

**ORDINANCE NO. 09-08
PROPOSED ORDINANCE TO AMEND
CHAPTER 27, OF THE 1984 DETROIT
CITY CODE, HUMAN RIGHTS, BY
AMENDING ARTICLE I, IN GENERAL,
SECTIONS 27-1-1 AND 27-1-2, TO
CHANGE THE CATEGORY OF 'CREED'
TO 'RELIGIOUS BELIEFS' AS A
PROTECTED GROUP IN THIS
CHAPTER; TO CHANGE THE
CATEGORY 'HANDICAP' TO
'DISABILITY' AS A PROTECTED
GROUP IN THIS CHAPTER; AND TO
ADD THE CATEGORY OF 'GENDER
IDENTITY OR EXPRESSION' TO THE
LIST OF PROTECTED GROUPS IN
THIS CHAPTER; TO DELETE THE
TERMS 'CREED' AND 'HANDICAP'
FOR ARTICLES I, II, III, IV, V AND VI OF
THIS CHAPTER; TO REDEFINE THE
TERMS 'BONA FIDE', 'MINORITIES',
AND 'SEXUAL ORIENTATION' FOR
ARTICLES I, II, III, IV, V AND VI OF THIS
CHAPTER, ETC.**

**AN ORDINANCE to amend Chapter 27
of the 1984 Detroit City Code, *Human
Rights*, by amending Article I, *In
General*, Sections 27-1-1 and 27-1-2,
to change the category of 'creed' to
'religious beliefs' as a protected
group in this Chapter; to change the
category of 'handicap' to 'disability'
as a protected group in this Chapter;
and to add the category of 'gender
identity or expression' to the list of
protected groups in this Chapter; to
delete the terms 'creed' and 'handi-
cap' for Articles I, II, III, IV, V, and VI
of this Chapter; to redefine the terms
'bona fide', 'minorities', and 'sexual
orientation' for Articles I, II, III, IV, V,
and VI of this Chapter; and to define
the terms 'disability' and 'gender
identity and expression' for Articles
I, II, III, IV, V, and VI of this Chapter;
Article II, *Administration And
Enforcement*, Sections 27-2-5, 27-2-
6, 27-2-13, and 27-2-16, to change the
category of 'creed' to 'religious
beliefs' as a protected group in this
article; to change the category of
'handicap' to 'disability' as a protect-
ed group in this article; and to add
the category of 'gender identity or
expression' to the list of protected
groups in this article; Article III,
Employment Practices, Sections 27-
3-1 and 27-3-2, to change the cate-
gory of 'creed' to 'religious beliefs'
as a protected group in this article;
to change the category of 'handicap'
to 'disability' as a protected group in
this article; and to add the category**

of 'gender identity or expression' to
the list of protected groups in this
article; Article IV, *Real Estate,
Insurance, and Loan Practices*,
Sections 27-4-1, 27-4-3, 27-4-4, 27-4-
5, 27-4-8, and 27-4-9, to change the
category of 'creed' to 'religious
beliefs' as a protected group in this
article; to change the category of
'handicap' to 'disability' as a protect-
ed group in this article; and to add
the category of 'gender identity or
expression' to the list of protected
groups in this article; Article V,
Educational Institution Practices,
Sections 27-5-1 and 27-5-2, to
change the category of 'creed' to
'religious beliefs' as a protected
group in this article; to change the
category of 'handicap' to 'disability'
as a protected group in this article;
and to add the category of 'gender
identity or expression' to the list of
protected groups in this article;
Article VI, *Public Accommodation
Practices*, Section 27-6-1, to change
the category of 'creed' to 'religious
beliefs' as a protected group in this
article; to change the category of
'handicap' to 'disability' as a protect-
ed group in this article; and to add
the category of 'gender identity or
expression' to the list of protected
groups in this article; and Article IX,
*Bias-based Policing and Solicitation
of Immigration Status*, Sections 26-
9-1, 27-9-2, and 27-9-3, to define the
terms 'gender identity and expres-
sion' and 'sexual orientation' for this
article; and to add the category of
'gender identity or expression' to the
list of protected groups in this
article.

