

AGENDA

Ad Hoc on Housing and Resident Safety AGENDA FOR AUGUST 12, 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 22, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Presentations:**
 - B. Economic Development and Planning; Housing Role - Director Brian McGrain
6. **Discussion/Action:**
 - C. DISCUSSION - Ordinance Updates
 - D. DISCUSSION - Recommendations to Council
 - E. DISCUSSION - Fiscal Year 2023/2024 Budget Priorities
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.



Minutes
Ad Hoc on Housing and Resident Safety
Friday, July 22, 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
Council Member Wood, Vice-Chair- excused
Council Member Brown, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jim Smiertka, OCA
Lisa Hagen, OCA
Judge Kristen Simmons, 54-A District Courts
Anethia Brewer, 54-A District Courts
Zach Etzin
Norma Bauer
Veronica Flores
Eric Gaines
Jody Washington
William Lawrence

MINUTES

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MINUTES FROM JULY 8, 2022 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Ms. Washington spoke on a recent "Peoples Council" meeting where their number one issue is housing as it relates to affordable units and their state of condition along with HUD owned affordable housing.

Ms. Bauer spoke on her frustration with Lansing Housing Commission owned homes and their maintenance of those.

Mr. Gaines introduced himself from Nation Outside and stated he was there to just take notes on the ordinance discussion later in the meeting.

Council Member Spitzley clarified to the public that City Council has no control over the Lansing Housing Commission. They have their own Board, which is all appointed by the Mayor. Regarding the Lansing Housing Commission scattered housing, there was confusion early on that the City was part owner, however under the directive of the Mayor and OCA City Council corrected that portion of the ordinance that was confusing, and the City of Lansing does not own any of the Lansing Housing Commission scattered housing. Mr. Smiertka added that there is State Statute that authorizes the creation of the Housing Commission.

PRESENTATIONS

"Community Court" – Judge Kristen Simmons (54-A District Court)

Judge Simmons began by explaining the specialty court would be the first in Michigan and to qualify you have to be in the system already but this will work with you to find the appropriate ways to address the violation instead of fines, costs or jail. This will allow the justice system restore trust with the community but also address the issues; when you increase the livelihood you decrease crime. Judge Simmons continued you goal would be to include an element to address mental health but until there is a better facility to address those in mental health court, this will not be addressed when the Community Court starts. Over the last 3-5 years there has been a push to have a Community Court, and she is encouraged that this can also deal with cases of blight, property issues, major housing issues with Code, and they are hopeful that Code will concur with this proposed court and the Community Court can assist in handling housing issues.

Council Member Spitzley concurred with the proposed plan and agreed there needs to be a point where the City is not "over-taxing" the City Attorneys with court cases on housing. She then provided examples of multi family sites where this would have been helpful and provided a working benchmark and schedule for the property owners of those large complexes.

Mr. Smiertka asked Judge Simmons if she envisioned one City Attorney to handle just Community Court, and Judge Simmons stated her plan would not be just one attorney but a complete buy in from the City Attorney office and LPD to work in tandem.

Ms. Brewer provided statistics from a similar court in Detroit where they saw 237 cases in 2019 with a 92% success compliance and diversion was served.

Mr. Smiertka suggested the Courts look at the code on civil infractions to see if there needs to be modifications to the fees by Council.

Council Member Brown asked for clarification on "Community Courts" and "Specialty Courts". Judge Simmons explained that a specialty court is a problem solving court such as the sobriety court and eviction court.

Council Member Brown asked if there was a timeline on when this Community Court would begin, and was told the goal was 7/1/2022 at the start of the fiscal year but it now looks like 9/1/2022. They have what they need and they have gotten some small funding from Financial Empowerment and their goal is to use the resources they already have.

Council Member Spitzley asked if the Courts would need ordinance changes made by Council. Judge Simmons confirmed they looked at the current ordinance and do not see any changes needed except possibly addressing the ordinance on blight to address having the authority in the Community Court.

Council Member Spitzley asked OCA if there is a way for Code Compliance to have the "regular" violators put in this Community Court instead of violations, fees, fines, etc. Mr.

Smierotka stated there needs first to be a stipulation with the landlords/tenants, and then the City would need to amend the penalty section to add Community Court as an option where it already says civil infraction. He concluded that he supports the idea of the Community Court and making the changes.

Council Member Brown asked if they can accept funds from foundations, and Judge Simmons and Ms. Brewer confirmed they can accept grants from anyone.

Ms. Brewer expanded on other things that could change which included a need for a coordinator similar to a probation officer, to be in charge of case management.

Ms. Brewer then spoke briefly on the eviction program acknowledged they were one in 12 that received a grant thanks to the work done by Judge Alderson on the PILOT eviction program which produced a viable resolution to keeping people in their homes. The grant is for \$300,000 for 2 years and possibly more in a 3rd year. They have hired an eviction coordinator who coordinates with the landlord and tenant to assist they can stay in their homes.

Council Member Brown inquired into the connection between the eviction court and the HRCS Housing Ombudsman role. Judge Simmons explained they will not be in the eviction court and the courts cannot assist them until they have been served the right to eviction documents. If the tenant is not to that point they would need to contact someone else for assistance, because the Courts do not step in to assist until they are in the court system.

Ms. Flores asked for information on these courts be made known to the Landlord Association. Council Member Spitzley noted that those organizations have been invited and made aware of these public meetings.

Council Member Spitzley acknowledged the courts and their work on the two programs, noting the City Council goal is to make sure the residents are made aware and they can stop the cycle before they get to the courts. There needs to be information on the "Before you Sign" document the Committee has been speaking about in their list of goals from this Committee.

Ms. Washington voiced her concerns with the homeless being "evicted" from their camps. Judge Simmons noted it is not "eviction" under the law, however she does understand the concerns with what is happening. Council Member Spitzley suggested maybe there could be an Ad Hoc on Homelessness for City Council in the future.

Discussion/Action:

ORDINANCE Discussion – Updates to Ordinances; Proposed 296.20 – 296.31

Council Member Spitzley asked for details on what was in front of the Committee, because her intent was to address code compliance and the rights of tenants.

Ms. Hagen stated it began with a discussion on amending the Human Rights ordinance and Code thought it was best to put under the Rental Property Section of the ordinance, incorporating a penalty. Therefore this document is only for discussion and the OCA still needs to look at the legality of it.

Council Member Spitzley stated there would be no continued discussion on this until Council Member Wood could be present. Council Member Brown concurred. Council Member Spitzley reiterated that her focus was to look at the penalty structure for a way to give more enforcement to a Code Officer before they tag the properties allowing ways for residents in a clean safe home. This will allow things to be addressed before things get to a reoccurring bad landlord. If Code is not the appropriate authority, then she is open to discussion.

