord to provide preference or unqualify. Moving onto the definitions she highlighted line 11 – adverse action. Council Member Wood noted there are certain HUD requirements that deal with adding

people to leases, and if there is someone on the lease and they commit a crime they can no longer be at that residence. Ms. Hagen this does take that into consideration, and the ordinance does speak to what the eligibility can be based on. Another definition highlighted speaks to directly-related conviction starting on line 16; page 4 line 11 eligible housing noting they might consider changing “rental” to “real”. On page 5, line 8 speaks to housing provider, page 6 starts Section 292.22 which is applicability. In the document, when getting to 296.23 it speaks to the prohibition and states no criminal history check. Mr. Benson spoke as a landlord asking questions verbal inquiry, and Ms. Hagen referenced the ordinance where it speaks to what the housing provider can state up front if there are specific convictions they will not be considered. Ms. Hagen reiterated that the OCA has only drafted what this could look like, they are not advocating for a certain position. Council Member Wood acknowledged this is the first time everyone has seen it, and Chairperson Spitzley will review the document in the future as well.

Ms. Hagen moved onto outlining the details of the draft beginning again on page 7.

Council Member Brown referred back to an earlier statement, that if the landlord states upfront they will not accept, that would include as an unqualified tenant, and Ms. Hagen confirmed it is listed in the ordinance, and a housing provider can state on their website. Council Member Brown asked if the property owner states that does it supersede this, and Ms. Hagen stated they can still go through the process and they can apply and provide mitigating factors.

Council Member Wood referenced “conditional lease” and asked if that means the applicant can take possession. Ms. Hagen stated a “conditional lease”, it is similar to a conditional offer on the background.

Mr. Smiertka noted page 9 line 11, speaks to “conviction”.

Ms. Hagen moved onto 296.25, 296.26.

The next meeting will begin back at 296.26 where the presentation was stopped.

Council Member Wood asked OCA why not adding to the Human Rights Ordinance to protect. Ms. Hagen stated that ordinance is broad, and this is going to be specific. Later in the proposed ordinance the complaint process is tied into the HRCS process with Human Rights Ordinance.

Council Member Wood asked OCA to look up the HUD practices and policies and if they were adopted as a policy of resolution. Ms. Hagen asked if those were for all properties in the City, and Council Member Wood asked for it if a best practice was done.

Mr. Smiertka confirmed before the next meeting it will be vetted again and come back at draft 3.

Dr. Burnett asked how many convicted in the City, and Ms. Hagen stated it was not looked into and the ordinance is based on the charge of the Committee to look into this.

Council Member Wood asked for any concerns to be sent onto the Council Office Manager and they will be forwarded to the City Attorney. She reiterated that this draft was based on a request from the Committee and will be sent onto the full Council and this current document is not the final document, and the Committee is not recommended at this time.

DISCUSSION – Recommendations to Council

Discussions will occur at the next meeting.

Adjourn

Adjourned at 9:46 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee

2022

ORDINANCE NO.

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by adding sections 296.20 through 296.31 to provide for fair chance housing in relation to the timing of criminal background checks for prospective tenants of rental dwellings in the City of Lansing.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 296 Section 296.20 through 296.31 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

296.20 – Fair Chance Access to Rental Housing; Scope and Purpose

(a) Purpose. The purpose of Sections 296.20-296.31 is to enhance the health, safety, and general welfare of the public by ensuring citizens with arrest and conviction records have a fair opportunity to secure housing through regulating the timing of criminal background checks as part of the tenant screening process, thereby facilitating re-integration into society, reducing recidivism and its associated criminal justice and societal costs. Barriers to opportunities for people with arrest or conviction records increase recidivism and jeopardize the safety of the public, disrupt the financial and overall stability of affected families and communities, and impede the City from achieving its maximum potential of economic growth.

(b) Scope.

(1) Sections 296.20-296.31 shall not require a housing provider to give preference to anyone or to rent to an otherwise unqualified person, regardless of the individual's

1 arrest or conviction record; limit a housing provider's ability to choose the most
2 qualified and appropriate candidate from applicants for housing; or create or
3 impose a duty, or to create a private civil cause of action against the City, its elected
4 officials, appointees, officers, agents, or employees.

