



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1368**

**Chapter 58 - HUMAN RELATIONS<sup>[1]</sup>**

***Footnotes:***

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***State Law reference***— *Elliot-Larsen civil rights act, MCL 37.2101 et seq.; Michigan handicapper's civil rights act, MCL 37.1101 et seq.*

**ARTICLE I. - IN GENERAL**

**Secs. 58-1—58-30. - Reserved.**

**ARTICLE II. - HUMAN RELATIONS COMMISSION<sup>[2]</sup>**

***Footnotes:***

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***Charter reference***— *Human Relations Commission, § 9.02.*

***Cross reference***— *Boards and commissions, § 2-111 et seq.*

• **Sec. 58-31. - Findings.**

The city council finds that prejudice and the practice of discrimination because of race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) menaces peace and public welfare; that to eliminate such prejudice and discrimination an instrumentality of the city should be established to help the citizens of this city ameliorate practices of discrimination to keep peace and good order, and to encourage citizens to promote tolerance and goodwill toward all people.  
(Ord. No. 820, 5-31-1995)

• **Sec. 58-32. - Creation; composition; term; voting.**

(a)

There is hereby created a "human relations commission" to be appointed by the mayor with the approval of the city council. The human relations commission shall be composed of nine members, all city residents, one of whom shall be designated as chair to be selected by the mayor to serve until a new chair is elected by a majority of the human relations commission. Term of chair shall be one year. The term of members shall be three years. The first members shall be appointed in groups of three for terms of one, two and three years, and thereafter the terms of three members shall expire each year. Two additional, youth non-voting-members may also be appointed, in addition to the nine regular voting members. The terms of the youth non-voting-members shall be one year.

(b)

A quorum for conduct of the lawful business of the human relations commission shall be a majority of the current members.

(c)

Except as otherwise stated in this article, all actions and decisions of the human relations commission shall be by simple majority vote of those members present at a lawful meeting of the human relations commission.

(d)

The human relations commission shall insofar as possible reflect the diversity of the community. (Ord. No. 820, § 1, 5-31-1995; Ord. No. 1285, § 1, 4-4-2017)

• **Sec. 58-33. - Regulations; meetings; reports.**

The human relations commission shall have the authority to promulgate its own rules and regulations when not inconsistent with this article, other city ordinances, and other laws of the state and federal government. Provided, however, that such rules of the human relations commission shall be subject to review and repeal by and in the discretion of the city council. The human relations commission shall meet at least once each quarter and file a written report of its activities with the city council annually, on or before December 31. (Ord. No. 820, § 2, 5-31-1995)

• **Sec. 58-34. - Support function.**

(a)

The city manager shall be responsible for providing administrative and clerical assistance to the human relations commission in discharging its duties and responsibilities, and shall appoint one staff person to assist the human relations commission.

(b)

The city clerk shall act as secretary of the human relations commission and keep commission records.

(c)

The city council shall annually appropriate funds for the effective operation of the human relations commission. Human relations commission members shall serve without compensation.

(d)

The city attorney shall act as legal advisor to the human relations commission. (Ord. No. 820, § 3, 5-31-1995)

• **Sec. 58-35. - General purposes and functions.**

The general purposes and functions of the human relations commission shall be:

(1)

To serve as an advisory body to the city council and the city manager.

(2)

To study problems in the city relating to prejudice and discrimination and to make recommendations to the city council and city manager for the elimination of prejudice and discrimination within the community.

(3)

To invite and enlist the cooperation of all racial, religious, national origin, sexual, sexual orientation and ethnic groups as well as all persons representing various economic, educational, and social groups including groups concerned with age and/or disability in all areas of the city and to act as a coordinating agency among these and other groups in the community in the establishment and maintenance of educational programs in the community designed to bring about better human relations.

(4)

To cooperate with interested citizens and all state, federal and local agencies whenever such cooperation is appropriate in furtherance with the purpose of this article.

(5)

To promote mutual understanding and foster equality and respect among all racial, religious, sexual, national and ethnic groups, among persons of all economic and educational status, and generally throughout the entire city so as to prevent discrimination and discriminatory practices.

(6)

To issue publications, studies, or reports to effectuate the purposes of this article and to promote good will in the community as a whole. Such reports shall not include names of parties or other facts which might clearly identify parties without their consent.

(7)

To conduct public forums, town meetings, educational and other programs to promote the equal rights and opportunities of all persons.

(8)

To accept grants and donations on behalf of the city from foundations and others for the purpose of carrying out the purposes of this article, subject to the approval of the city council.

(9)

To study problems which may result in patterns of tension, discrimination or prejudice within the city, and offer assistance and attempt conciliation or mediation.

(10)

Any citizen of the city may propose a matter for inquiry and study by the human relations commission concerning matters that result in patterns of tensions, discrimination or prejudice. The human relations commission shall not receive or deal with complaints between individuals, but may refer persons with complaints concerning individuals to appropriate agencies.