Mr. Smiertka stated this was a request from Committee, and Ms. Hagen stated that this was an ask by Council Member Wood, not at the last meeting but the meeting before, to see what the Fair Chance Housing Ordinance would look like.

Council Member Brown reiterated that he would agree with Council Member Spitzley and hold discussions at the next meeting because this was not what he recalled and there seemed to be some confusion from the last meeting(s).

Council Member Spitzley stated again her interest is a stipulation, whether in a policy or preferably an ordinance, giving Code Enforcement stronger teeth to address long term offenders I with landlords.

DISCUSSION – Recommendations to Council

Will be discussed at next meeting.

Council Member Brown stated he had to leave, so Council Member Spitzley adjourned the meeting due to lack of quorum, and asked any members of the public that wished to stay after and speak to her she would take notes.

Adjourn

Adjourned at 9:35 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

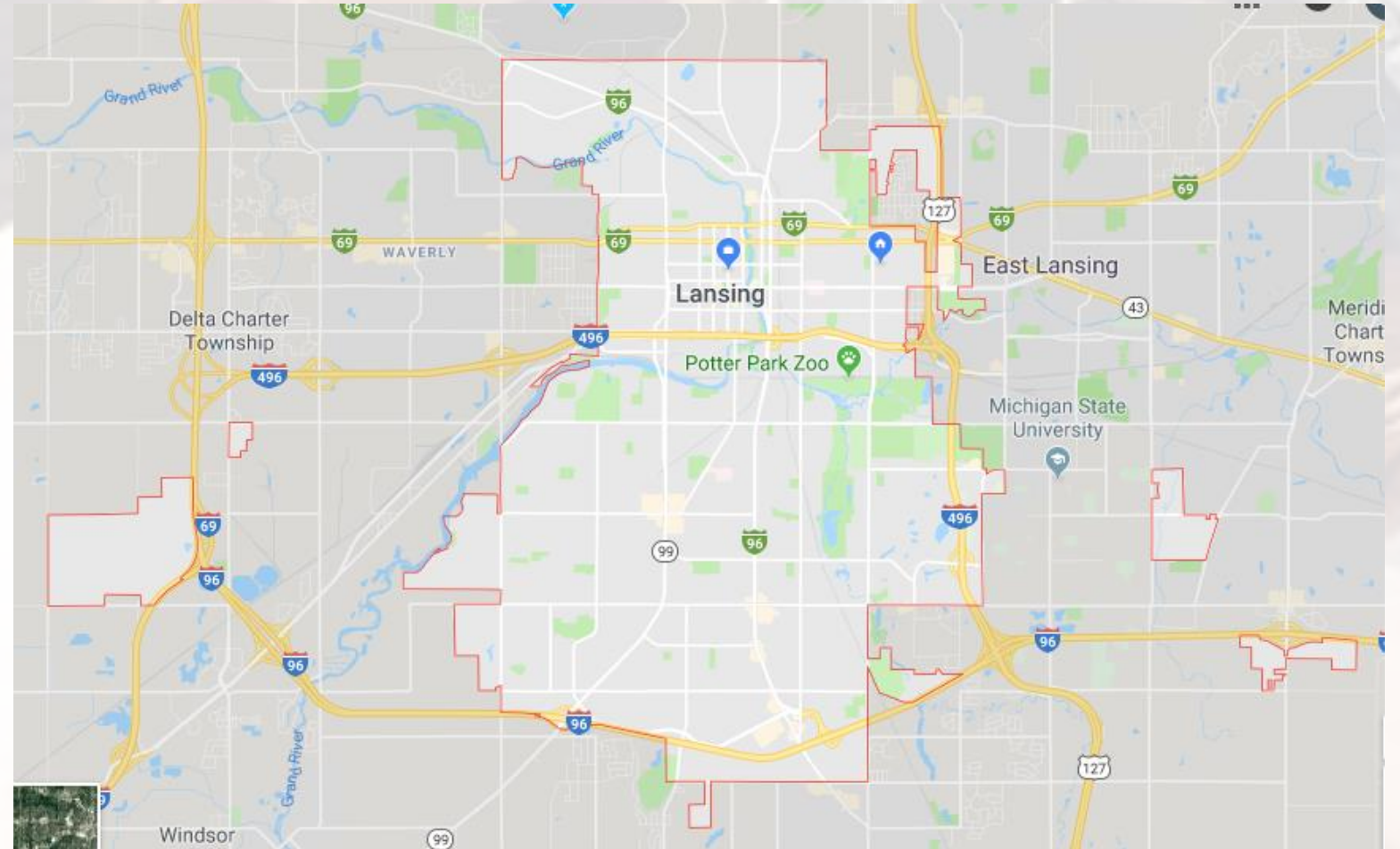
Lansing City Council

Approved by the Committee

Housing in Lansing 2022

Brian McGrain
Director, ED&P
City of Lansing

City of Lansing Boundaries



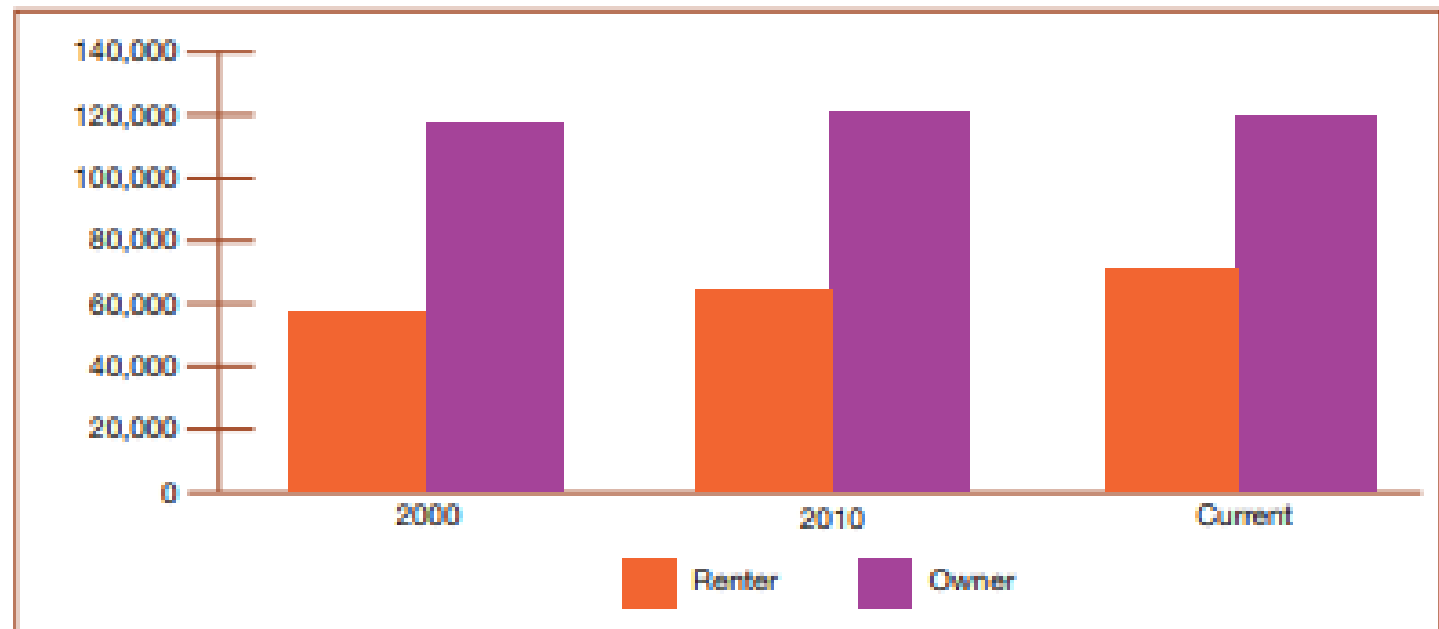
City of Lansing Demographics

All Topics	Lansing city, Michigan
Population Estimates, July 1 2021, (V2021)	NA
PEOPLE	
Population	
Population Estimates, July 1 2021, (V2021)	NA
Population estimates base, April 1, 2020, (V2021)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	NA