5
6 **296.21. Definitions.**

7 For purposes of Sections 296.20-296.31, the words and phrases shall have the following
8 definitions:

9 *Administering agency* means the Department of Human Relations and Community
10 Services (HRCS).

11 *Adverse action* means the following actions of a landlord related to the landlord's
12 rental property: to evict an individual; fail or refuse to rent or lease real property to an
13 individual; fail or refuse to continue to rent or lease real property to an individual; fail or
14 refuse to add a household member to an existing lease; or to reduce any tenant subsidy.

15 The adverse action must relate to real property located in the City of Lansing.

16 *Applicant* means an individual applying to rent or lease eligible housing. It also
17 includes an individual applying to be added to an existing lease for eligible housing.

18 *Arrest* means a record from any jurisdiction that does not result in a conviction and
19 includes information indicating that a person has been questioned, apprehended, taken into
20 custody or detained, or held for investigation by a law enforcement, police, or a
21 prosecutorial agency, or charged with, indicted, or tried and acquitted for any felony,

1 misdemeanor, or other criminal offense. Arrest is a term that is separate and distinct from,
2 and that does not include, unresolved arrest as defined in this section.

3 *Background check report* means any criminal history report accessible through the
4 Michigan State Police Internet Criminal History Access Tool (I-CHAT), courts, or by any
5 consumer reporting, or tenant screening, agency, or business.

6 *Conviction* means a record from any jurisdiction, which includes information
7 indicating that a person has been convicted of a felony or misdemeanor, provided, that the
8 conviction is one for which the person has been placed on probation, fined, imprisoned, or
9 paroled. Those matters identified in Section 296.23 of this Code, which a housing provider
10 may not make an inquiry and which they may not base an adverse action, are not
11 considered convictions for purposes of this article.

12 *Conviction history* means information regarding one or more convictions or
13 unresolved arrests, transmitted orally or in writing or by any other means, and obtained
14 from any source, including, but not limited to, the individual to whom the information
15 pertains or a background check report.

16 *Directly-related conviction* means that the conduct for which the person was
17 convicted or that is the subject of an unresolved arrest that has a direct and specific
18 negative bearing on the health, safety, or right to peaceful enjoyment of the premises by
19 persons and includes one or more of the offenses listed in Section 296.24(b) of this Code. In
20 determining whether the conviction or unresolved arrest is directly related to the housing,
21 the housing provider shall consider whether the housing offers the opportunity for the

1 same or similar offense to occur, whether circumstances leading to the conduct for which
2 the person was convicted will recur in the housing, and whether supportive services that
3 might reduce the likelihood of a recurrence of such conduct are available on-site. Those
4 matters identified in Section 296.23(2) of this Code, which a housing provider may not
5 make an inquiry and which they may not base an adverse action, may not qualify as a
6 directly-related convictions.

7 *Dwelling or dwelling unit* means a single unit providing complete, independent living
8 facilities occupied, or intended to be occupied, in whole or in part by one or more persons,
9 including permanent space and provisions for living, cooking, eating, sanitation, and
10 sleeping.

11 *Eligible housing* means any rental property in the City of Lansing required to be
12 registered as a rental property pursuant to this Code.

13 *Evidence of rehabilitation or other mitigating factors* means, but shall not be limited
14 to, a person's satisfactory compliance with all terms and conditions of parole or probation,
15 except inability to pay fines, fees, and restitution due to indigence shall not be considered
16 noncompliance with terms and conditions of parole or probation or both; employer
17 recommendations, especially concerning a person's post-conviction employment;
18 educational attainment or vocational or professional training since the conviction,
19 including training received while incarcerated; completion or active participation in
20 rehabilitative treatment, for example, alcohol or drug treatment; letters of
21 recommendation from community organizations, counselors or case managers, teachers,

1 community leaders or probation or parole officers who have observed the applicant since
2 his or her conviction(s); and the age of the person at the time of the conviction. Successful
3 completion of parole, probation, mandatory supervision, or post-release community
4 supervision shall create a presumption of rehabilitation. Examples of mitigating factors
5 that are offered voluntarily by the person may include, but are not limited to, explanation
6 of the precedent coercive conditions, intimate physical or emotional abuse, or untreated
7 substance abuse or mental illness that contributed to the conviction.