**IT IS HEREBY ORDAINED BY THE
PEOPLE OF THE CITY OF DETROIT
THAT:**

Section 1. Chapter 27 of the 1984
Detroit City Code, *Human Rights*, by
amending Article I, *In General*, Sections
27-1-1 and 27-1-2; Article II, *Admini-
stration And Enforcement*, Sections 27-2-
5, 27-2-6, 27-2-13, and 27-2-16; Article
III, *Employment Practices*, Sections 27-3-
1 and 27-3-2; Article IV, *Real Estate,
Insurance, and Loan Practices*, Sections
27-4-1, 27-4-3, 27-4-4, 27-4-5, 27-4-8,
and 27-4-9; Article V, *Educational
Institution Practices*, Sections 27-5-1 and
27-5-2; Article VI, *Public Accommodation
Practices*, Section 27-6-1; and Article IX,
*Bias-based Policing and Solicitation of
Immigration Status*, Sections 26-9-1, 27-
9-2 and 27-9-3, to read as follows:

ARTICLE I. IN GENERAL

Sec. 27-1-1. Findings and declarations.

The City Council hereby finds and declares that prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby, threaten the civil rights and privileges of the People of the City and menace their institutions. The Human Rights Department shall have the power and general jurisdiction within and without City government, subject to the policies established by the Human Rights Commission, to eliminate discrimination, to approve of procedures which will remedy the effects of past discrimination, and to prevent discrimination in: education, employment, medical care facilities, housing accommodations, commercial space, places of public accommodation, public service, resort or amusement, or other forms of discrimination prohibited by law, based upon race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression; and to take such action as necessary to secure the equal protection of civil rights.

Sec. 27-1-2. Definitions.

The following words and phrases, when used in Articles I, II, III, IV, V, and VI of this Chapter, shall have the meanings respectively ascribed to them by this section:

Affirmative action means all of the various methods and procedures by which equal opportunity to the civil rights herein protected may be legally effectuated.

Age means chronological age except as otherwise provided by law.

Bona fide means made in good faith without fraud or deceit.

City means the City of Detroit.

Cohabitants means any and all of the individuals who reside in and as part of the same household as that person.

Commercial space means any space in a building, structure, or portions thereof which is used or occupied or is intended, arranged, or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, and any space which is used or occupied, or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building, structure or portion thereof.

Commission, unless a different meaning clearly appears from the context, means the City Human Rights Commission.

Department means the Human Rights Department unless a different meaning clearly appears from the context.

Disability means a determinable physical or mental characteristic of an individual or the history of the characteristic which may result from disease, injury, congenital condition of birth, a functional disorder which characteristic is unrelated to the individual's ability to exercise the civil rights protected by this Chapter.

Discriminate against means treating differently.

Discrimination based on sex means:

(1) To discriminate against a person based on that person's sex; and/or

(2) To discriminate or to express or imply threats of discrimination against a person because that person has not approved of, acquiesced in or reciprocated a physical or verbal sexual advance, a request or demand for sexual interaction or behavior from which the person may reasonably infer that sexual interaction is or will be expected; and/or

(3) To discriminate or to promise of discrimination in favor of a person because that person has approved of, acquiesced in or reciprocated a physical or verbal sexual advance, a request or demand for sexual interaction or behavior from which the person may reasonably infer that sexual interaction is or will be expected.

Educational institution means a public or private institution, academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system, or university, and a business, nursing, professional, secretarial, technical or vocation school, and includes the agent of an educational institution, unless clearly stated otherwise within this Chapter.

Employee does not mean any individual employed by his parents, spouse or child.

Employer means a person who has one (1) or more employees, or a person who is a contractor or subcontractor with the City, and includes the agent of such person.

Employment agency means any person undertaking to procure, recruit or refer employees for opportunities to work and includes an agent of such person.

Gender identity or expression means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the designation of gender on one's birth certificate.

Housing accommodation means any real property, building, structure, or portion thereof which is used or occupied or is intended to be used or occupied as the home or residence of one or more individuals.