(Ord. No. 820, § 4, 5-31-1995)

- **Sec. 58-36. - Advisory responsibilities and powers.**

In addition to the general purposes and functions specified above, the human relations commission is charged with the responsibility of advising the city council and the city manager on all matters relating to anti-discrimination. The human relations commission is specifically charged with the responsibility of attempting to resolve problems caused by patterns of action or nonaction causing tensions, discrimination or prejudice by means of conciliation and mediation. The human relations commission shall make recommendations to the city manager and to the city council for amendments, either in substance or procedure, as may be found necessary in connection with city ordinances.  
(Ord. No. 820, § 5, 5-31-1995)

- **Sec. 58-37. - Cooperation with governmental agencies.**

The human relations commission shall cooperate with any governmental agency and its agents.  
(Ord. No. 820, § 6, 5-31-1995)

- **Sec. 58-38. - Provisions not mandatory; liability.**

(a)

The services of the human relations commission are provided as a means of securing, without formal court action, compliance with the letter and spirit of the law. The resort to such processes and

procedures is not mandatory nor shall it be deemed necessary as a condition precedent to the taking of any court action or any other legal proceeding.

(b)

Nothing in this article shall be deemed to exempt or relieve any person, governmental agency, or institution from any liability, duty, penalty, or punishment provided by any applicable law or ordinance. (Ord. No. 820, § 7, 5-31-1995)

- **Sec. 58-39. - Other action.**

The human relations commission shall hold any proceeding in abeyance in the event that any person involved in a matter before the human relations commission is a complainant, party or respondent in or to any proceeding involving the same facts in any complaint, suit, grievance or case brought before any other commission, board, association, court, agency, or city department, including any grievance proceeding; under labor or other contract provisions, until the other proceeding is finally determined including any appeals. (Ord. No. 820, § 8, 5-31-1995)

**Secs. 58-40—58-60. - Reserved.**

### **ARTICLE III. - DISCRIMINATION**

#### **DIVISION 1. - GENERALLY**

- **Sec. 58-61. - Intent.**

**modified**

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 or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

(a)

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Further, nothing in this article shall be construed to establish affirmative action for any of the classes defined herein.

(b)

(Ord. No. 865, § I, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1357](#), § 1, 4-7-2020)

- **Sec. 58-62. - Definitions.**

**modified**

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Age* means chronological age.

*Contractor* means a person who by contract furnishes services, materials or supplies. The term "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.

*Disability* means, with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such impairment, or being

regarded as having such an impairment. A disability under the Americans with Disabilities Act, [42](#) U.S.C §12102, shall qualify as a disability under this article.

*Discriminate* means to subject anyone to different or separate treatment, based in whole or in part, on the person's actual or perceived. race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

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 accommodations 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, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

(4)  
Prohibited conduct constitutes sexual harassment whether it occurs between people of the same or opposite sex.

*Educational association* means the fact of being enrolled or not enrolled at any educational institution.

*Employer* means a person employing five or more persons.

*Familial status* means the state of being related by blood or affinity to the fourth degree.

*Housing facility* means any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including, but not limited to, a house, apartment, roominghouse, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

*Income* means, without limitation, any of the following:

(1)  
Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his employer and successor employers.

(2)  
A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(3)  
An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, the state or a political subdivision of the state, another state, or another legal entity that is indebted to the individual.

(4)  
Housing vouchers issued to an individual by the government of the United States, a federal agency, the State of Michigan, or any political subdivision thereof. This shall include, without limitation, vouchers issued by the United States Department of Housing and Urban Development pursuant to [42](#) USC §1437f.

(5)  
Student loans, grants, or scholarships provided to an individual by any legal entity.

*Marital status* means the state of being married, unmarried, divorced, separated or widowed.

*Place of public accommodation* means an educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or other facility of any kind, whose 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.

*Sexual orientation* shall mean, emotional, romantic, and/or sexual attractions, or the absence thereof, to people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

*Gender identity* shall mean, shall be defined as, an individual's internal sense of their own sex and a defining component of sex.

*Gender expression* shall be defined as, a gender-based appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(Ord. No. 865, § II, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017; [Ord. No. 1321](#), § 1, 8-28-2018)

**Cross reference**— Definitions generally, [§ 1-2](#).

- **Sec. 58-63. - Discriminatory housing practices.**

(a)  
No person shall discriminate in leasing, selling or otherwise making available any housing facilities.

(b)  
No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.

(c)  
No person shall refuse to lend money for the purchase or repair of any real property solely because of the location in the city of such real property.

(d)  
No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight.

(e)  
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.  
(Ord. No. 865, § III, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-64. - Discriminatory public accommodation practices.**

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.  
(Ord. No. 865, § IV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-65. - Discriminatory employment practices.**

(a)  
No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.

(b)  
No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.  
(Ord. No. 865, § V, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

**Cross reference**— Businesses, [ch. 22](#).

- **Sec. 58-66. - Other prohibited practices.**

(a)

No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.

(b)

No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.

(c)

No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.

(d)

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 article, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

(e)

No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this article.

(Ord. No. 865, § VI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-67. - Information and investigation.**

All persons claiming to be aggrieved by a discriminatory or unfair practice may, by themselves or by counsel, file with the city attorney a verified, written complaint which shall state the details, name and address of the person or entity alleged to have committed the discriminatory or unfair practice.