Population, Census, April 1, 2020	112,644
Population, Census, April 1, 2010	114,297
Age and Sex	
Persons under 5 years, percent	6.9%
Persons under 18 years, percent	22.6%
Persons 65 years and over, percent	11.9%
Female persons, percent	51.9%
Race and Hispanic Origin	
White alone, percent	61.0%
Black or African American alone, percent (a)	23.3%
American Indian and Alaska Native alone, percent (a)	0.7%
Asian alone, percent (a)	4.4%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.0%
Two or More Races, percent	8.1%
Hispanic or Latino, percent (b)	12.4%
White alone, not Hispanic or Latino, percent	54.1%
Population Characteristics	
Veterans, 2015-2019	5,412
Foreign born persons, percent, 2015-2019	10.0%

City of Lansing Demographics

Housing	
i Housing units, July 1, 2019, (V2019)	X
i Owner-occupied housing unit rate, 2015-2019	50.6%
i Median value of owner-occupied housing units, 2015-2019	\$83,500
i Median selected monthly owner costs -with a mortgage, 2015-2019	\$999
i Median selected monthly owner costs -without a mortgage, 2015-2019	\$457
i Median gross rent, 2015-2019	\$819
i Building permits, 2020	X
Families & Living Arrangements	
i Households, 2015-2019	49,034
i Persons per household, 2015-2019	2.37
i Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	76.6%
i Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	13.6%

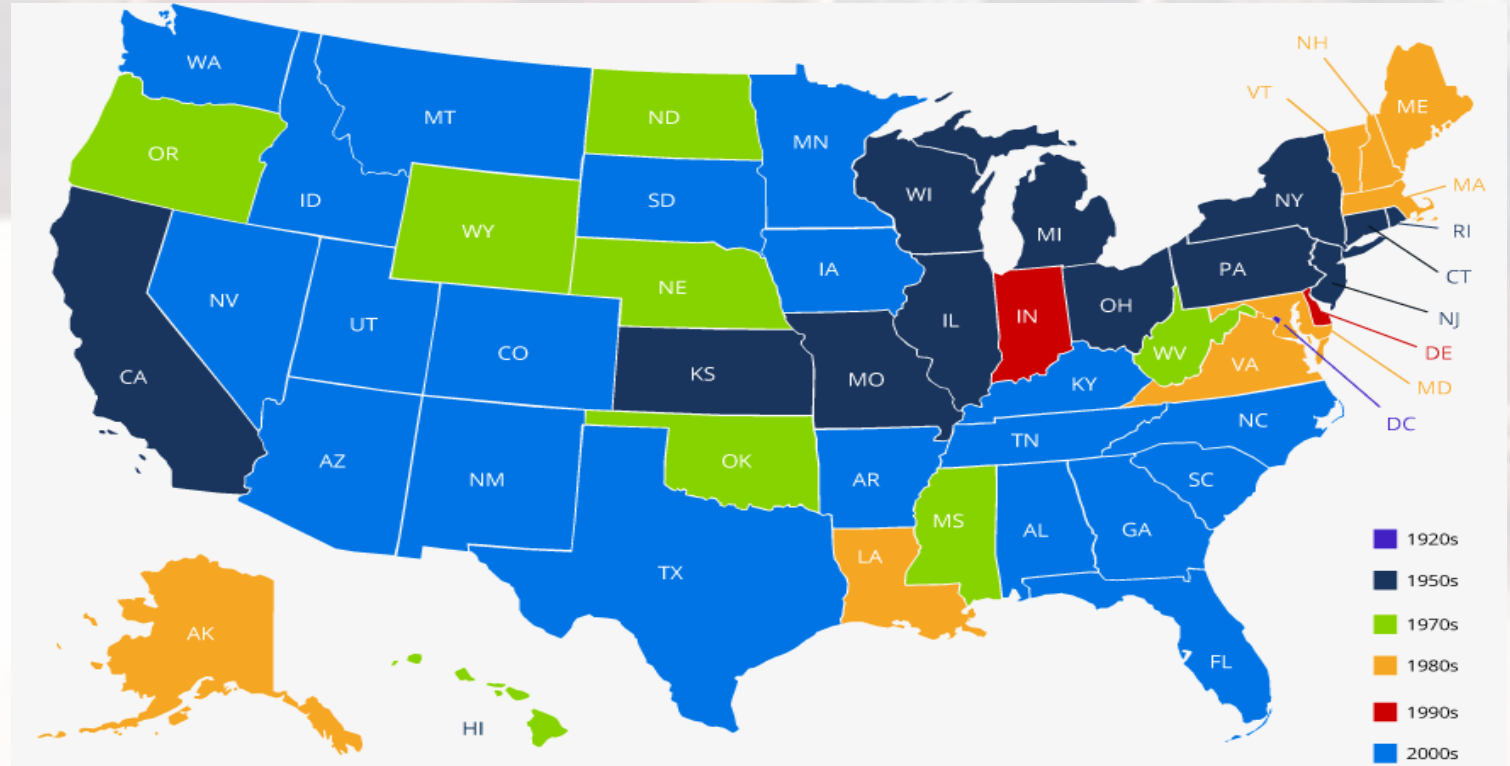
City of Lansing Trends 2000-2017



Note: The current date is January 1, 2017.