8 *Housing provider* means any entity that owns, master leases, manages, or rents
9 eligible housing in the City of Lansing. Any agent, such as a property management
10 company, which makes tenancy decisions on behalf of the aforementioned entities, shall
11 also be considered a housing provider.

12 *Inquire* means any direct or indirect conduct intended to gather information from
13 or about an applicant, or a potential applicant or candidate, using any mode of
14 communication, including, but not limited to, application forms, interviews, and
15 background check reports.

16 *Person* means any individual, partnership, firm, company, corporation, association,
17 sole proprietorship, limited-liability company, joint venture, estate, trust, or any other legal
18 entity.

19 *Rental property* means a non-owner occupied dwelling unit or units that:

1 (1) Is or are let, or occupied, by persons, including a family member of the
2 owner, pursuant to an oral or written rental contract, or lease, or other oral or written
3 agreement or understanding for occupation, with or without, monetary compensation; or

4 (2) Will be offered for occupancy under an oral or written rental contract or
5 lease, or other oral or written agreement or understanding for occupation, with or without,
6 monetary compensation to any person; or

7 (3) Has or have been advertised to the public or previously registered with the
8 City as rental property.

9 *Unresolved arrest* means an arrest that is undergoing an active pending criminal
10 investigation or trial that has not yet been resolved. An arrest has been resolved if the
11 arrestee was released and no accusatory pleading was filed charging him or her with an
12 offense, or if the charges have been dismissed or discharged by the prosecuting attorney or
13 the court.

14
15 **296.22. Applicability; eligible housing.**

16 Sections 296.20 through 296.31 shall apply to all housing providers with eligible housing as
17 defined in Section 296.21 available for rent or lease located in the City of Lansing.

18
19 **296.23. Prohibition on housing provider inquiring into criminal convictions of applicants**
20 **and their household members until being interviewed or qualified; basis for adverse action.**

21 (a) Except as provided in Section 296.24 of this Code, housing providers shall not:

1 **(1) Inquire about or require applicants to disclose conviction history as part of**
2 **tenant screening process until the housing provider:**

3 **a. Has determined the applicant is qualified to rent the housing unit**
4 **under all of the housing provider's criteria not related to potential past**
5 **criminal convictions or an unresolved arrest; and**

6 **b. Has provided to the applicant a conditional lease agreement that**
7 **commits the unit to the applicant as long as the applicant passes the**
8 **conviction history review.**

9 **(2) Base an adverse action in whole or in part:**

10 **a. On an unresolved arrest or an arrest not leading to a conviction;**

11 **b. On participation in or completion of a diversion or a deferral of**
12 **judgment program;**

13 **c. On a conviction that has been judicially dismissed, expunged, voided,**
14 **invalidated or otherwise rendered inoperative by a court of law or by**
15 **executive pardon.**

16 **d. On a conviction or any other determination or adjudication in the**
17 **juvenile justice system, or information regarding a matter considered in or**
18 **processed through the juvenile justice system;**

19 **e. On a misdemeanor conviction that is more than five years old,**
20 **calculated from the date of sentencing; or**

1 **f. On information pertaining to an offense or violation other than a**
2 **felony or misdemeanor, such as a civil infraction.**

3 **(3) A housing provider shall not include questions regarding or require**
4 **applicants to disclose on any housing application the facts or details of any**
5 **conviction history or any matter identified in Subsection (2) of this section.**

6 **(b) It is the responsibility of a housing provider to ensure that its employees and agents**
7 **comply with this article.**

8
9 **296.24. Exceptions to prohibition.**

10 **(a) This article does not limit the right of a housing provider to take any of the**
11 **following actions:**

12 **(1) Conduct conviction history or obtain background check reports on**
13 **applicants where there is a statutory duty to do so; or**

14 **(2) Notify applicants that applicable laws, including those set forth in Subsection**
15 **(b) of this section will disqualify an individual with a particular conviction history**
16 **from eligibility for tenancy.**

17 **(b) Regarding applicants and their household members, a housing provider may base**
18 **an adverse action in whole or in part on directly-related convictions that includes one or**
19 **more of the following:**

20 **(1) Any conviction where state or federal law prohibits the applicant from being**
21 **eligible for public housing; or**

1 (2) Any conviction that leads to the applicant becoming a lifetime registered sex
2 offender; or

3 (3) Any conviction for violent or drug-related felonies; or

4 (4) Conviction for felonies committed within the last ten years or imprisonment
5 for felonies within the last five years; or

6 (5) Any conviction for crimes against landlords, management agents, their
7 employees or agents, or other tenants or real property; or

8 (6) Any conviction to any crime involving arson; or

9 (7) Any conviction to any crime involving metal theft, vandalizing, or otherwise
10 damaging real property.