(b)

After the filing of a verified complaint, a true copy shall be served within ten days by certified mail on the person against whom the complaint [is] filed, by the complainant.

(c)

The city attorney shall refer this complaint to appropriate city departmental units and agencies for investigation as to the basis of the complaint.

(d)

After sufficient review and determination, the city attorney shall issue a written opinion to the human relations commission whether probable cause exists to believe a discriminatory practice or practices occurred as alleged by the complainant.

(e)

For an investigation, a person may be required to produce books, papers, records or other documents that may be relevant to a violation or alleged violations of this article. If such person does not comply with such request, the city attorney may apply to county circuit court for an order requiring production of such materials.

(f)

If it is determined that no probable cause exists, the city attorney shall notify the complainant and respondent in writing of the dismissal of the complaint.

(g)

All complaints received by the human relations commission shall retained for three years.

(Ord. No. 865, § VII, 12-16-1997; Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-68. - Conciliation agreements and mediation.**

If probable cause has been determined, the human relations commission shall notify the complainant and respondent of mediation. Participation in mediation is voluntary, and either party may reject the offer to mediate. If the mediation request is accepted, the notice shall inform the parties of the identity

(a)

of the mediator and shall request a time for the mediation to occur, no later than 45 days from the date probable cause was determined. Mediation shall be an informal process conducted by the human relations commission in accordance with the procedures established by the city council.

(b)

Mediation sessions are not open to the public, but any resolution of the dispute reached through mediation shall not be final until released by the human relations commission. Violations of such agreements shall be violations of this article.

(Ord. No. 865, § VIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-69. - Injunctions.**

Nothing in this article shall prohibit an aggrieved person from commencing civil action to obtain injunctive relief to prevent discrimination prohibited by this article.

(Ord. No. 865, § IX, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-70. - Discriminatory effects.**

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression, age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety). for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons.

(Ord. No. 865, § X, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-71. - Exceptions.**

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

(1)

This article shall not be construed to prohibit or interfere with the exercise of a person's First Amendment rights.

(2)

For a religious organization or institution to restrict any of its facilities of housing 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.

(3)

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.

(4)

To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age or who are handicapped.

(5)

To discriminate based on a person's age when state, federal or local law requires such discrimination.

(6)

To refuse to enter into a contract with an unemancipated minor.

(7)

To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(8)

To refuse to admit person under 18 years of age to a business providing entertainment or selling literature or merchandise of a sexually explicit matter as defined by section 3 of Act No. 33 of the Public Acts of Michigan of 1978 (MCL 722.673).

(90)

For an educational institution to limit the use of its facilities to those affiliated with such institution.

(10)

To provide discounts on products or services to students, minors and/or senior citizens.

(11)

For a person to discriminate in any arrangement for the sharing of his own dwelling unit in which that person resides.

(12)

To restrict use of lavatories and locker room facilities on the basis of sex.

(13)

To use marital status limitations in health or pension plans if they conform to federal and state laws and regulations.

(14)

Any action required or mandated by law.

(Ord. No. 865, § XI, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-73. - Penalties.**

(a)

A violation of any provision of this article is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. A court of competent jurisdiction may issue and enforce any judgment, writ, or order necessary to enforce this article. This may include, but is not limited to, reinstatement, payment of lost wages, hiring, or promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, or other relief deemed appropriate.

(b)

Nothing contained in this article shall be constituted to limit in any way the remedies, legal or equitable, which are available to the city or any other person for the prevention or correction of discrimination.

(Ord. No. 865, § XIII, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-74. - Private actions for damages or injunctive relief.**

(a)

An individual who is the victim of discriminatory action in violation of this article may bring a civil action for appropriate injunctive relief or damages or both against the person who acted in violation of this article.

(b)

As used in this article, the term "damages" includes any injury or loss caused by each violation of this article, including, but not limited to, reasonable attorney's fees.

(c)

Private actions and remedies under this section are in addition to any actions for violations that the city may take.

(Ord. No. 865, § XIV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-75. - Limitation of action.**

No complaint shall be accepted nor action taken unless filed within one year from the date of the alleged unlawful practice. Where the alleged unlawful practice is of a continuing nature, the limitation period shall not commence to run until the unlawful practice has ceased.

(Ord. No. 865, § XV, 12-16-1997; Ord. No. 1279, § 1, 1-24-2017)

• **Sec. 58-76. - Immunity concerning performance of city duties.**

This article shall not apply to the following persons concerning the performance of their official city duties:

- Mayor. (1)
  - Mayor pro tem. (2)
  - City council members. (3)
  - City attorney and all assistants. (4)
  - All employees and staff of the city attorney. (5)
  - All members of the human relations commission and the clerk and secretary thereof. (6)
- (Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-77. - Immunity concerning actions or non-actions concerning performance of city duties.**

The following persons shall have absolute immunity concerning their actions or non-actions for the performance of their duties concerning this article:

- Mayor. (1)
  - Mayor pro tem. (2)
  - City council members. (3)
  - City attorney and all assistants. (4)
  - All employees and staff of the city attorney. (5)
  - All members of the human relations commission and the clerk and secretary thereof. (6)
- (Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-78. - Appeal.**

An aggrieved party may appeal a decision made pursuant to this article to the circuit court by filing a claim of appeal within 21 days of the date of the order or action appealed from.  
(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-79. - Complaints against city attorney or human relations commission members.**

In the event of a complaint against the city attorney, assistant city attorneys, or human relations commission members in other than the official capacity, the matter shall be referred to the city manager for review. The city manager shall make a determination as to whether or not probable cause exists. If probable cause does exist, the city manager shall refer the matter to the human relations commission for action. If probable cause does not exist, the city manager shall so determine and notify the human relations commission and the parties. If the complaint is against a human relations commission member, the member shall not serve on the commission until determination of such complaint.