Labor organization means any organization or its agent which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

Medical care facility means any place where an individual can receive diagnosis or treatment pertaining to the physical or mental health of the individual.

Minorities means persons who are African-American, Aleuts, American Indians, Asian-American, or Hispanic.

Multiple apartment dwelling means any dwelling containing three (3) or more units which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of individuals.

National origin means the national origin of an ancestor, or ancestors.

Persons means one or more individuals, partnerships, associations, departments, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, labor unions, political subdivisions, educational institutions, or any other legal or commercial entity.

Place of public accommodation, resort or amusement means a business, educational institution, refreshment, entertainment, recreation, transportation or health facility of any kind, whether licensed or not, 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 solicitation of the general public or through governmental subsidy of any kind.

Public benefit status means the status of being a recipient of governmental benefits, including social security, unemployment compensation, public assistance, general assistance, food stamps, Medicaid, Medicare, veteran's benefits or other governmental subsidy or grant. A prohibition against discrimination on the basis of public benefit status shall not be construed to restrict or in any way affect actions based on amount of income, negative credit history; or in the case of sales of real property, the amount of liabilities of a person.

Public service means a public facility, department, agency, board or commission, owned, operated or managed by or on behalf of the City or a tax exempt private agency established to provide service to the public.

Real estate broker or real estate sales-

person means a person, whether licensed or not, who for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; or who negotiates or attempts to negotiate any of these activities; or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property; or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these persons.

Real estate transaction means the sale, exchange, mortgage, rental or lease of real property, or an interest therein.

Real property means any building, structure, mobile home, real estate, land, tenement, leasehold or any interest in a real estate cooperative or condominium.

Religion means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

Sexual orientation means a person's actual or perceived status as heterosexual, homosexual, or bisexual.

Solicitation means the requesting, inviting, or inducing, with the effect of committing an unlawful real estate practice as defined in Section 27-4-1, by any means, including, but not limited to:

(1) Going in or upon the property of the individual to be solicited, except when invited by such individual;

(2) Communicating with the individual to be solicited by mail, telephone, telegraph or messenger service, except when requested by such individual;

(3) Canvassing in streets or other public places;

(4) Distributing handbills, circulars, cards or other advertising matter;

(5) Using loudspeakers, sound trucks, or other voice-amplifying equipment;

(6) Displaying signs, posters, or other advertising devices upon a real estate office except for the purposes and effect of identifying the occupants and services provided therein, but not mean advertising in newspapers of general circulation, magazines, billboards, radio, television, or telephone directories.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 27-2-5. Powers and duties of Human Rights Department.

Subject to the policies established by the Human Rights Commission, the pow-

ers and duties of the Human Rights Department shall be:

(1) To receive, investigate, make findings upon complaints, and to initiate its own investigations and complaints or, prohibited discrimination against any individual or groups of individuals because of race, color, religious belief, national origin, age, marital status, disability, residence, public benefit status, sex, sexual orientation, or gender identity or expression of any individual or groups of individuals civil rights;

(2) To receive, investigate and pass upon complaints and to initiate its own investigation and complaints of racial and ethnic group tension, prejudice, intolerance, bigotry and disorder occasioned thereby, and to assist in the resolution of such tension;

(3) To endeavor to increase mutual understanding among the residents of the community, to promote good will, and to work cooperatively with other agencies of government, community groups and organizations and other persons to eliminate discrimination and to remedy the effects of past discrimination;

(4) To cooperative with other civil rights agencies in the resolution of complaints where jurisdiction is concurrent;

(5) To secure the rights of the Public to service from City government without discrimination;

(6) To act in an advisory and enforcement capacity, when directed by the Mayor, Human Rights Commission, or other operations of any City department, or upon its own initiation where questions of race, color, religious beliefs, national origin, marital status, disability, age, sex, sexual orientation, or gender identity or expression or affirmative action arise. All commissions, departments and agencies of the City shall implement affirmative action in employment as required and monitored by the department, and shall cooperate with the Human Rights Department when called upon to render such assistance as may be reasonably required in the implementation of this section;

(7) To hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and to require the production of any evidence relating to any matter under investigation or any question before the department;