11 (8) any other conviction the housing provider determines is appropriate for adverse
12 action.

13 296.25

14 ~~269.25~~. Procedures for use of evidence of rehabilitation or other mitigating factors in
15 housing decisions; requirement for individualized assessment.

16 (a) Consistent with the procedures in this section and subject to state and federal law, a
17 housing provider shall offer the applicant a reasonable opportunity to present evidence of
18 rehabilitation or other mitigating factors related to convictions within the previous five
19 years.

1 **(b) In reviewing an applicant's criminal history and making a decision related to**
2 **eligible housing based on such history, a housing provider shall conduct an individualized**
3 **assessment, considering only:**

4 **(1) Convictions that warrant denial based on local, state, or federal law; and**

5 **(2) Time that has elapsed since the conviction; and**

6 **(3) Whether it is a directly-related conviction, as defined in Section 296.21 of this**
7 **Code, that has direct and specific negative bearing on the safety of persons or real**
8 **property; and**

9 **(4) Any evidence of inaccuracy or evidence of rehabilitation or other mitigating**
10 **factors presented by the applicant.**

11 **(c) If a housing provider intends to base an adverse action related to eligible housing on**
12 **an item or items in the applicant's conviction history, prior to taking any adverse action the**
13 **housing provider shall provide the applicant with a copy of the background check report**
14 **and shall notify the applicant of the prospective adverse action and the items forming the**
15 **basis for the prospective adverse action.**

16 **(d) If, within 14 calendar days of the date that the notice described in Subsection (c) of**
17 **this section is provided by the housing provider to the applicant, the applicant gives the**
18 **housing provider notice in writing of evidence of the inaccuracy of the item or items of**
19 **conviction history or evidence of rehabilitation or other mitigating factors set forth in this**
20 **section, the housing provider shall delay any adverse action for a reasonable period of not**
21 **less than five calendar days after receipt of the information. During that time, the housing**

1 provider shall reconsider the prospective adverse action in light of the information
2 provided by the applicant or potential applicant.

3 (e) The housing provider shall promptly notify the applicant of any final adverse action
4 based upon their conviction history or contents of the criminal background check.

5 (f) It shall be unlawful for any housing provider to engage in any communication,
6 including the production or dissemination of advertisements, related to eligible housing,
7 which expresses, directly or indirectly, that any person with an arrest or conviction record
8 will not be considered for the rental or lease of real property or that may not apply for the
9 rental or lease of real property, except as required by local, state, or federal law. For
10 purposes of this subsection, engaging in a communication includes, but is not limited to,
11 making a verbal statement, or producing or disseminating any solicitation, advertisement,
12 or signage.

13
14 **296.26. Notice and posting requirements for housing providers.**

15 (a) A housing provider shall state in all solicitations or advertisements for the rental or
16 lease of eligible housing, or made on their behalf, that the housing provider shall consider
17 qualified applicants consistent with Sections 296.20 through 296.31. This language shall
18 include, at minimum, the following statement:

19 "The rental or lease of this property must comply with Sections 296.20 through
20 296.31 of the Lansing Code of Ordinances regulating the use of criminal
21 background checks as part of the tenant screening process to provide residents with

1 criminal backgrounds a fair opportunity. For additional information, please contact the
2 City of Lansing Office of Human Relations and Community Services (HRCS)."

3 (b) The administering agency shall publish and make available to housing providers, in
4 all languages spoken by more than five percent of the City's population, a notice suitable
5 for posting that informs applicants for eligible housing of their rights under this article.

6 This notice shall be updated on or before December 1st of any year when there is a change
7 in the languages spoken by more than five percent of the City's population.