(Ord. No. 947, 9-18-2001; Ord. No. 1279, § 1, 1-24-2017)

**Editor's note**— A portion of Ord. No. 947, adopted Sept. 18, 2001, did not specifically amend the Code and has been codified herein as [§ 58-79](#) at the discretion of the editor.

- **Secs. 58-80—58-90. - Reserved.**
- **DIVISION 2. - FAIR HOUSING<sup>[3]</sup>**

**Footnotes:**

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**Cross reference**— *Businesses, ch. 22.*

**State Law reference**— *Similar provisions, MCL 37.2501 et seq.*

- **Sec. 58-91. - Definitions.**

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Handicap* means a determinable physical or mental characteristic of an individual or a history of the characteristic which may result from disease, injury, congenital condition of birth, or functional disorder which is unrelated to the individual's ability to acquire, rent or maintain property.

*Housing accommodations* means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence of one or more persons. Housing accommodations shall include unimproved real property located in any residentially zoned area of the city.

*Manager* means a person authorized by the owner to sell, rent, transfer or lease any real property, housing accommodations, or any interest therein.

*Owner* means possessor of any interest in real property including lessor, sublessor, assignor, or other person having the right of ownership or possession or the right to sell, rent, transfer, or lease any real property, housing accommodations or any interest therein.

*Real estate broker or salesperson* means a person, whether licensed or not, who, for or with the expectation of receiving consideration:

Lists, sells, purchases, exchanges, rents or leases real property, housing accommodations, or an interest therein; (1)

Negotiates or attempts to negotiate any listing, sale, purchase, exchange, rental or lease of real property, housing accommodations, or an interest therein; (2)

Holds himself as listing, selling, purchasing, exchanging, renting or leasing real property, housing accommodations, or an interest therein; (3)

Negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance on real property, housing accommodations, or an interest therein; or (4)

Engages in the business of listing real property, housing accommodations, or an interest therein in publications. (5)

The term "real estate broker or salesperson" shall include a person employed, acting as an independent contractor, or otherwise acting on behalf of a real estate broker or salesperson.

*Real estate transaction* means the sale, purchase, exchange, rental, lease, transfer, assignment or sublease of real property, housing accommodations, or an interest therein or the listing thereof for such purpose.

*Real property* means property used or zoned for residential purposes including a building, structure, mobile home, unimproved real estate, land, leasehold or an interest in a real estate cooperative or condominium.

*Sexual orientation* means male or female homosexuality, heterosexuality or bisexuality, by preference or practice.

(Code 1983, § 6.200; Ord. No. 1279, § 1, 1-24-2017)

**Cross reference**— Definitions generally, [§ 1-2](#).

• **Sec. 58-92. - Discrimination prohibited.**

Except as otherwise provided in this division, no person engaging in a real estate transaction concerning housing accommodations, and no real estate broker or salesperson, shall, wholly or partly for reasons of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety) or any other protected classification specified by state or federal law:

Refuse to engage in a real estate transaction with a person; (1)

Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities, maintenance or services in connection therewith; (2)

Refuse to receive from a person or to transmit to a person a bona fide offer to engage in a real estate transaction; (3)

Refuse to negotiate for real estate transaction with a person; (4)

Represent to a person that real property or an interest therein is not available for inspection, lease, sale and rental when in fact it is so available, or knowingly fail to bring a listing of real property to a person's attention, or refuse to permit a person to inspect real property; (5)

Print, post, circulate, mail or otherwise cause to be published a statement, advertisement, notice or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification or discrimination with respect to actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law; (6)

Offer, solicit, accept, use, or retain a listing of real property 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; (7)

Deny a person access to or membership or participation in multiple listing services, real estate broker's organizations or other real estate services; (8)

Place a sign or other display on any real property which indicates that the property is for sale or lease, or has been sold or leased when it is not for sale or lease or has not recently been sold or leased. (Code 1983, § 6.201; Ord. No. 1279, § 1, 1-24-2017) (9)

- **Sec. 58-93. - Exemptions.**

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

(1)  
For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons of the denomination or having membership in the organization involved.

(2)  
A housing facility operated by a student organization recognized by the university dean of students, 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 to persons of low income, over 55 years of age or who are handicapped.

(4)  
To discriminate based on a person's age when such discrimination is required by state, federal or local law.

(5)  
To refuse to engage in a real estate transaction with a unemancipated minor.

(6)  
For an educational institution to limit the use of its housing facilities to those affiliated with such institution.