Sources: 2000 and 2010—2000 Census and 2010 Census; current—estimates by analyst

Age of Housing Stock Nationwide



In 2021, over 80% of Lansing residential buildings are over 50 years old.

Existing Lansing Housing Stock



Existing Lansing Housing Stock

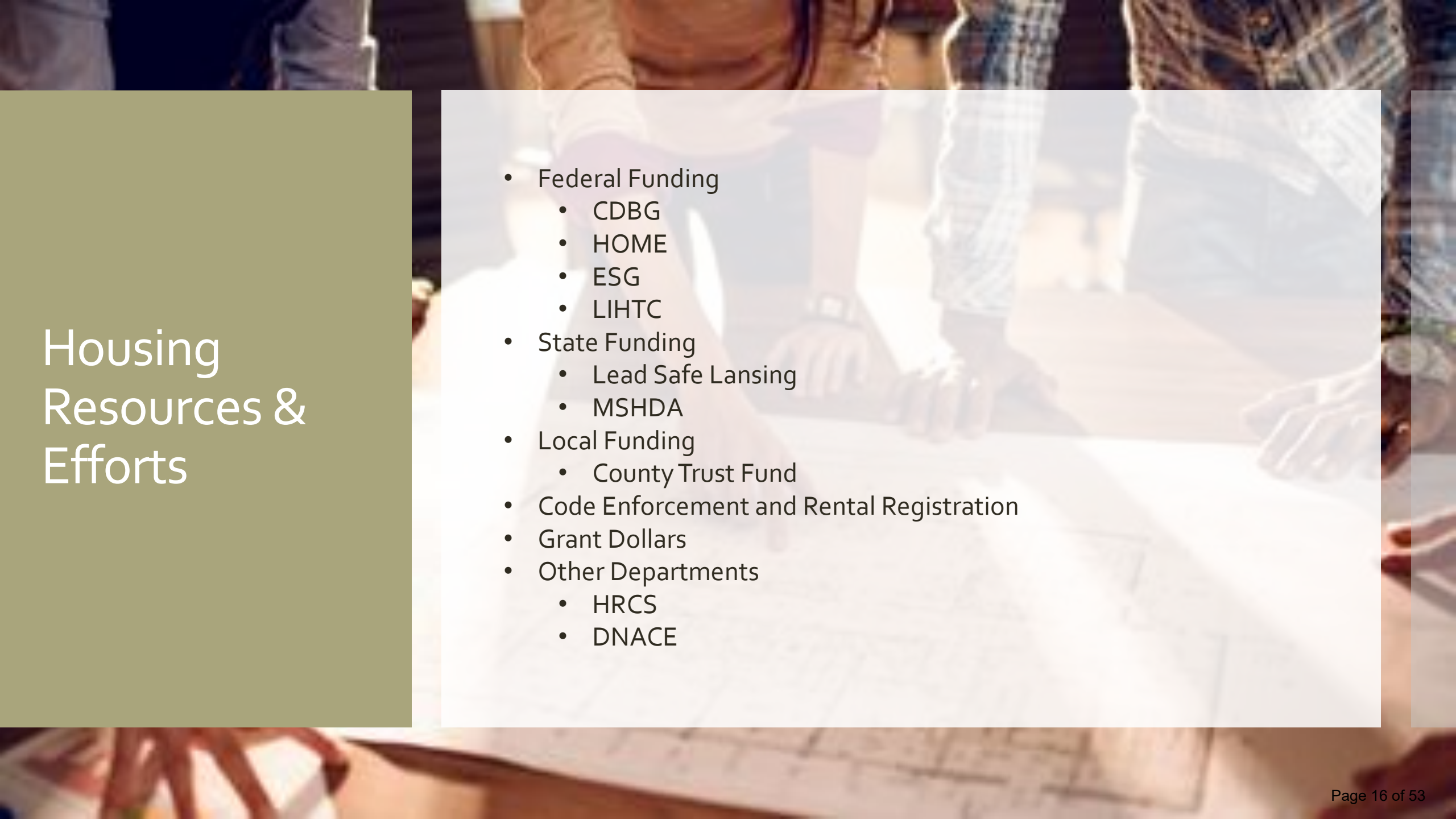


Newer Multi-Family Housing



Affordable & Senior Housing



A background image showing a group of people, mostly from the chest down, gathered around a table and looking at a large map or document. The image is slightly blurred and has a warm, golden-brown color palette. A semi-transparent olive green rectangle is on the left side, and a semi-transparent white rectangle is in the center, both containing text.

Housing Resources & Efforts

- Federal Funding
 - CDBG
 - HOME
 - ESG
 - LIHTC
- State Funding
 - Lead Safe Lansing
 - MSHDA
- Local Funding
 - County Trust Fund
- Code Enforcement and Rental Registration
- Grant Dollars
- Other Departments
 - HRCS
 - DNACE