8 (c) In addition to the requirements for solicitations or advertisements in Subsection (a)
9 of this section, housing providers shall post a notice prominently on their website and at
10 any location under their control that is frequently visited by applicants or potential
11 applicants for the rental or lease of eligible housing in the City. In addition, this notice shall
12 be available to applicants in hard copy and provided with an application. The notice
13 requirements in this section shall contain the following additional information, which may
14 be summarized by the housing provider or available from the administering agency
15 pursuant to Section 296.23(a)(1) of this Code:

16 (1) A description of those matters identified in Section 296.23 that may not be
17 considered by the housing provider;

18 (2) A description of the restrictions and requirements that Section 296.23
19 imposes on housing providers when inquiring about conviction history in connection with
20 an application for the rental or lease of eligible housing in the City;

1 (3) The circumstances and timeline under which the applicant or potential
2 applicant has a right to provide evidence of rehabilitation and other mitigating factors as
3 provided in Section 296.25; and

4 (4) The telephone number, email address, and mailing address of the
5 administering agency that the applicant or potential applicant may use to make a report
6 where he or she believes the housing provider has violated this article in their interactions
7 with the applicant or potential applicant.

8
9 **296.27. Exercise of protected rights; retaliation prohibited.**

10 (a) It shall be unlawful for a housing provider or any other person to interfere with,
11 restrain, or deny the exercise of, or the attempt to exercise, any right provided under
12 Sections 296.20 through 296.31.

13 (b) It shall be unlawful for a housing provider to interrupt, terminate, or fail or refuse
14 to initiate or conduct a transaction involving the rental or lease of eligible housing,
15 including falsely representing that such property is not available for rental or lease, or
16 otherwise take adverse action against a person in retaliation for exercising rights protected
17 under Sections 296.20 through 296.31. Such rights include but are not limited to:

18 (1) The right to file a complaint or inform any person about a housing provider's
19 alleged violation of Sections 296.20 through 296.31;

20 (2) The right to inform the administering agency about a housing provider's
21 alleged violation of Sections 296.20 through 296.31;

1 (3) The right to cooperate with the administering agency or other persons in the
2 investigation or prosecution of any alleged violation of Sections 296.20 through 296.31; or

3 (4) The right to inform any person of his or her rights under this Sections 296.20
4 through 296.31.

5 (c) Protections of this section shall apply to any person who mistakenly, but in good
6 faith, alleges violations of Sections 296.20 through 296.31.

7 (d) Taking adverse action against a person within 90 calendar days of the exercise of
8 one or more of the rights described in this section shall create a rebuttable presumption in
9 the administering agency's investigation that such adverse action was taken in retaliation
10 for the exercise of those rights.

11
12 **296.28. Community Outreach.**

13 (a) The administering agency may establish, in consultation with the Mayor's Office, a
14 community-based outreach program to conduct education and outreach to applicants and
15 potential applicants for housing regarding rights and procedures under this article. The
16 program may be targeted at individuals or communities where, in the judgment of the
17 administering agency, the need for education and outreach is greatest.

18 (b) In establishing an outreach program pursuant to Subsection (a) of this section, the
19 administering agency may partner with community-based organizations. Nothing in this
20 section shall preclude the administering agency, by contract or grant, and consistent with
21 other provisions of local laws, from engaging the services of such organizations in

1 establishing such community-based outreach programs, participating in such programs, or
2 developing materials for such programs. Nothing in this section shall preclude the
3 administering agency from combining the outreach programs described in Subsection (a)
4 of this section with other related community outreach programs.

5
6 **296.29. Confidentiality.**

7 The City shall keep confidential, to the extent permitted by applicable laws, any identifying
8 information or other data pertaining to an applicant's criminal history.