(8) To issue appropriate orders, including orders to cease and desist, and orders requiring affirmative action, and to compel, through court order, compliance with its orders;

(9) To promulgate and publish rules, guidelines and procedures for the conduct of its business and to issue publications and reports of investigations and research designed to promote its mission;

(10) To establish appropriate rules and procedures to ensure compliance with the provisions of Section 27-3-2 which shall include:

a. Gathering, at the direction of the Mayor, contractual information from all City contracting agencies and departments;

b. Evaluation of employment data submitted by contractors; and

c. Engaging in contract compliance reviews and hearings to determine fair employment practices and enforcement of Section 27-3-2 in determining eligibility status to do business with the City.

(11) The Human Rights Department, with the consent of the commission, may make, issue, adopt, promulgate, amend and rescind such rules and procedures as they deem necessary to effectuate the provisions of this Chapter. Such rules and procedures and amendments thereto shall be adopted and promulgated in accordance with the Charter and other applicable law.

Sec. 27-2-6. Authority of Human Rights Department director.

The director of the Human Rights Department shall have the authority:

(1) To hold hearings, subpoena witnesses, administer oaths, take testimony, require the production of evidence, and issue appropriate orders, including orders to cease and desist or for the dismissal of a complaint;

(2) To enforce a subpoena or order for the production of evidence or other order to impose any penalty prescribed for failure to obey a subpoena or order by applying to the appropriate court; and

(3) To delegate the power to hold hearings, administer oaths, and take testimony.

Sec. 27-2-13. Other civil rights retained.

Nothing in this Chapter shall be construed as preventing the Human Rights Department, upon approval of the Human Rights Commission, from securing civil rights guaranteed by law other than the civil rights that are contained within this Chapter.

Sec. 27-2-16. Interpretation; acceptance of complaints.

The provisions of this Chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this Chapter shall be deemed to supercede, compete or conflict with any of the provisions of the civil rights law or any other law of this state or this

country relating to discrimination because of race, color, religious beliefs, national origin, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression. As to acts or inactions declared unlawful by this Chapter, the procedures, rules, or guidelines as promulgated by the Human Rights Department shall conform as nearly as practicable to those allowed under the civil rights law of the state. The department shall not accept a complaint from a complainant who has previously filed a complaint involving the same transaction or occurrence with any other City, state, or federal civil rights agency, department or commission, unless that prior complaint was thereupon dismissed on grounds not dispositive of the merits; or unless jurisdiction of the complaint is referred therefrom. Nothing contained herein shall be deemed to prohibit the Human Rights Department from referring a complaint to the appropriate state or federal civil rights agency.

ARTICLE III. EMPLOYMENT PRACTICES

Sec. 27-3-1. Unlawful employment practices.

(a) It shall be an unlawful employment practice:

(1) For an employer, because of race, color, religious beliefs, national origin, age, marital status, disability, sex, or sexual orientation, or gender identity or expression, of any individual, to refuse to recruit, hire, employ, promote or to bar or discharge from employment such individual, or to discriminate against such individual in compensation, terms, conditions or privileges of employment;

(2) For an employment agent to discriminate against any individual because of that individual's race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers;

(3) For an employer to limit, segregate, or classify an employee or applicant for employment in a way which deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects the employment status of an employee because of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression;

(4) For any labor organization to discriminate against any individual or to limit,

segregate or qualify its membership in any way which would tend to deprive such individual of employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, or would affect adversely his or her wages, hours or employment conditions, because of such individual's race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression;

(5) For any employer, employment agency, or labor organization to print or publish or cause to be printed or published a notice, application, or advertisement relating to employment by the employer, or relating to a classification or referral for employment by the labor organization or employment agency, indicating a preference, limitation, specification, or discrimination based upon race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression;

(6) For an employer, labor organization, employment agency, or any joint labor-management committee controlling or influencing apprentice training programs:

a. To deny or withhold from any individual because of that individual's race, color, religious beliefs, national origin, age, marital status, disability, sex, or sexual orientation, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program or other occupational training or retraining program;

b. To discriminate against any individual in that individual's pursuit of such programs or to discriminate against such individual in the terms, conditions or privileges of such programs because of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression;

c. To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such program which expresses, directly or indirectly any limitation, specification or discrimination as to race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression, or any intent to make any such limitation, specification or discrimination.