(7)  
For the owner of an owner occupied, single-family dwelling to limit the gender of the renter. (Code 1983, § 6.202; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-94. - Discrimination by financial or insurance institutions.**

(a)  
Except as otherwise provided in this division, a person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the insurance, construction, rehabilitation, repair, maintenance or improvement of real property, or an interest therein, which is utilized for housing accommodations, or a representative or such person shall not:

(1)  
Discriminate against the applicant because of actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).  
or any other protected classification specified by state or federal law; or

(2)  
Use a form of application for insurance or financial assistance or financing, or make or keep a record or inquiry in connection with an application for financial assistance or financing, which indicates, directly or indirectly, a preference, limitation, specification or discrimination based on actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(b)  
Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC 1701 to 1750(g), as amended, or by a registration board or officer acting under the statutory authority of the state or the United States.

(c)

Nothing in this division shall be deemed to prohibit an owner, lender, or an agent from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance for housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness, but not concerning handicaps for reasons contrary to the provisions or purposes of this division.

(Code 1983, § 6.203; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-95. - Unlawful representations to induce transaction.**

It shall be unlawful for a person, for the purpose of inducing a real estate transaction from which that person may benefit financially, to represent that a change has occurred or will or may occur in the composition of an area with respect to the actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, felony or misdemeanor conviction (unless there is a direct relationship between the conviction offense and the housing, the job, the opportunity or unless hiring or accepting the person would create an unreasonable risk to property or safety).

, or any other protected classification specified by state or federal law, of the owners or occupants in the block, neighborhood or area in which the real property is located, or to represent that this change will or may result in the lowering of property values, an increase in criminal or anti-social behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located.

(Code 1983, § 6.204; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-96. - Property offered to public.**

Nothing in this division shall require an owner to offer property to the public at large before selling or renting it, nor shall this division be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than actual or perceived race, color, religion, national origin, immigration status, sex, sexual orientation, gender identity, gender expression age, marital status, disability status, familial status, educational association, source of income, height or weight, or any other protected classification specified by state or federal law.

(Code 1983, § 6.205; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-97. - Enforcement.**

(a)

*Report of violation.* Any person claiming a violation of this division shall make a written complaint to the city manager or his designee setting forth the details, including location of the property, names, dates, witnesses and other factual matter. All such complaints shall be verified by the claimant. Such complaints shall be filed with the city manager's office within 120 days after the alleged commission of the offense.

(b)

*Investigation of complaints.* Within 30 days after a written, verified complaint is received, the city manager or his designee shall make a full investigation of the alleged violation. After such investigation, or at the end of such 30-day period, whichever occurs first, the city manager or his designee shall be given written notice to the person accused of the violation that he shall have 30 days within which to submit a written statement of his version of the facts or schedule a meeting with the city manager or the manager's designee to attempt to resolve the matter by conciliation.

(c)

*Conciliation agreements.* The city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects past discrimination. Such agreement shall be made in writing and approved as to form by both parties. Violations of such agreement shall be violations of this division.

(Code 1983, § 6.206; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-98. - Injunctions.**

The city attorney or the city attorney's designee may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this division, to reverse the effects of such discrimination or to enforce a conciliation agreement.

(Code 1983, § 6.207; Ord. No. 1279, § 1, 1-24-2017)

- **Sec. 58-99. - Related prohibitions.**

(a)  
No person shall provide false or substantially misleading information to any authorized person investigating a complaint regarding a violation of this division, or sign a complaint for a violation of this division based upon false or substantially misleading information.

(b)  
No person shall coerce, threaten, or retaliate against any individual or organization for making a complaint or assisting in an investigation regarding a violation or alleged violation of this division or require, request, conspire with, assist or coerce another person to retaliate against any individual or organization for making a complaint or assisting in any investigation pursuant to this division.

(c)  
No person shall conspire with, aid, assist, compel, coerce or request another person to discriminate in any manner prohibited by this division.

(d)  
No person shall attempt directly or indirectly to commit an act prohibited by this division.  
(Code 1983, § 6.208; Ord. No. 1279, § 1, 1-24-2017)

- **Secs. 58-100—58-120. - Reserved.**

- **ARTICLE IV. - LANDLORD AND TENANT RELATIONS<sup>[4]</sup>**

**Footnotes:**

--- (4) ---

**Cross reference—** *Businesses, ch. 22.*

**State Law reference—** *Rent control prohibited, MCL 123.411; general provisions pertaining to rent, MCL 554.131 et seq.; security deposits, MCL 554.601 et seq.; truth in renting, MCL 554.631 et seq.*

- **DIVISION 1. - GENERALLY**

- **Sec. 58-121. - Landlord's duty to specify responsibility for property maintenance.**

(a)  
*Generally.* It shall be the duty of every landlord leasing residential or commercial property, when he does not live on the property, to specify in the lease agreement between the landlord and the tenant, the responsibilities of landlord and/or tenant for the maintenance of the premises, both interior and exterior, in compliance with this Code.