9
10 **296.30. Complaints; Investigation and hearings; findings and recommendations; available**
11 **recommendations and remedies; conciliatory agreements**

12 **(a) If a complaint is made under Sections 296.20 through 296.31, the Fair Access to Rental**
13 **Housing sections, it shall be investigated and processed under the procedures established**
14 **pursuant the Lansing Codified Ordinances, Human Rights Ordinance, Sections 297.10**
15 **through 297.14.**

16
17 **296.31. Penalty; civil infraction.**

18 **(a) A violation of any provision of this chapter is a civil infraction. Notwithstanding the**
19 **definition contained in Section 203.01, the Director of the Human Relations and**
20 **Community Services Department, or his/her designee, is an Authorized City Official**
21 **authorized to write a civil infraction ticket under this Chapter 296, Sections 296.20-290.31.**

(b) If the Hearing Officer determines that a violation of this chapter has occurred and the respondent does not comply with the Hearing Officer's recommendation within the specified time period, either the complainant or the Hearing Officer may refer the matter to a city or County Prosecutor, the Michigan Department of Civil Rights, the United States Department of Justice, Department of Housing and Urban Development, or other appropriate enforcing agency.

(c) A violation of a prohibited act in this chapter is designated a municipal civil infraction, is not a crime, and shall not be punishable by imprisonment.

(d) Schedule of civil fines. The violation shall be according to the following schedule:

(1) First violation\$150.00

(2) Second violation250.00

(3) Third (or any subsequent) violation500.00

Section 3. Any ordinances in conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council, and shall expire December 31, 2031.

Approved as to form:

City Attorney

Dated: _____

Boak, Sherrie

From: Norma Bauer <activadvocate@gmail.com>
Sent: Sunday, July 10, 2022 1:56 PM
To: CityAtty; Boak, Sherrie; David Muylle
Subject: [EXTERNAL] Comments on proposed ordinance re fair chance housing PLUS ideas

To cityatty@lansingmi.gov <cityatty@lansingmi.gov>;
City Council c/o sherrie.boak@lansingmi.gov

These are my thoughts up to page 12:

In sec. 296.21, p.2, line 16, I wonder if "applicant" needs to differentiate as to whether that includes potential renters who must pay a fee to providers in order to apply. Most but not all landlords require this, especially those who are members of Craig Puckett's Real Estate Association. This covers the cost of a thorough background check including the I-CHAT. For potential renters to pay this fee to multiple providers who advertise dwellings at competitive rates, this may become prohibitively high for potential tenants with a criminal history, EVEN THOSE WHOSE CRIMINAL HISTORY HAS BEEN EXPUNGED but did not show up on the ICHAT, because there has been a delay in updating those records. This presents a barrier to potentially excellent prospective tenants who can adduce court evidence that the crime has been expunged because they should have free access to ALL suitable dwellings in Lansing. If possible and practicable, the landlord's association could accept one payment for a background check for all providers with dwellings in Lansing to access. If they don't, the current process of requiring applicants to pay multiple fees to multiple providers proves discriminatory, making suitable dwellings inaccessible to those who have adequate income to pay the rent. This may be a relatively common occurrence because the appellate judge in Clinton County and others have been running expungement workshops to assist ex-offenders navigate the expungement process. It could also help providers find more prospective tenants who are low income apply for more dwellings in Lansing if they only had to pay ONE FEE to the Landlord's Association for all members to access.

IDEAS TOWARDS A SOLUTION:

Because I'm not a landlord, real estate agent, nor an attorney who closely watches all City Ordinances, I have no idea what "Form Based Housing" means

At the same time, I noticed that there was no mention of Dave Muylle's EXCELLENT Cottage Lane PUD which allowed him to pack many tenants onto many units on part of a city block that had not been raising much land taxes for the City of Lansing. I believe all these units are fully occupied.

Since Lansing can use all the land taxes it can get, this strikes me as an EXCELLENT way to provide needed housing to many who need such an option--housing plus ancillary services near a line haul bus route and walking distance or pedicab service from ANC's weekly year-long food market, I see this as a promising option for any developers who want to navigate through prohibitive ordinances that Dave had to fight through for 11 years.

Brian and Brent Forsberg (517.349.9330) ran a charette to assure that the neighbors in REO Town would be happy to have a small, warehouse-built home to Elm St. in REO Town. His instincts that there IS a market for small homes on small lots because young urban professionals WANT TO BECOME ABLE TO OWN REAL ESTATE were on target when his asking price of \$59K or so yielded a selling price of \$63K or so FOUR HOURS LATER in a bidding war.

Even so, Forsberg Reality took this money-making idea out of Lansing to Eaton County where they did not have to deal with barriers against small houses.

