

ORDINANCE REAFFIRMING THE NATURAL RIGHTS OF HAMTRAMCK  
RESIDENTS TO EQUAL TREATMENT UNDER THE LAW

**I. Intent.**

It is the intent of the City of Hamtramck that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities or status, educational association, sexual orientation, gender identify, gender expression, ~~or~~ handicap. As used herein, "perceived" refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

ACTIVE OR INACTIVE MILITARY, RESERVES ~~AND~~ ROT OR

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government, not otherwise prohibited by law.

**II. Definitions.**

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

- 1) "Age". Chronological age.
- 2) "Bona Fide". The term bona fide is not to mean the continuation of a practice, which, while neutral on its face, tends to or in fact does continue in practice a form of discrimination not sanctioned by this subchapter.
- 3) "City Manager". The City Manager of the City of Hamtramck or his or her designate.
- 4) "Contractor". A person who by contract furnishes services, materials or supplies. "Contractor" does not include persons who are merely creditors or debtors of the City, such as those holding the City's notes or bonds or persons whose notes, bonds or stock is held by the City.
- 5) "Discriminate". To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities or status, educational association, sexual orientation, gender identity, gender expression, or handicap of a person or that person's relatives or associates. 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:
  - (a) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.

- (b) Submission to 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.
- (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

Discrimination based on actual or perceived physical or mental limitation includes discrimination because of the use by an individual of adaptive devices or aids. As used herein, "perceived" refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken. The prohibition against discrimination as provided for in this Ordinance shall not be deemed preempted by federal or state law.

- 6) "Educational Association". The fact of being enrolled or not enrolled at any educational institution.
- 7) "Employer". A person employing one (1) or more persons.
- 8) "Family Responsibilities or Status". The state of being in a family or functional family. Family includes anyone of the following:
  - (a) An individual who is pregnant; or
  - (b) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

"Family Responsibilities or Status" also includes the state of being or the potential to become a contributor to the support of a person or persons in a dependent relationship.

- 9) "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.
- 10) "Gender Identity: Gender Expression". A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression, or behavior is different from the traditionally associated with the person's sex at birth as being either female or male.
- 11) "Handicap". A determinable physical or mental condition of an individual or a history of such condition which may result from disease, accident, condition of birth, or functional disorder which constitutes a physical or mental limitation, which

is unrelated to an individual's ability to acquire, rent, or maintain property (as defined by the Michigan Handicappers' Civil Rights Act).

- 12) "Housing Facility". Any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home. Discrimination in connection with housing facilities shall include discrimination based on 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.
- 13) "Marital Status". The state of being married, unmarried, divorced or widowed.
- 14) "Mental Limitation". A limitation of mental capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of mental capabilities unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Mental limitation" includes, but is not limited to, developmental disabilities, psychological disabilities, etc. "Mental limitation" does not include any condition caused by the current illegal use of a controlled substance.
- 15) "Minority". A person who is Black or African American, Native American or Alaskan native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander.
- 16) "Physical Limitation". A limitation of physical capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities, unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment and motor impairment. "Physical limitation" does not include any condition caused by the current illegal use of a controlled substance.
- 17) "Place of Public Accommodation". An educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or facility of any kind, where goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.
- 18) "Sexual Orientation". Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice.

19) "Source of Income". Any legal source from which a person obtains money.

### III. Discriminatory Housing Practices.

- 1) No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
- 2) No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- 3) No person shall refuse to lend money for the acquisition, purchase or repair of any real property or insure any real property solely because of the location in the City of such real property or on account of discrimination.
- 4) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to race, color, religion, sex, or national origin, nor that the presence of individuals of any particular race, color, creed, religion, ancestry, national or sectional origin, sex, sexual orientation, gender, gender identity, age, condition of pregnancy, marital status, handicap, or source of income in an area will or may result in:
  - (a) A lowering of property values in the area;
  - (b) A change in the area as to the race, color, creed, religion, ancestry, national or sectional origin, sex, sexual orientation, gender, gender identity, age, condition of pregnancy, marital status, handicap, source of income of its owners or occupants;
  - (c) An increase in criminal or antisocial behavior in the area; or
  - (d) A change in the racial or ethnic composition of schools or other public facilities or services in the area.
- 5) No person shall place a sign or other display on any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.
- 6) No person shall adopt, enforce, or employ any policy or requirement, or publish, post, or broadcast any advertisement, sign, or notice, which discriminates or indicates discrimination in providing housing.
- 7) No person shall refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction from any person based in whole or in part on the race, color, creed, religion, ancestry, national or sectional origin, sex, sexual orientation, age, condition of pregnancy, marital status, handicap, or source of income.
- 8) No person shall discriminate against another by knowingly or intentionally presenting false or substantially misleading statements or by presenting statements

for which the person has no factual proof to any individual or groups applying for the purchase, lease, rental, or financing of housing units, real estate, or housing accommodations. No person shall file a false or misleading claim or make false or misleading statements in a claim under penalty of this subchapter.

- 9) No person shall discriminate against another by continuing to solicit the sale or listing for sale of real property by telephone, mail, or personally, with notice that the property owner has requested in writing the solicitor or the company the solicitor represents to cease such solicitation.
- 10) Real Estate Agents, Brokers and Agencies.
  - (a) All real estate agents, brokers or agencies conducting business in the city must possess a business license.
  - (b) All real estate agents, brokers or agencies conducting business in the city must file quarterly income tax statements.
  - (c) All real estate signs posted in the city of Hamtramck by any real estate agent, broker or agency offering real property for sale must be registered with the clerks office, and shall bare a current registration sticker. A registration sticker shall expire when the real property is sold or if the property is withdrawn from the market. To obtain a registration sticker, the agent shall report the name, address and phone number of the seller; the name, address and phone number of agent, broker, or agency. The registration fee shall be fully refundable at the time of sale, only, when the city clerk is notified of the buyer's name, address, and phone number as well as the price the property sold for.