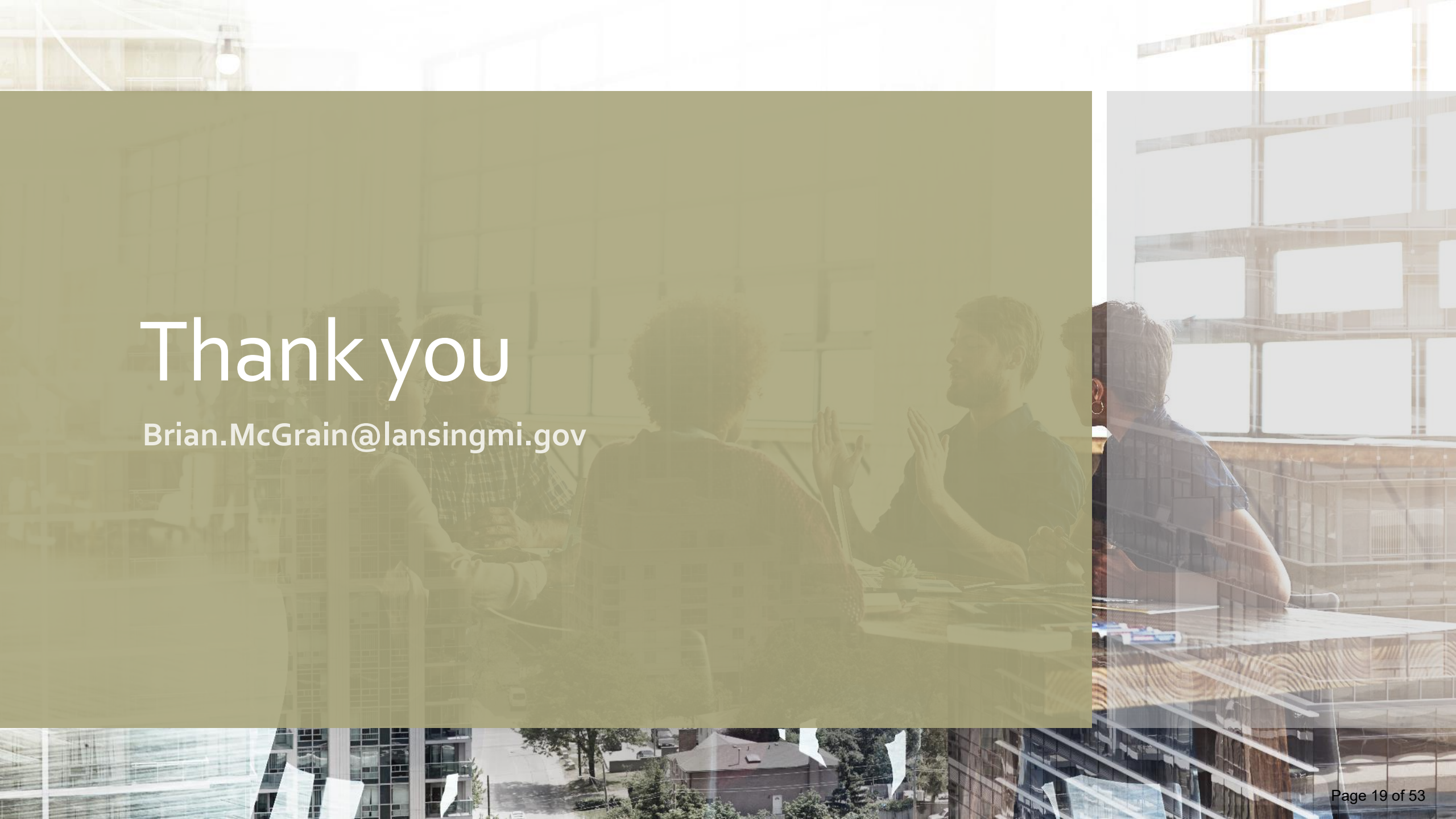
Housing Challenges

- Age of Existing Housing
- Cost of Construction
- Diminishing Resources for Affordable Housing
 - For Construction
 - For Improvement
 - For Access
- Need for Other Resources
 - Financial Empowerment
 - Housing Supports
- Lack of Data
- Lack of Access
 - Knowledge of programs
 - Discriminatory practices

A background image showing a group of people, mostly of African descent, gathered around a table and looking at a large map or document. The image is slightly blurred and has a warm, golden-brown color palette. The map appears to be a street map or a site plan.

Our Philosophy

- Enhance the Social Infrastructure of Neighborhoods
- Welcome and Support a Range of Housing Options at Different Price Points
- Preserve and Restore Housing Stock in Neighborhoods



Thank you

Brian.McGrain@lansingmi.gov

Footnotes:

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Editor's note— Ordinance No. 1120, § 1, adopted December 18, 2006, added a new chapter 297 to read as herein set out. Formerly, such chapter pertained to human relations and was repealed by Ord. No. 957, 11-25-96.

297.01. - Intent.

It is the intent of the city that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of their civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity or expression, veteran status or HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, or service in armed forces in sovereign nations as all forms of discrimination adversely affect Lansing citizens and the quality of life and opportunities available to all people.

Nothing herein contained shall be construed to prohibit any cause of action based on any other Lansing, federal or state law.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.02. - Definitions.

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

Age: Chronological age as measured from date of birth.

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

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

Bullying: Repeated, persistent, willful, aggressive behavior directed at another person that is intended to cause harm to the other person's body, emotions, self-esteem or reputation.

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

Discriminate/discrimination: To make a decision, offer to make a decision or refrain from making a decision 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, gender identity or expression, veteran status or HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, or service in armed forces in sovereign nations. Discrimination based on sex includes sexual harassment, which means unwelcomed 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 or condition either explicitly or implicitly to obtain employment, public accommodation 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 accommodations or housing, or creating an intimidation, hostile, or offensive employment, public accommodation: housing environment.

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

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

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

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

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

Family: Any one of the following:

- (1) An individual who is pregnant; or
- (2) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

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

Gender identity or expression: A person's gender-related self-perception, appearance, expression or behavior, regardless of that person's biological sex at birth.

Harass/harassment: Physical conduct or communication directed at another person intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, places of public accommodation, public services, or housing.

Hostile work environment: This definition adopts by reference the definition of this term under Michigan law and includes that a hostile work environment exists when there is persistent and pervasive discriminatory conduct or behavior in the place of work that is unwelcome and offensive to an employee or group of employees of a protected class status, that is severe enough to disrupt, beyond a reasonable degree, the work of the targeted employee or employees.

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

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

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

"Irrelevant characteristics" do not include bona fide occupational qualifications but do include a person's actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, housing status, veteran status, political affiliation or belief sexual orientation, gender identity or expression, mental or physical limitation, and source of income.

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

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

Mental limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental capabilities unrelated to a person's ability to:

- (1) Perform a particular job or profession or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

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

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

Perceived: As used in this chapter "perceived" refers to the perception of the person who acts, and not to the perception of the person against whom the action is taken.

Person/persons: One or more individuals, partnerships, associations, or organizations; labor organizations, labor unions, or joint apprenticeship committees; businesses, companies, or corporations; legal representatives, receivers, trusts, or trustees; unincorporated organizations; employers or employment agencies; employees or contractors; realtors, real estate brokers, salespersons, or leasing agents; the City of Lansing, agencies of the city, and any recipient of city funds or any other legal or commercial entity.

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

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

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

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

Place of public accommodation: A place open to the general public that is a facility or business of any educational, governmental, nonprofit, health, day care, entertainment, cultural, recreational, refreshment, transportation, or human services, financial, or other business of any kind, whose goods, services, facilities, activities, privileges, or advantages are extended, offered, sold, rented, leased, or otherwise made available to the public.

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

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

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

Sexual orientation: A person's sexual identity in relation to the gender to which they are attracted; the state of being heterosexual, homosexual, bisexual, or asexual.