(b)

*Litter.* If the landlord does not specify that the tenant shall keep the premises free from litter, except the temporary storage of litter in waste receptacles, then the landlord shall be responsible for fulfilling the requirements of article II, division 3 of [chapter 42](#), and shall be held responsible under sections [42-68](#) and [42-69](#). It shall be the duty of every landlord who requires the tenant to so keep the premises free from litter to notify the city building inspection department of such an agreement prior to the expiration of the time limit stated in [section 42-69](#).

(Code 1983, § 9.41)

- **Sec. 58-122. - Lease or license of residential premises.**

(a)  
In every lease or license of residential premises, the lessor or licensor covenants:

(1)  
That the premises and all common areas are fit for the use intended by the parties.

(2)  
To keep the premises in reasonable repair during the term of the lease or license, and to comply with the applicable health and safety laws of the state and of the city, except when the disrepair or violation of the applicable health or safety laws has been caused by the tenants wilful or irresponsible conduct or lack of conduct. Any residential premises failing to have a valid certificate of compliance from the city building inspection department is not in compliance with the health and safety laws of the city.

(b)  
The parties to the lease or license may modify the obligations imposed by this section where the lease or license has a current term of at least one year.

(c)  
The provisions of this section shall be liberally construed, and the privilege of a prospective lessee or licensee to inspect the premises before concluding a lease or license shall not defeat his right to have the benefit of the covenants established herein.

(d)  
No lessee or licensee shall be obligated to pay rent for any time periods that the lessor or licensor is in violation of this section. Such violation shall be a complete defense for any lessee or licensee sued for nonpayment of rent for such period.

(Ord. No. 854, § 6.300, 5-6-1997)

**State Law reference**— Untenantable buildings, MCL 554.201.

- **Sec. 58-123. - Information to be provided at occupancy.**

**new**

At the time occupancy is given to a tenant of a residential premises, the landlord shall provide each tenant with specific information regarding voting and elections, discrimination, and tenants' rights and responsibilities in the City of Ypsilanti. Such specific information shall be approved by resolution of city council. The city clerk shall make the information approved by city council available to local landlords and their agents to pick-up without charge for distribution by landlords to tenants. The city shall make available to landlords sufficient copies of the information to permit landlords to comply with this section. A landlord shall be deemed to have furnished a tenant a copy of the information if the landlord mails it to the tenant or gives a copy of the information to the tenant in person. Tenants and prospective tenants may also pick up a copy of the information at the city clerk's office without charge.

The failure of a landlord to comply with this section shall not be construed to affect the validity of the lease or the enforcement of any provisions of a lease. A violation of this section shall be deemed a municipal civil infraction, subject to payment of a civil fine as set forth in [section 70-38](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#). The words, terms, and phrases used in this section shall have the meanings ascribed to them in division 2, [section 58-136](#) of this article, except where the context clearly indicates a different meaning.

( [Ord. No. 1320](#), § 1, 9-11-2018)

- **Secs. 58-124—58-135. - Reserved.**

**new**

- **DIVISION 2. - TENANT'S RIGHT TO PRIVACY**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

- **Sec. 58-136. - Definitions.**

The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means any employee, or any person with implied or apparent authority or acting under color of authority of the landlord or of a housing cooperative board or other governing entity.

*Dwelling unit* means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

*Imminent danger* means a condition exists which, if not curtailed immediately, will cause serious structural damage or expense.

*Landlord* means the owner, lessor or sublessor of residential premises; or his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

*Rental agreement* means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of residential premises.

*Residential premises* means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances therein, and the grounds, areas and facilities for the use of the tenant generally or the use of which is promised the tenant.

*Tenant* means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises.

(Code 1983, § 6.100)

**Cross reference**— Definitions generally, [§ 1-2](#).

- **Sec. 58-137. - Privacy rights.**

Tenant's right to privacy includes, but is not limited, to the following: (a)

Right to exclusive use and occupancy of the dwelling unit. (1)

Right to no entries by landlord or agent without notice and tenant's permission except in case of an extreme condition. (2)

Right to respect for their personal possessions when the landlord or the agent has legally entered the unit. (3)

Right to be free from sexual harassment by the landlord or his agent. (4)

Right to require identification of any person seeking to enter the unit. (5)

Right to require identification of any person seeking to enter the unit. (6)

Right to install additional locks.

(b)

A tenant is entitled to both agreed upon or legally required maintenance and repairs and to privacy. A tenant may not be evicted or denied services or repairs for asserting his right to privacy.

(Code 1983, § 6.101)

• **Sec. 58-138. - Regulation of entry.**

(a)

The landlord or agent may enter the dwelling unit only after the landlord:

(1)

Gives any tenant in the dwelling unit a three-day written notice (72 hours); or 24 hours' written notice if the building is for sale, or the lease term is within its last three months; or

(2)

Gains the permission of any tenant in the dwelling unit.

(b)

The tenant may not unreasonably withhold permission.

(c)

The landlord and tenant may agree to a notice period of less than 72 hours for a particular entry, but a general waiver of the 72-hour notice is prohibited.

(d)

The landlord shall include in the notice the reason for entry, the person making the entry, the approximate time of entry and a notice of tenant's right to privacy as found in [section 58-142](#).

(e)

The landlord or agent shall not abuse the right of access or use it to harass the tenant. Repeated demands for entry otherwise lawful, but which have the effect of harassing the tenant, shall constitute a violation of this division.