(7) For any employer or employment agency, except as permitted by rules promulgated by the Human Rights Department, or by applicable state or federal law:

a. To make or use a written or oral injury or form of application that elicits or

attempts to elicit information concerning the race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression of a prospective employee;

b. To make or keep a record of that information, or to disclose that information;

c. To make or use a written or oral inquiry or form of application that expresses a preference, limitation or specification based on race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression.

(b) The prohibition of discrimination in this section based on religious beliefs shall not apply to a religious corporation, association, religious educational institution or religious society with respect to the employment of individuals of a particular religion to perform work connected with the carrying out of religious beliefs by such corporation, association, religious educational institution or society of its activities.

(c) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to refuse to recruit, hire, employ or to bar or discharge from employment an individual, or for an employment agency to classify, or refer for employment any individual, or for a labor organization to classify its members or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of a bona fide occupational qualification reasonably necessary to the normal operation of that particular business service or enterprise. The burden of proof that the occupational qualification is bona fide is upon the employer.

(d) Nothing contained in this section shall be construed to prevent the termination of the employment of any person who is unable to satisfactorily perform his or her duties.

(e) Nothing in this section shall be interpreted to exempt a person from the obligation to accommodate an employee or applicant with a disability for employment unless the person demonstrates that the accommodation would impose an undue hardship in the conduct of the business.

Sec. 27-3-2. Contractors with City required to take affirmative action.

(a) All contractors, prospective and otherwise, doing business with the City, shall take affirmative action to achieve reasonable representation of minority groups and

women, on their work force. Such affirmative action shall include but not be limited to the following; employment, promotion, demotion or transfer, recruiting or recruitment, advertising, layoff or termination, and rates of pay or other forms of compensation, and selection for training or education, including apprenticeships. Breach of the covenant shall be regarded as a material breach of the contract.

(b) All contracting City departments and agencies shall include in all contracts hereafter negotiated or renegotiated by them a covenant obligating the contractor to take affirmative action as outlined above to achieve reasonable representation of minority groups and women on their work force. City contractors shall be required to include a similar provision in all subcontracts.

(c) All contracting City departments and agencies shall include in all contracts hereafter negotiated or renegotiated by them a covenant obligating the contractor not to discriminate against any employee or applicant for employment, training, education, or apprenticeship connected directly or indirectly with the performance of the contract, with respect to his or her hire, promotion, job assignment, tenure, terms, conditions or privileges of employment because of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression. Breach of this covenant shall be deemed a material breach of the contract. This section shall not apply where it is determined by the Human Rights Department that such requirements are bona fide occupational qualifications reasonably necessary to performance of the duties required for employment. The burden of proof that the occupational qualifications is bona fide is upon the employer.

(d) All contracting City departments and agencies shall include in all contracts hereafter negotiated or renegotiated by them a covenant obligating the contractor to furnish information required by the agency or the Human Rights Department pursuant to subsections (a), (b) and (c) above. Breach of this covenant shall be regarded as a material breach of the contract.

(e) All contracting City departments and agencies shall include in all contracts hereafter negotiated or renegotiated by them a liquidated damages clause to allow for recovery from the contractor, by set-off against the unpaid portion of the contract price, or otherwise pursuant to the contract, a specified dollar amount per day, as liquidated damages and not as a

penalty, for each day that the contractor shall fail to comply with this ordinance as determined by the Human Rights Department in accordance with its rules and regulations, the said sum being fixed as negotiated and agreed upon by and between the contractor and the City because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages which the City would sustain in the event of such a breach of contract, and said amount is agreed to be the amount of damages which the City would sustain.

(f) In the event of the contractor's failure to comply with the equal employment opportunity and affirmative action provisions of the contract in question, including the affirmative action undertaking outlined in its proposal, and/or with any of the rules, regulations or orders as issued by the department, the City may, at its option:

(1) Cancel, terminate or suspend the contract in whole or in part;

(2) Recover from the contractor liquidated damages pursuant to Subsection (e) of this section; or

(3) Utilize such other remedies as may be provided by law.