Sex: The condition of being male, female or intersex. 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 accommodation, or housing; or
- (2) Submission to or rejection of such conduct or communication by a person is used as a factor in decisions affecting such person's employment, public accommodation, or housing; or
- (3) Such conduct or communication has the purpose or effect of substantially interfering with a person's employment, public accommodation, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, or housing environment.

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

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

Veteran status: Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.03. - Discriminatory employment practices.

- (a) Except as otherwise provided, no employer shall discriminate against any other person with regard to recruiting, referring, hiring, contracting, compensating, grading, classifying, promoting, demoting, disciplining, terminating or otherwise restricting or conditioning terms and privileges of employment.
- (b) Except as otherwise provided, no labor organization or apprentice program shall discriminate by limiting membership, conditions of membership, privileges of membership or termination of membership of any person in any labor union or apprentice program.
- (c) Except as otherwise provided, no person shall discharge, terminate, expel, or otherwise discriminate against any

other person because that person has opposed any discriminatory practice forbidden by this chapter or has filed a complaint, testified, or assisted in any proceeding regarding any discriminatory practice forbidden by this chapter.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.04. - Discriminatory public accommodation practices.

- (a) No person shall discriminate against any other person by withholding, denying, curtailing, or otherwise limiting the full use and enjoyment of places of public accommodations.
- (b) No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any place of public accommodation where she and the child would otherwise be authorized to be.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.05. - Discrimination in provision of public services and health care.

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

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.06. - Discriminatory housing practices.

- (a) No person shall discriminate in referring, leasing, selling, renting, showing, advertising, pricing, offering, inspecting, listing, or otherwise making available any real property, including discrimination in providing information and receiving or communicating a bona fide offer on any real property.
- (b) No person shall discriminate in (a) the application, conditions, or granting of mortgages, (b) no person shall discriminate in (a) the application, conditions or granting of mortgages, or other financing, the offer, conditions, or sale of home-owner or rental insurance, or (c) the contracting of construction, rehabilitation, maintenance, repair, or other improvement of 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 any sale, rental, lease, sublease, exchange, transfer, or assignment of real property by representing that changes are occurring or will occur in an area with respect to any irrelevant characteristics.
- (e) No person shall indicate, communicate, or otherwise represent to another person that any real property or interest therein is not available for inspection, sale, rental, or lease knowing in fact it is available, including failing to make a person aware of a real property listing, refusing to permit inspection of real property, and representing that a property has been sold when in fact it has not.
- (f) No person shall offer, solicit, accept, use or retain a listing of real property or an interest therein with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.07. - Other prohibited practices.

- (a) No person shall adopt, enforce, or employ any policy or publish, circulate, post, mail, or otherwise broadcast any

statement, advertisement, sign, or notice or use a form of application or make a record of inquiry which directly or indirectly discriminates or indicates discrimination in providing employment, public accommodations, public services, housing or health care.

- (b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding employment, public accommodations, public services, housing or health care.
- (c) No person shall coerce, intimidate, threaten, harass, retaliate against, bully or interfere with any person:
 - (1) In the exercise or enjoyment of, or on account of one's having exercised or enjoyed, or on account of one's having aided or encouraged any person in the exercise or enjoyment of, any right protected in this chapter; or
 - (2) Making a complaint or assisting in an investigation regarding a violation or alleged violation of this chapter.
- (d) No person shall require, request, conspire with, assist, bully or coerce another person to:
 - (1) Discriminate in any manner prohibited by this chapter; or
 - (2) Intimidate, threaten, harass, or retaliate against another person for making a complaint or assisting in an investigation regarding an alleged violation of this chapter.
- (e) No person shall provide false or misleading information to any authorized person investigating a complaint regarding a violation or alleged violation of this chapter, or sign a complaint for a violation of this chapter based upon false or substantially misleading information.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.08. - Exceptions.

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

(a) *Employment;*

- (1) This chapter does not apply to the employment of any person by his/her parent, spouse, or child.
- (2) It is permissible to discriminate in hiring and selecting between one person and another based on bona fide occupational qualifications. Upon a claim of discrimination, the Claimant shall have the burden of making a prima facie showing that a qualification or selection is based on an irrelevant characteristic. An employer shall then have the burden of establishing that a qualification or selection criterion is reasonably necessary for the claimant to perform in the normal operation of the business. The Claimant will then have the burden of showing that such qualification or criterion is mere pretext.
- (3) It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.
- (4) It is permissible to engage in a bona fide effort to establish, maintain, or improve employment opportunities for persons protected from discrimination and harassment under this chapter.
- (5) It is permissible to consider legal source of income as a bona fide occupational qualification where the employment involves non-compete agreements, trade secrets, or similar legally recognized restraints on employment based on source of income.

(b) *Public accommodation and public services;*

- (1) It is permissible to restrict the use of shower or changing areas in health clubs or recreational facilities on the basis of sex when separate and private shower or changing areas do not exist.
- (2) It is permissible to refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

- (3) It is permissible to refuse to admit persons under 18 years of age to a business providing entertainment or sell merchandise, which the operator of the business deems unsuitable for minors, or which is a "sexually explicit n defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL 722.673.
 - (4) It is permissible for an educational institution to limit the use of its facilities to those affiliated with such institution.
 - (5) It is permissible to provide discounts on products or service to students, minors, and senior citizens.
 - (6) It is permissible to restrict participation on athletic teams or in athletic events on the basis of age.
- (c) *Housing;*
- (1) It is permissible to discriminate in any arrangement for the sharing of a single unit dwelling, the remainder of which is occupied by the owner or a member of his/her immediate family.
 - (2) It is permissible for the owner of a dwelling devoted entirely to the housing or accommodation of a single sex to restrict occupancy and use on the basis of sex.
 - (3) This chapter does not require any person who does not participate in the Federal Section 8 Housing Assistance Program to accept any subsidy, payment assistance, voucher or contribution in connection with such program, or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy as payment for at least part of the rent.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.09. - Other exceptions as required by law.

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

- (a) It is permissible to discriminate in employment, public accommodation, public services, housing, and health care based on a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by Federal or State Constitution or local law, including but not limited to the City Charter.
- (b) It is permissible for a governmental institution to restrict access to any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal or State Constitution or local law, including but not limited to the City Charter.
- (c) This chapter shall not be read to prohibit or interfere with the exercise of a person's first amendment rights.
- (d) It is permissible for a religious organization or institution to restrict employment opportunities, housing facilities, or accommodations that are operated as a direct part of religious activities to persons who are members of or who conform to the moral tenets of that religious institution or organization.
- (e) It is permissible to limit occupancy in a housing development or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who have a physical or mental limitation.
- (f) It is permissible to discriminate based on a person's age when State, Federal, or local law requires it.
- (g) It is permissible to refuse to enter into a contract with an unemancipated minor.
- (h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights, or remedies as otherwise provided by any union contract, collective bargaining agreement, or Federal or State Constitution or local law, including but not limited to the City Charter, which shall control over this chapter.
- (i) This chapter shall not be read to require an employer, whether public or private, to provide benefits to

unmarried domestic partners in contravention of Article I, Section 25 of the Michigan Constitution.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16; Ord. No. 1239, § 1, 11-19-18)

297.10. - Complaints.