(f)

The landlord or agent shall not look through personal possessions of the tenant.

(g)

When an entry is made after proper notice and the tenant is not present, the landlord or person making entry shall leave a notice indicating the time of entry, the person making entry and actions taken.

(h)

City officials entering the unit under the provisions of articles V and VI of [chapter 18](#) shall provide notice as required therein. When the tenant is not present during the entry, the city official shall leave a notice pursuant to this section.

(Code 1983, § 6.102)

• **Sec. 58-139. - Proof of identification.**

The person requesting entry shall have been identified by the landlord in the notice and shall provide proof of identification at the time of entry. If the person fails to provide such proof and is not known to the tenant, the tenant shall be presumed reasonable in denying access to the unit.

(Code 1983, § 6.103)

• **Sec. 58-140. - Right to be free from sexual harassment.**

(a)

As used in this section the term "tenant" means the person entitled under a written or oral rental agreement to the use and occupancy of rental or cooperative residential premises, and their guests.

(b)

If a landlord or agent requests or demands that the tenant perform or permit sexual activities, this shall be an invasion of the right of privacy and shall be considered a violation of this division.

(c)

Sexual activities includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature.

(d)

In cases of sexual harassment, a tenant shall have the right to obtain:

(1)

Injunctive relief:

a.

Restraining order;

b.

Termination of lease;

(2)

Damages as provided in this act; and

(3)

Such additional damages as may be provided in other local, state and federal laws.  
(Code 1983, § 6.104)

• **Sec. 58-141. - Entry in event of extreme condition.**

(a)

The notice provisions in [section 58-138](#) shall not apply in extreme conditions when:

(1)

Entry is made solely to preserve life or limb; or

(2)

When property is in imminent danger.

(b)

If a tenant is not present when entry is made, the landlord or person making entry shall provide the tenant with a written notice within 24 hours of the entry describing reason for entry, the person making entry, time of entry and actions taken.  
(Code 1983, § 6.105)

• **Sec. 58-142. - Notice in lease.**

The following notice shall be included in the lease or, if there is no written lease, provided to the tenant at the time of rental. Such notice should be in bold type no smaller than 14-point:

**YOU HAVE THE RIGHT TO PRIVACY IN YOUR RENTAL HOME. CITY LAW PERMITS THE LANDLORD TO ENTRY ONLY IF THE LANDLORD HAS:**

(1)

**PROVIDED THREE DAYS' (72 HOURS') WRITTEN NOTICE UNLESS THE BUILDING IS FOR SALE OR THE LEASE TERM IS IN ITS FINAL THREE MONTHS, IN WHICH CASE 24 HOURS' WRITTEN NOTICE; OR**

(2)

**GAINED YOUR PERMISSION AS REQUIRED BY CITY LAW.**

**A LANDLORD MAY ONLY ENTER WITHOUT NOTICE TO RESPOND TO AN EXTREME CONDITION.**

(Code 1983, § 6.106)

• **Sec. 58-143. - Additional locks.**

(a)

The tenant has the right to install additional locks at any time provided the installation is done in a manner that does not damage the structure, is in compliance with all applicable city codes, and a key is provided to the landlord.

(b)

All locks so installed shall be installed by a licensed locksmith. Notice must be given to the landlord prior to installation. The landlord shall approve the placement and style of the locks on the door. If this cannot be agreed upon, then either party may appeal to the building code board of appeals.

The landlord must rekey locks between tenancy.  
(Code 1983, § 6.107)

(c)

- **Sec. 58-144. - Damages for illegal entry.**

Upon written notice to the landlord of an entry by the landlord or agent not permitted under this division, the tenant may:

(a)

(1) Deduct one month's rent and place it in an escrow account to be held by the city treasurer, pursuant to sections [58-145](#), [58-146](#) and [58-147](#). This amount shall be deposited on the date that the month's rent is due; or

(1)

(2) May bring an action for damages which shall be the greater of one month's rent, \$500.00 or actual damages, plus actual attorney's fees.

(2)

(b) Upon written notice of a second entry and any additional entries by the landlord or agent not permitted by this division, tenant shall have the right to:

(b)

(1) The greater of actual damages, three times one month's rent or \$1,500.00, and actual attorney's fees;

(1)

(2) Terminate the lease; and

(2)

(3) Any other relief provided by local, state or federal law.

(3)

(c) If rent is withheld, the landlord may bring suit under state law for nonpayment of rent. The tenant may defend the suit by citing violation of this division.

(c)

(d) A tenant, tenants' union or group of tenants may bring an action for injunctive relief for threatened or actual violation of this division.

