

CITY OF GROSSE POINTE PARK
Ordinance No. 218

**AN ORDINANCE TO AMEND THE CITY OF GROSSE
POINTE PARK CODE OF ORDINANCES BY AMENDING
CHAPTER 2 TO ADD ARTICLE VII SECTIONS 2-271-276
HUMAN RIGHTS.**

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section 1. The Code of the City of Grosse Pointe Park is amended to add Chapter 2, Article VII, Sections 2-271 -276, entitled “Human Rights.”

Sec. 2-271 Purpose.

In recognition of the inherent dignity and equal and inalienable rights of all members of the human family, it is the public policy of the City of Grosse Pointe Park in the exercise of its police power for the public safety, public health and general welfare to assure equal opportunity to all persons in the area of employment, housing, public accommodations, and public services.

Sec. 2-272 Definitions.

The following definitions shall apply to this Ordinance.

Age. The word “age” shall mean an individual's chronological age, except as otherwise provided by law.

Ancestry. The word “ancestry” shall mean an individual’s family or ethnic descent.

Color. The word “color” shall mean an individual's skin pigmentation.

Creed. The word “creed” shall mean a system of beliefs, principles, or opinions that guides an individual’s actions.

Discrimination or discriminate. The words “discrimination” or “discriminate” shall mean without limitation, any act which, because of race, color, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability, results in the unequal treatment or separation of any person, or denies, prevents, limits or otherwise adversely affects the benefit or enjoyment of any person, of employment, ownership or occupancy of real property or public accommodations and public services.

Employment. The word “employment” shall mean the act of hiring, recruiting, retaining and promoting of a person to perform the duties of a particular job or position.

Familial status. The words “familial status” shall mean one or more individuals under the age of 18 years residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the

parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.

Gender. The word "gender" shall mean the real or perceived sex, gender identity, or gender expression.

Gender Identity or Expression. The words "gender identity" or "expression" shall mean an individual's actual or perceived sex including identity, self-image, appearance, expression, or behavior, whether or not that identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the individual's biological sex assigned at birth.

Genotype. The word "genotype" shall mean the genetic constitution of an individual.

Harassment. The word "harassment" shall mean conduct or communication directed at another individual intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, public accommodation, public services, or housing.

Height or weight. The words "height" or "weight" shall mean the physical characteristics of an individual as it relates to that individual's size and shall apply only to employment.

Housing. The word "housing" shall mean the opportunity to purchase, lease, sell, hold, rent, use, and convey dwelling units.

Marital status. The words "marital status" shall mean the state of being single, married, separated, widowed, or divorced.

Medical condition. The words "medical condition" shall mean all past or present physical or mental health diagnoses, treatments, and procedures an individual has received, associated symptoms and risk factors, and effects of such diagnoses, treatments, and procedures.

National origin. The words "national origin" shall mean to include the national origin of an ancestor.

Person. The word "person" shall mean an individual, firm, partnership, corporation, association, organization, unincorporated organization, labor organization, trustee, receiver or other fiduciary.

Physical or mental disability. The words "physical" or "mental disability" shall mean one or more of the following:

- (1) A determinable physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic:

- a. Where applicable, substantially limits one or more of the major life activities of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position or substantially limits one or more of the major life activities of that individual and is unrelated to the individual's qualifications for employment or promotion;
 - b. Where applicable, is unrelated to the individual's ability to utilize and benefit from a place of public accommodations and public services;
 - c. Where applicable, is unrelated to the individual's ability to utilize and benefit from educational opportunities, programs, and facilities at an educational institution;
 - d. Where applicable, substantially limits one or more of that individual's major life activities and is unrelated to the individual's ability to acquire, rent, or maintain property.
- (2) A history of a determinable physical or mental characteristic described in subsection (1).
- (3) Being regarded as having a determinable physical or mental characteristic described in subsection (1).
- (4) “Physical or mental disability” does not include either of the following:
- a. A determinable physical or mental characteristic caused by the current illegal use of a controlled substance by that individual;
 - b. A determinable physical or mental characteristic caused by the use of an alcoholic liquor by that individual if that physical or mental characteristic prevents that individual from performing the duties of his or her job.
- (5) “Unrelated to the individual's ability” shall mean, with or without accommodation, an individual's disability does not prevent the individual from doing one or more of the following:
- a. Where applicable, performing the duties of a particular job or position;
 - b. Where applicable, utilizing and benefiting from a place of public accommodation or public services;
 - c. Where applicable, utilizing and benefiting from educational opportunities, programs, and facilities at an educational institution; and
 - d. Where applicable, acquiring, renting, or maintaining property.