(g) Review and determination of compliance status as to Section 27-3-1 shall be made by the Human Rights Department prior to the award and effective date of contract of prospective contractors with the City.

(h) The Human Rights Department shall have authority in accordance with Article 7, Section 7-1004 of the Charter:

(1) To cooperate with and with their consent, utilize regional, state, local and other agencies, both public and private, and individuals in the application and enforcement of this Chapter;

(2) To order guidelines or programs providing a remedy to correct the effect of past discrimination where appropriate in accordance with this Chapter; and

(3) Appeals by persons or firms aggrieved by decisions of ineligibility to do business with the City may be heard by the City Council or such other appellate body as may be provided in this Code under Section 9-302 of the Charter.

**ARTICLE IV. REAL ESTATE,
INSURANCE, AND LOAN PRACTICES
Sec. 27-4-1. Selling or leasing real
estate — Unlawful practices.**

It shall be an unlawful practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, multiple apartment dwelling, or real estate, including a real

estate broker, or real estate salesperson, on the basis of the race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of a person or because of the race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of that person's friends, cohabitants or associates:

(1) To refuse to engage in good faith in a real estate transaction with any person;

(2) To discriminate against any person in the terms, conditions, or privileges of the sale, rental or lease of any housing accommodation, multiple apartment dwelling, commercial space, or real estate, or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction from any person;

(4) To refuse to negotiate for a real estate transaction with any person;

(5) To represent to a person that any real property, commercial space, multiple apartment dwelling, or housing accommodation is not available for inspection, sale, rental or lease when in fact it is so available, or fail to bring a property listing to a person's attention, or refuse to permit any person to inspect such property;

(6) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental, or lease of a housing accommodation, multiple apartment dwelling, commercial space, or any other real property; to or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, multiple apartment dwelling, commercial space, or housing accommodation which expresses, directly or indirectly, any limitation, specification, or discrimination with respect thereto;

(7) To offer, solicit, accept, use, or return a listing of real property, commercial space, multiple apartment dwelling or housing accommodation where there exists a reasonable likelihood that any person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

**Sec. 27-4-3. Discriminatory practices
in financing real estate.**

(a) It shall be unlawful for a person to whom application is made for financial assistance or financing in connection with a real estate transaction, or for the construction, rehabilitation, repair, mainte-

nance, or improvement of real property, or a representative of such person, to discriminate against the applicant because of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression in failing to grant such financial assistance, or use a form of application for financial assistance or financing, or make a record or inquiry in connection with applications for financial assistance or financing which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression.

(b) It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company or other financial institution or lender, doing business in the City and if incorporated, regardless of whether incorporated under the laws of the state, the United States or any other jurisdiction, to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space, or any officer, agent or employee thereof:

(1) To discriminate against any applicant or applications because of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of such applicant or applicants or of any member, stockholder, director, officer or employee of such applicant or applicants or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or receiving, of the fixing of the rates, terms or conditions of any such financial assistance; or

(2) To use any form of application for such financial assistance or to make any record or inquiry in connection with the applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression.

Sec. 27-4.4. Unlawful representations in selling or leasing real estate.

(a) It shall be unlawful for a person,

real estate broker, or real estate salesperson, or any agent or employee of such:

(1) To represent to any person for the purpose of inducing or discouraging the purchase, sale or rental of the listing for purchase, sale, or rental, of any real property, or represent to any prospective purchaser or lessee that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the real property is located with respect to the race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of its owners or occupants;

(2) To represent, for the purpose of inducing or discouraging the purchase, sale, or rental or the listing for purchase, sale, or rental of any real property, that the presence of individuals of any particular race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression in an area will or may result in:

a. A lowering of property values in the area;

b. Change in the area as to race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of its owners and occupants;

c. An increase in criminal or antisocial behavior in the area; or

d. A change in the racial or ethnic composition, or a decline in the quality of the schools or other public facilities or services in the area.