- (a) Any person claiming to be discriminated against or harassed in violation of this section may file with the Human Relations and Community Services Department ("Department") a complaint, in writing, setting forth with reasonable specificity the person or persons alleged to have violated this chapter, the specific nature of the violation and the date(s) of the alleged violation. A person filing a complaint must do so within 180 days of the incident forming the basis of the complaint.
- (b) To the extent permitted by law, all written complaints of discrimination in employment, public accommodation, public services, and housing received by the Department shall be kept confidential.
- (c) Upon receipt of the complaint the Department shall:
 - (1) Be responsible for investigating and determining whether there is sufficient evidence of a violation of this chapter. If the Department determines that sufficient evidence of a violation exists, Department shall:
 - i. Contact the claimant to discuss its concerns and schedule an informal conference (estimated time within 45 days);
 - ii. Ensure there are no undue burdens placed on a claimant, which might discourage filing of a discrimination complaint;
 - iii. Commence and complete the complaint investigation in a timely manner.
- (e) The Office of the City Attorney shall be responsible for promulgating and publishing rules and guidelines for processing, investigating, mediating/conciliating, and recommending resolution of complaints.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16; Ord. No. 1239, § 1, 11-19-18)

297.11. - Investigation and hearing.

- (a) During an investigation, Department may request the appearance of witnesses and the production of books, papers, records or other documents that may be relevant to a violation or alleged violation of this chapter.
- (b) If the Department determines that the complaint and preliminary evidence gathered indicates a violation of a section in this chapter, the City Council shall designate a hearing officer to conduct a hearing within 90 days after completion of the investigation. The person who is alleged to have committed a violation (the "respondent") and the claimant shall be sent by regular mail at least 14 days in advance, notice of the complaint, scheduled date and time of the hearing and a request for each to appear. At the hearing, testimony may be taken. All testimony shall be on the record, under oath and either recorded or transcribed. Both claimant and respondent shall be allowed to testify, present evidence, bring witnesses to testify, and cross examine all witnesses at the hearing. Formal rules of evidence shall not apply.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16; Ord. No. 1239, § 1, 11-19-18)

297.12. - Findings and recommendations.

The Hearing Officer shall make findings of fact based on the testimony and evidence introduced at the hearing and shall recommend such relief as the Hearing Officer deems appropriate. The claimant and respondent shall have the right to appeal the Hearing Officer's findings and recommendations in writing within 30 days to the President of City Council. On appeal, the hearing record and Hearing Officer's findings and recommendations shall be reviewed by the President of City Council who

shall approve, approve with modification, or disapprove of the findings and recommendations. After the City Council President's review, the final findings and recommendations shall be served by regular mail on the claimant and respondent. The parties shall have 30 days to comply with such findings and recommendations, unless otherwise provided by the Hearing Officer or, in the event of an appeal, City Council President.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16; Ord. No. 1239, § 1, 11-19-18)

297.13. - Available recommendations and remedies.

If a violation of this chapter is found, the Hearing Officer may recommend that remedial action be taken. The recommended remedies may include, but are not limited to one or more of the following:

- (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;
- (b) Providing that the Respondent apologize to the Claimant;
- (c) Closing the matter based upon a mediation/ conciliation agreement of the Claimant and Respondent;
- (d) Requiring the respondent pay damages for injury or loss;
- (e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or providing such fringe benefits as the Claimant may have been denied;
- (f) Selling or leasing of housing or dwelling unit in question to the Claimant;
- (g) Admitting the Claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;
- (h) Paying some or all of the Claimant's costs, costs incurred at any stage of review;
- (i) Posting the explanation of and requirements for compliance with this chapter;
- (j) Dismissing the complaint; and
- (k) Imposing costs against a Claimant for a frivolously filed claim.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.14. - Conciliatory agreements.

In cases involving alleged violations of this chapter, the hearing officer may have the parties enter into agreements whereby the involved parties agree to take steps that will terminate continued discriminatory practices and/or compensate for past and future injury. Violations of such agreements shall be violations of this chapter.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.15. - Civil infractions.

- (a) A violation of any provision of this chapter is a civil infraction and shall be prosecuted by an Independent Prosecutor's office. Each day upon which a violation occurs shall constitute a separate and new violation.
- (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

(e) Continuing violation.

- (1) For an offense that is a single and discrete occurrence, a single violation shall accrue (for example, a single act of harassment like a racial epithet). Subsequent single and discrete occurrences shall result in additional violations according to the above schedule (for example, two separate instances of racial epithets would constitute a first and second violation).
- (2) For offenses that are continuing in nature, rather than single and discrete, the first violation shall accrue with the first day of the occurrence, and subsequent violations shall accrue for each additional day of that occurrence (for example, an impermissible hiring practice that continues each day on an ongoing basis).
- (3) For continuing violations under subsection (e)(2), the day of the first occurrence shall be measured from the day of service of the complaint.

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

297.16. - Private actions.

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

(Ord. No. 1120, § 1, 12-18-06; Ord. No. 1203, § 1, 9-26-16)

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 Sign” for new tenants
- Include details on the eviction court on the “Know Before You Sign”
- Policy for HRCS Housing Ombudsman to Update Council Annually
- Recommendations to the Administration on how to make Housing Ombudsman position more robust
- 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.
- Amend Chapter 203 Municipal Civil Infraction and Section 297.15 Civil Infractions with the Specialty Court options of Eviction Court and Community Court

RESOLUTION #

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Charter of the City of Lansing requires the Council to adopt an annual statement of Budget Policies and Priorities serving to guide the Administration in developing and presenting the Fiscal Year 2023/2024 Budget; and

WHEREAS, the City Council established the following Mission;

The City of Lansing's mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors,
- II. Securing short- and long-term financial stability through prudent management of city resources,
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses,
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources,
- V. Facilitating regional collaboration and connecting communities; and

WHEREAS, the standing committees of the City Council have met to evaluate the budget and recommend an annual statement of budget policies and priorities to guide the Administration in developing and presenting the Fiscal Year 2023/2024 budget.