Public accommodations and public services. The words “public accommodations” and “public services” shall mean the full and equal access to any educational, cultural, governmental, health-care, day-care, entertainment, 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 receive financial support through the solicitation of the general public or through governmental subsidy of any kind.

Religion. The word “religion” shall mean a particular system of faith and worship.

Sexual Harassment. The words “sexual harassment” shall mean a type of discrimination including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to such conduct or communication by an individual is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodation, public services, or housing;
- b. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting the individual’s employment, public accommodations, public services, or housing; and
- c. Such conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public accommodation, public services, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, public services, or housing.

Sexual orientation. The words “sexual orientation” shall mean real or perceived, male or female heterosexuality, bisexuality, or homosexuality. It shall also mean an individual’s sexual and/or romantic identity in relation to the gender(s) to which the individual is attracted, or the absence of such sexual and/or romantic identity.

Sec. 2-273 Prohibition.

- (a) No person or persons shall discriminate against any person or persons within the City regarding employment, housing, public accommodations and public services on the basis of that person's race, color, gender identity, religion, gender, age, height or weight, marital status, sexual orientation, familial status, national origin, or physical or mental disability. This Ordinance shall not be construed to be preempted by any state or federal statute.
- (b) This Ordinance shall be construed and applied in a manner consistent with the First and 14th Amendments of the U.S. Constitution and Art. I, §2 of the Constitution of Michigan regarding freedom of speech and free exercise of religion.

- (c) No person shall adopt, enforce or employ any policy or requirement, or publish, post, broadcast, or distribute any advertisement, sign, notice, or solicitation which discriminates, or suggests, supports, or affirms discrimination, in the provision of housing, employment, public accommodations, or public services.
- (d) No agent, broker, or any other person shall discriminate in making referrals or listings or providing information with regard to housing, employment, public accommodations, or public services. A report of such person's responsibility for a violation of this Ordinance shall be made to an applicable licensing or regulatory agency for such person or business, if any.
- (e) No person shall coerce, threaten or retaliate against an individual for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against an individual for making a complaint or assisting in an investigation.
- (f) No person shall conspire with, assist, coerce, or request another person to discriminate in any manner prohibited by this Ordinance.

Sec. 2-274 Exemptions.

- (a) *Private club exemption.* The words "private club exemption" shall mean the prohibition of Section 2-273 above, shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the state under Act No. 8 of the Public Act of 1933, being MCL §§436.1-436.58, the Michigan Liquor Control Act, as amended.
- (b) *Religious exemption.* The prohibition of Section 2-273, above, shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.
- (c) *Private residence exemption.* The prohibition of Section 2-273, above, shall not apply to:
 - (1) The rental of housing accommodations in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a

person if the lessor or a member of the lessor's immediate family resides in the dwelling.

- (2) The rental of housing accommodations for not more than 12 months by the owner or lessor where it was occupied by him/her and maintained as his/her home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.
 - (3) With respect to the age provision only, the sale, rental or lease of housing accommodations meeting the requirements of federal, state or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.
- (d) *Bona fide occupational qualification exemption.* The prohibition of Section 2-273, above, with respect to employment only, shall not apply where a protected classification set forth in Section 2-273 is a bona fide occupational qualification reasonably necessary to the normal operation of a business or enterprise. A person shall have a burden of establishing that the qualification is reasonably necessary to the normal operation of that person's business or enterprise.
- (e) *Private education institution exemption.* The prohibition of Section 2-273, above, relating to gender only shall not apply to an educational institution which now or hereafter provides an education to persons of one gender.
- (f) *Governmental exemption.* The prohibition of Section 2-273 shall not apply to any action by a governmental entity or agency where a person's qualification is expressly limited by statute, charter, ordinance or policy as otherwise provided at law.

Sec. 2-275 Violations, fines and penalties.

- (a) Any person violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, and upon a determination or admission of responsibility shall be subject to a civil fine of not more than \$500.00, costs of prosecution and such other costs, damages, expenses, sanctions and remedies as authorized by law, including but not limited to, the Revised Judicature Act, and specifically MCL §600.8302, as amended.
- (b) The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by City Code and this Ordinance, to reverse the effects of such discrimination.

- (c) Nothing contained in this Ordinance shall be construed to limit in any way the remedies, legal or equitable, available to the City or any person for the prevention or correction of discrimination.

Sec. 2-276 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance.

This ordinance shall take effect June 30, 2020.