(d)

(e) In addition, after a court judgment deciding the landlord or agent has violated this division or after an undisputed deduction by the tenant for violation of this division, the tenant shall have the right to install additional locks on windows and/or doors in the unit to improve their security. Upon request by the landlord, if additional locks are installed, the tenant shall furnish a key that shall be sealed in an envelope and signed across the seal. The landlord shall open the envelope to use the key only in the event of an extreme condition, as explained in this division.  
(Code 1983, § 6.108)

(e)

- **Sec. 58-145. - Escrow agent.**

The city treasurer or authorized agent is hereby authorized to act as escrow agent and to receive all monies deposited as security for damages pursuant to a standard landlord-tenant escrow agreement signed by the tenant or tenants (where a single apartment or housing unit is leased or rented to more than one tenant) and filed with the city treasurer.  
(Code 1983, § 6.109)

- **Sec. 58-146. - Escrow agreement; information.**

The standard landlord-tenant escrow agreement, which shall be prepared by the city treasurer, shall include the following items of information, authorizations and instructions for action by the city treasurer or authorized agent:

(1)

(1) The date of execution of the agreement.

The names and addresses of the landlord and the tenant or tenants respectively. (2)

The location of the leased or rented premises to which the agreement applies. (3)

The dates of beginning and of termination of the tenancy to which the agreement applies. (4)

The amount of money deposited under the agreement. (5)

(6)

Instructions for the city treasurer or authorized agent to deposit the amount received by the city treasurer pursuant to the agreement in a special account in a local savings institution, to be known as the landlord-tenant escrow account, wherein it may be commingled and authorization for the city treasurer to use any interest earned on such deposit for defraying costs of maintaining the escrow account.

Instructions for the city treasurer or authorized agent to pay out the amount deposited in this fashion: (7)

a.  
If the landlord and tenant shall jointly instruct the city treasurer or authorized agent in writing to pay out some or all of the money to a certain person, this joint instruction shall be obeyed.

b.  
If the landlord instructs the city treasurer or authorized agent in writing to pay out some or all the money to the tenant, this instruction shall be obeyed.

c.  
If the tenant instructs the city treasurer or authorized agent in writing to pay out some or all the money to the landlord, this instruction shall be obeyed, except that in instances of leasing to more than one tenant, the instruction must come from all tenants.

d.  
If the landlord files a verified written statement with the city treasurer or authorized agent that the tenant or tenants have withheld rent other than in accordance with [section 58-144](#), and more than 60 days has elapsed since the lease terminated, the city treasurer or authorized agent shall pay to the landlord that portion of the deposit equal to the withheld rent.

e.  
In accordance with instructions of the court.

f.  
If tenant files a copy of the notice of violation which was served upon the landlord with the city treasurer showing that more than 60 days has elapsed since the notice was provided to the landlord and the tenant provides a verified statement to the city treasurer stating that he has not been served and to the best of his knowledge no action has been filed by the landlord against him for nonpayment of rent or any other claim arising out of the tenancy, the city treasurer shall pay to the tenant the amount held in escrow, less interest.

g.  
Failure to escrow money voids claim.  
(Code 1983, § 6.110)

- **Sec. 58-147. - Defraying cost of escrow service.**

The city treasurer or authorized agent is authorized to use the interest paid on the landlord-tenant escrow to defray the cost of providing the escrow service authorized by this division.  
(Code 1983, § 6.111)

- **ARTICLE V. - SOLICITATION OF IMMIGRATION STATUS**

- **Sec. 58-200. - Statement of purpose.**

It is the policy of the City of Ypsilanti to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Ypsilanti government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Ypsilanti enacts this article as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Ypsilanti community.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-201. - Definitions.**

*Public servant* means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Ypsilanti City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Ypsilanti within or outside of its offices or facilities pursuant to a personal services contract.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-203. - Bias-based policing by public servants, who are police officers, on the basis of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression prohibited.**

A public servant, who is a police officer, shall not exercise differential treatment of individuals in rendering police services based on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, or sexual orientation, or gender identity or expression. A public servant, who is a police officer, shall not base reasonable suspicion for an investigative detention, probable cause for an arrest, or any other police action, on a person's appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression. A public servant, who is a police officer, may take into account the reported appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression for the purpose of identifying a described individual.

(Ord. No. 1281, § 1, 2-7-2017)

- **Sec. 58-204. - Solicitation of immigration status by public servants, prohibited; exceptions.**

*Prohibited.* A public servant, while acting within the scope of public service employment and/or authority shall not:

(1) Solicit information concerning immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or

(2) Solicit information for the purpose of determining immigration status from a person who is seeking police services, or is a victim, or is a witness; or

(3) Inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.

(b)

*Exceptions.* Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:

(1)

Solicitation of information concerning immigration status when performing public safety functions while assisting federal law enforcement in the investigation of a criminal or civil offense; or

(2)

Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense, or when processing an arrested person; or

(3)

Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought; or

(4)

Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or

(5)

Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of city documents or for testimony of a public servant, including where related to immigration issues or other security issues. (Ord. No. 1281, § 1, 2-7-2017)

• **Sec. 58-205. - Violations and penalties.**

Where a public servant is alleged to have violated this article, the matter shall be referred, as appropriate, to the city council or to the department director or agency head, for review, investigation, and disposition. Any disciplinary action shall be carried out in accordance with the provisions of the Ypsilanti City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The city manager shall provide an annual report to city council of all violation complaints of this article and their disposition.

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city

clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 20th DAY OF October, 2020.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1368 was published according to Section 11.13 of the City Charter on the 29 day of October, 2020.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 20th day of October, 2020.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

Notice Published: September 28, 2020

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