(3) To refer to race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression in any advertisement offering or seeking of real property for purchase, sale or rental;

(4) To solicit the sale or listing for sale of real property by telephone, mail or personally, with notice that property owner has requested the solicitor, or the company the solicitor represents to cease such solicitation;

(5) To place more than one (1) sign per seventy-five (75) feet of frontage of each street upon which the property being offered for sale abuts;

(6) To place any sign advertising the sale of real property on City-owned property or on any street within the City without authority from the owner of the property. For the purpose of this section a street shall mean the entire width between the boundary lines of every way,

and the boundary lines shall be the property lines of the abutting property owners;

(7) To place a sign purporting to offer for sale any property that is not in fact offered for sale, provided, that any sign remaining on the property within seventy-two (72) hours after the execution of a purchase agreement shall not be considered in violation of this section;

(8) To place any sign on real property located in a residentially-zoned area for the purpose of indicating that such real property has been sold;

(9) To make any misrepresentation concerning the list for sale or the anticipated listing for sale or the sale of any real property in the area for the purpose of inducing or attempting to induce the sale or listing for sale of real property;

(10) To advertise for sale or rental, property which is nonexistent or which is not actually for sale or rental;

(11) To refuse, when acting as an agent, to show real property listed for sale, rent or lease, or to refuse to accept and forward an offer to the owner of the listed property, because of the race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of the prospective purchaser or lessee.

(b) This section shall be not construed to discourage the real estate broker or salesperson from engaging in the legitimate business practices of buying and selling real property in any neighborhood of the City to any person without regard to that person's race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation or gender identity or expression, or to discourage any person or family regardless of that person's or members of that family's race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression from seeking real property in any neighborhood of the City.

Sec. 27-4-5. Unlawful real estate solicitations.

It shall be unlawful for any real estate broker or salesperson or any agent or employee of a real estate broker or salesperson to solicit, directly or indirectly, the sale, purchase, or rental of any dwelling or real property where the effect of such solicitation is causing, or is likely to cause, residents within the area of solicitation to believe that:

(1) Property values in the area are declining, or about to decline rapidly; or

(2) The area is experiencing, or about to experience:

a. A declining level or maintenance of its housing stock; or

b. Increase in criminal behavior; or

c. A change in the racial, or ethnic composition, or a decline in the quality of the schools in the area; or

(3) The area is experiencing, or is about to experience, a material change in the composition as to race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression of its owners or occupants.

Sec. 27-4-8. Unlawful insurance practices.

It shall be unlawful for any individual, corporation, association, partnership, reciprocal exchange, or any other legal entity engaged or attempting to engage in the business of entering into insurance or surety contracts in the City:

(1) To refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual or risk because of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, gender identity or expression, residence, age, disability or lawful occupation of the individual or the location of the risk;

(2) To refuse to insure, refuse to continue to insure or to limit the amount of coverage available to an individual or risk solely because the insured or applicant was previously denied insurance by an insurer;

(3) To charge a different rate for the same coverage based on race, color, religious beliefs, sex, sexual orientation, or gender identity or expression, or national origin;

(4) To charge a different rate for the same coverage based on marital status, public benefit status, age, residence, location of risk, disability or lawful occupation of the risk unless the rate differential is based on sound actuarial principles, a reasonable classification system and is related to actuarial and credible loss statistics.

Sec. 27-4-9. Unlawful loan practices.

(a) It shall be unlawful for any person to discriminate in extending credit or granting a loan on the basis of the race, color, religious beliefs, national origin, age, marital status, disability, residence, public benefit status, sex, sexual orientation, or gender identity or expression of the applicant for the loan or credit unless the person:

(1) Is a nonprofit corporation whose members share the same:

- a. Racial, religious, ethnic, marital or sexual characteristics; or
- b. Disability; or
- c. Blend of these characteristics, and

(2) Extends credit or grants a loan only to its members.

(b) It shall be unlawful for any person to discriminate in the rating of a person's credit worthiness on the basis of race, color, religious beliefs, national origin, age, marital status, disability, residence, public benefit status, sex, sexual orientation, or gender identity or expression.