I can see where any faith institution with a huge lot that is mostly dedicated to grass that has to be mowed may not be able to replicate the one in Detroit where a religious institution could afford the infrastructure for tiny homes--water and sewer lines, electrical, and ancillary services for phone, wifi, and a route to home ownership. Perfectly understandable especially if state laws require a permanent foundation and prohibits one-story homes, peaked roofs, etc. as in a "trailer park".

Although there are several churches and synagogues with plenty of acreage for a tiny home community, that does not necessarily mean they have the resources to sustain a model like the one in Detroit HOWEVER, if the faith institution could sell-off some of its tax-exempt property to a tax-paying developer who'd follow Dave Muylle's lead, or Brian Forsberg's, it could prove a win/win for the developer, the faith-based institution, the City of Lansing, prospective tenants, and the environment by increasing population density and reducing air pollution from mowing equipment powered by fossil fuels. It would also reduce the desperate need for nonprofits who are challenged to find suitable housing for homeless people and aging persons with mobility impairments who need accessible housing that's affordable.

I'm sure each recipient can think of many reasons why my ideas won't work or can't work, yet I encourage you to imagine with me some ways to look at the underlying results of doing what we've always done--inadequate land taxes for the City of Lansing, inadequate dwelling options for economically stable persons who are low income and appear to have a criminal history, almost no viable options for young professionals who want to become homeowners rather than pay a high rent for a small studio apartment, huge and growing challenges for nonprofits that serve homeless populations and immigrants and young people and lack of motivation to go through the process of eliminating barriers that were intentionally based on previous conditions, not rapidly developing current reality.

Please go *Upstream* with Dan Heath, the author of that book, <https://www.goodreads.com/book/show/48549702-upstream> and look at the underlying contributing factors to the housing crisis in Lansing to gain the attention of those who have the power to disengage from policies, practices, laws, and norms that CREATE the crisis!

Barriers to such a plan could be overcome if all parties suspended their disbelief long enough to enter into civil conversations with all of those affected by the decision to discover ways to work together to address the underlying CAUSES of this housing process, starting with identification of community resources

Sincerely,

Norma T. Bauer

Interested Taxpayer in Lansing who serves people impacted by homelessness as a volunteer retiree

Resolution #2022-010

By Council Member Hussain
Resolved by the City Council of the City of Lansing

WHEREAS, the City Council has a duty to represent the citizens of Lansing and ensuring a safe and healthy community; and

WHEREAS, an Ad Hoc Committee on Housing and Resident Safety will be established to review current ordinances and policies, to meet with stakeholders, community members and city staff, and to address and assist residents in housing safety and tenant issues.

NOW BE IT RESOLVED, Lansing City Council President Hussain appoints Council Member Spitzley as Chair of the Ad Hoc Committee on Housing and Resident Safety, Council Member Wood as Vice Chair, and Council Member Brown as Member.

BE IT FURTHER RESOLVED, the Ad Hoc Committee on Housing and Resident Safety will report their findings and recommendations to the Committee of the Whole no later than September 1, 2022.

BE IT FINALLY RESOLVED, the Ad Hoc Committee on Housing and Resident Safety will meet on the days and times set by the Chair and will be dissolved by December 31, 2022.

Ad Hoc on Housing and Resident Safety

2022

Topics to consider based on 2022 meetings:

- Rent Smart Update
- “Know Before You Go” for new tenants
- Policy for HRCS Housing Ombudsman to Update Council Annually
- Ingham County Land Bank Update the City Annually on spending of the Brownfield Funds
- Ingham County Land Bank Update the City Annually on State Report
- Policy for Economic Development and Planning to create a landlord registry through their housing inspections.
- Policy for Economic Development and Planning to create a report of red tag stats in March annually to provide to Council to determine if there are fees that need to be added or updated in the upcoming budget cycle.
- Update Human Rights Ordinance to address concerns on tenant applications considering criminal backgrounds of incarcerations, to address the request for a “Fair Chance Housing Ordinance” by Nation Outside.
- Creation of a brochure by the Administration on where tenants can go for assistance if they are forced to relocate due to red tags or violations by the landlord.
- Address regulations on small homes based on the new Form Based Code.
- Community Court with 54-A District Court.
- Update annually on the statistics of enforcement and penalties for unsafe conditions in homes, per the administrative code of civil infractions.