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council has established the following as its Fiscal Year 2023/2024 Budget Policies and Priorities and requests that the Administration review them and encourages that they, to the extent practical, be included in the Administration's budget presented due to the City Council by the fourth Monday in March 2023.

BE IT FURTHER RESOLVED, the **Committee of the Whole** has established the following priorities:

1. \$100,000: (1) FTE focus specifically on housing legal assistance for tenants and homeowners in the City.
2. Fund sidewalk repair by \$200,000 for a total of \$500,000, with a priority placed on underserved areas.
3. Fund local street repair funding by \$1.7 million for a total of \$5 million, with a priority placed on underserved areas.
4. Funding for GED prep and passage program.
5. Funding to disseminate information on how to file a Complaint against the police.
 - a. Printing costs to add text to reverse side of of LDP business cards.

HIGHLIGHTED SECTIONS REPRESENT WHAT WAS PRESENTED TO THE ADMINISTRATION FROM THE COMMITTEES IN 10/1/2021 FOR THE CURRENT FY 2022-2023 BUDGET

6. \$250,000 for the creation of a cold case unit in the Lansing Police Department. This unit would consist of 2 detectives, 1 administrative assistant, 1 data technician, 1 investigator, and 1 attorney.
7. The creation of a Business Analyst position in the Office of Financial Empowerment to assist small business in the City of Lansing.

BE IT FURTHER RESOLVED, the **Committee on Development and Planning** has established the following priorities:

1. \$80,000: (1) FTE Financial Empowerment Employee; RE: Focus on Small Business, Minority Businesses; Female Owned Businesses
2. \$215,000: Reactivation of the Façade Improvement Grant Program
3. \$50,000: Analysis of Facade Improvement Grant Program to include Return on Equity Report on Previous Façade Grants provided to small businesses
4. \$40,000: Initiate an RFP for Engagement of Stakeholders and Completion of Community Facilities Plan, including school and county buildings, complete with inventory of assets and goals/objectives for facilities, that will serve as the basis for community facility decisions into the future.

BE IT FURTHER RESOLVED, the **Committee on Equity, Diversity, and Inclusion** has established the following priorities:

1. \$500,000: (4) FTE Social Workers-(1) FTE Administrative Assistant (LFD)
2. \$125,000: (1) FTE Grant Writer (Neighborhood Citizen Engagement OR HRCS); RE: Assist Local Groups and organizations in grant research, grant writing and monitoring.
3. The City of Lansing will include in their FY2022/2023 Budget public safety planning, a commitment, support and a partnership with Advance Peace which will help lives and reduce the life altering trauma experienced by people living in the impacted communities and by the service providers who support them, including law enforcement. Council asks the Administration to focus the budget allocations to fully fund the City portion for FY2022/2023.
4. **Need Based Vouchers for Quality Child Care**
The Administration should include money in its budget to offset the high, prohibitive costs of quality childcare, including before and after care. Studies are clear that the benefits of quality childcare include better brain development, school readiness and is a determining factor of future success. The pandemic has strained many families' abilities to work and provide quality care for their children. These challenges are exacerbated especially in low income and single parent households. The Administration should use partnerships and/or Federal stimulus money to achieve this priority. "Childcare" is explicitly mentioned as a permissible use under the Act (see question/answer 2.16 of official U.S. Treasury Q&A). The Administration should establish a needs based voucher program that will allow parents to use the voucher at a childcare provider of their choice.

HIGHLIGHTED SECTIONS REPRESENT WHAT WAS PRESENTED TO THE ADMINISTRATION FROM THE COMMITTEES IN 10/1/2021 FOR THE CURRENT FY 2022-2023 BUDGET

5. \$125,000 – MRJEA – Acquire an outside auditor to evaluate the metrics of the MRJEA Program and performance measures on the policies.

BE IT FURTHER RESOLVED, the **Committee on City Operations** has established the following priorities:

1. \$5,000: Training Modules on Ethics Ordinance and Related Policies, Conflicts of Interest Policies, and the Open Meetings Act, among others, for Boards and Commissions (Dept. OCA)
2. \$10,000: Printing Costs to Provide Written Materials to Residents who do not have access to computers, internet or cell phones with document capability

BE IT FURTHER RESOLVED, the **Committee on Public Safety** has established the following priorities:

1. Traffic Speed Wagons (Public Service Department)
2. Portable Speed Bumps (Public Service Department)
3. Reinstate the LFD apprenticeship/intern program (Lansing Fire Department)

BE IT FURTHER RESOLVED, the **Committee on Ways and Means** has established the following priorities:

1. Encourage the Administration to focus in on budget allocations and centralize the fees and costs associated with items such as Information Technology, utilities, etc.
2. Encourage the Chief Strategy Officer to perform an audit report on short and long term resolutions for the current forecast of the City's revenues and expenditures within all departments.

BE IT FURTHER RESOLVED, the City Council would like to continue its commitment, if funding is available, to:

- Maintain and improve the City's infrastructure;
- Preserve and ensure clean, safe, well-maintained housing and neighborhoods;
- Provide comprehensive and affordable recreational programs and youth and family services;
- Explore alternatives for improved efficiency in service and delivery.

BE IT FURTHER RESOLVED, the City Council has accepted the following recommendations from the Board of Public Service:

1. Increase general fund support for implementation of the City's Street System Asset Management Plan, with a priority placed on reconstructing and preserving neighborhood streets, especially in those areas of the city which have been historically underserved. We encourage the Department to continue utilizing new and innovative ways to extend the life of our existing streets;

**HIGHLIGHTED SECTIONS REPRESENT WHAT WAS PRESENTED TO THE ADMINISTRATION FROM
THE COMMITTEES IN 10/1/2021 FOR THE CURRENT FY 2022-2023 BUDGET**

2. Maintain and expand funding for sidewalk repairs and right-of-way maintenance and improvement, with a priority placed on underserved areas; this should all be done while keeping safety a priority for Lansing residents and visitors, and meeting or exceeding the compliance with the Americans with Disabilities Act;
3. Maintain and expand funding to update and improve the fleet of city vehicles, with specific priority for the Department;
4. Establish Lansing as a leader in PFAS regulation, testing, monitoring and enforcement through maintaining and increasing funding for educational and training purposes, and working with relevant federal, state, county and local governments, and non government organizations;
5. Expand opportunities for multi-family residential and business recycling;
6. Follow recommendations (to the greatest extent feasible) of the energy audit of all facilities and properties to save on energy and cut costs by replacing wasteful devices with ones that are energy efficient and reduce the carbon footprint of the City of Lansing.