ARTICLE V. EDUCATIONAL INSTITUTION PRACTICES

Sec. 27-5-1. Discrimination generally.

It shall be unlawful for any educational institution, public or private, or any person acting as director or principal, or who is otherwise in charge or control of such institution, or any agent of such persons, or any person connected with teaching or rendering any other service in such institution, or any employee thereof, to discriminate in any manner against any student, parent of such student, school employee or applicant, or other individual because of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression.

Sec. 27-5-2. Discriminatory practices.

(a) It shall be unlawful for any educational institution:

(1) To discriminate in any manner in the full utilization of or benefit from the institution, or the services provided and rendered thereby to an individual because of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression;

(2) To exclude, expel, limit or otherwise discriminate against an individual seeking admission as a student, or an individual enrolled as a student in the terms, conditions, and privileges of the institution, because of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, or gender identity or expression;

(3) To make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information, or make or keep a record, concerning the race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression of an applicant for admission, except as permitted by rules of the Human Rights Department, this state or the United States;

(4) To print or publish, or cause to be printed or published, a catalog or other notice or advertisement indicating a preference, limitation, specification of discrimination based upon the race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression of an applicant for admission;

(5) To refuse to provide guidelines, administrative rules or regulations, or statements of policy regarding the operation of any educational institution to any parent or other person on the basis of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression; or

(6) To deny parent access to individual student records on the basis of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression.

(b) The provisions of this Chapter shall not preclude private education institutions from maintaining separate schools or programs for each sex.

ARTICLE VI. PUBLIC ACCOMMODATION PRACTICES

Sec. 27-6-1. Unlawful practices.

Except where permitted by law it shall be an unlawful practice of any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, public service, resort, amusement or medical care facility, because of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression of an individual, directly or indirectly to refuse, restrict, withhold from or deny to such person any of the accommodations, services, privileges, advantages or facilities thereof, or directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, services, advantages, facilities and privileges of any such place shall be refused, restricted, withheld from or denied to any person on account of race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression, or that the patronage or custom thereof of any person associated with or purporting to be of any particular race, color, religious beliefs, national origin, age, marital status, disability, sex, sexual orientation, or gender identity or expression is unwelcome, objectionable or not acceptable or desired.

**ARTICLE IX. BIAS-BASED POLICIES
AND SOLICITATION OF
IMMIGRATION STATUS**

Sec. 27-9-1. Statement of Purpose.

It is the policy of the City of Detroit 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 Detroit 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 Detroit 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 Detroit community.

Sec. 27-9-2. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Blight violation means any unlawful act, or any omission or failure to act, which is designated by this Code as a blight violation pursuant to Section 41(2) of the Michigan Home Rule Cities Act, being MCL 117.41(2).

City means the City of Detroit.

Civil infraction means an act or omission that is prohibited by this Code, which is not a crime as defined in Section 5 of the Michigan Penal Code, being MCL 750.5, and for which civil sanctions may be ordered.

Criminal offense means a felony or misdemeanor as set forth in federal or state law or City ordinance, but does not mean a blight violation or civil infraction.

Gender identity or expression means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the designation of gender on one's birth certificate.

Person means any individual, but not limited to, victims and witnesses of crimes.

Police officer means a sworn member of the Detroit Police Department.

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 1997 Detroit City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Detroit within or outside of its offices or facilities pursuant to a personal services contract.

Sexual orientation means a person's actual or perceived status as heterosexual, homosexual, or bisexual.

Sec. 27-9-3. 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; exception.

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.

Section 2. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 3. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 4. In the event that this ordinance is approved by a two-thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-116 of the 1997 Detroit City Charter. Where this ordinance is passed by less than a two-thirds

(2/3) majority of City Council Members serving, it shall become effective no later than thirty (30) days after enactment or the first business day thereafter, in accordance with Section 4-115 of the 1997 Detroit City Charter.

(J.C.C.P.) March 18, 2008

Passed: April 9, 2008

Mayor Neither approved April 23, 2008

nor vetoed: May 22, 2008

Published: May 22, 2008

Effective: May 22, 2008

JANICE M. WINFREY
City Clerk