#### **IV. Discriminatory Public Accommodation Practices.**

No person shall discriminate in providing or making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

#### **V. Discriminatory Employment Practices.**

- 1) No person shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- 2) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

#### **VI. Nondiscrimination by City Contractors.**

- 1) All contractors proposing to do business with the City of Hamtramck shall satisfy the nondiscrimination administrative policy adopted by the City Manager in accordance with the guidelines of this section. All contractors shall receive approval

from the City Manager prior to entering into a contract with the City, unless specifically exempted by administrative policy.

- 2) In hiring for construction projects, contractors shall make good faith efforts to employ local persons, so as to enhance the local economy.
- 3) The City Manager shall monitor the compliance of each contractor with the nondiscrimination provisions of each contract. The City Manager shall develop procedures and regulations consistent with the administrative policy adopted by the City for notice and enforcement of non-compliance. Such procedures and regulations shall include a provision for the posting of contractors not in compliance.
- 4) All City contracts shall provide further that breach of the obligation not to discriminate shall be a material breach of the contract.
- 5) In addition the contractor shall be liable for any costs or expenses incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the contract.

#### **VII. Exceptions.**

Notwithstanding anything contained in this Ordinance, the following practices shall not be violations of this Ordinance.

- 1) For a religious organization or institution to restrict any of its of housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization 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.
- 2) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- 3) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over fifty (50) years of age or who are handicapped.
- 4) To engage in a bona fide effort to establish in affirmative action program to improve opportunities in employment for minorities and women.

- 5) To discriminate based on a person's age when such discrimination is required by State, Federal or local law.
- 6) To refuse to enter a contract with an unemancipated minor.
- 7) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- 8) To rent a housing accommodation for not more than twelve (12) months by the owner or lessor where it was occupied by said owner or lessor and maintained as the owner's or lessor's home for at least three (3) months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
- 9) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- 10) To provide discounts or products or service to students, minors and senior citizens.
- 11) The rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or members of his or her immediate family reside in one (1) of such housing accommodations, or to the rental of a room or rooms in a single housing unit by an individual if the lessor or a member of the lessor's immediate family resides therein. *IMMEDIATE FAMILY* for the purpose of this section shall mean a spouse, parent, child, or sibling.
- 12) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal and State laws and regulations.
- 13) To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex.
- 14) To restrict membership in a private club that is not open to the public except to the extent that private clubs which permit members to invite guests on the premises are not exempted as it concerns a member's guests.

#### **VIII. Information and Investigation.**

- 1) Powers. Subject to the policies established by the City, the powers and duties of the City to implement and enforce this subchapter shall be:
  - (a) To receive, investigate, make findings and recommendations upon complaints, and initiate its own investigations and complaints of violations of this subchapter;

- (b) To issue or cause to be issued appropriate corrective orders, including orders to cease and desist, and to compel through court authorization compliance with the orders;
  - (c) To promulgate and publish rules, guidelines, and procedures for the conduct of its business; to issue publications and reports of investigations and research.
- 2) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this Ordinance.
- 3) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation pursuant to this Ordinance.
- 4) Complaints for Violation of this Ordinance.
  - (a) Any person claims to have been injured under this ordinance may file a written or oral complaint with the City. In addition, any third person or social service organization engaged by the injured party may file a written complaint on behalf of the injured party.
  - (b) Complaints shall be in writing or, if oral, shall be reduced to writing, shall be verified, shall contain such information and be in such form as the City requires, and shall specify the section of this subchapter alleged to be violated. The City shall provide a translator for those persons whose English skills are poor.
  - (c) The City shall take steps to investigate the complaint and give notice in writing to the complainant and to the respondent of the investigation and the actions, if any, which will be taken. The City may defer its investigation to state or federal authorities when the same or similar complaint has been filed with state or federal authorities.
  - (d) A complaint under division (A) shall be filed within one hundred eighty (180) days after the alleged violation of this subchapter. Complaints may be amended reasonably and fairly at any time. A respondent may file an answer to the complaint within twenty (20) days after receipt of the complaint and, with leave of the City or its designee, reasonably amend the answer. All complaints and answers shall be verified.
  - (e) Housing complaints, which tend to be supported by the evidence, after investigation by the City, may be referred to a hearing panel consisting of five (5) persons representing various interests in the housing field. The panel for each case shall be selected by the City Manager from a standing

committee of eleven (11) members, including, if possible, representatives of all City organizations related to housing.

- (f) After the hearing, the panel shall refer its findings and recommendations to the City Manager for action.
- (g) For an investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this Ordinance. If said person does not comply with such request, the City Attorney may apply to Wayne County Circuit Court for an order requiring production of said materials.

#### **IX. Conciliation Agreements.**

In cases involving alleged violations of this Ordinance, the City Manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. Violations of such agreements shall be violations of this Ordinance.

#### **X. Prosecution.**

Prosecution for violation of this Ordinance may be initiated by complaint of the affected person or by the City Manager on the basis of an investigation initiated by the City Manager.

#### **XI. Injunctions.**

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

#### **XII. Penalties.**

- 1) A violation of any provision of this Ordinance is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. The Court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
- 2) Each day upon which a violation occurs shall constitute a separate and new violation.
- 3) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
- 4) Nothing contained in this Chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.