

ORDINANCE NO. 80- 816

AN ORDINANCE TO CREATE CHAPTER 7.5 OF THE WARREN CODE OF ORDINANCES RELATING TO ANTI-DISCRIMINATION

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 7.5 of Code of Ordinances of the City of Warren, Michigan, is created to add Sections 7.5-1 through 7.5-7 as follows:

**Sec. 7.5-1. Title**

This ordinance shall be referred to as the City of Warren Anti-Discrimination Ordinance.

**Sec. 7.5-2 – Definition of Discrimination and Discriminate**

As used in this Chapter, the words *Discrimination or discriminate* shall mean without limitation, any act which, because of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight results in the unequal treatment or separation of any person, or denies, prevents, limits, adversely affects the benefit or enjoyment of any person, of employment, ownership, or occupancy of real property, or public accommodations and public services.

**Sec. 7.5-2 – Prohibition on Discrimination**

No person, corporation, company, association, or other entity shall discriminate against any person or persons within the city regarding employment, housing, public accommodations, and public services on the basis of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight.

**Sec. 7.5-3 - Exceptions.**

The prohibition on discrimination in Sec. 7.5-2 shall not apply to the following:

- (a) 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) 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) 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.
- (d) the rental of housing accommodations for not more than three 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.
- (e) with respect to age 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.
- (f) with respect to gender only, a private educational institution which now or hereafter provides an education to only persons of one gender
- (g) with respect to gender only, a group homeless shelter that shelters only persons of one gender.
- (h) with respect to creative services, a person, corporation, company, association, or other entity shall not be required to produce any messages with which they disagree with.

#### **Section 7.5-4. - Complaint procedures.**

- (a) Any person claiming a violation of this Chapter shall file a signed, written complaint with the Human Resources/Risk Management office, setting forth the details, including names, dates, witnesses and other factual matters relevant to the claim, within 180 days of the incident forming the basis of the complaint.
- (b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this Chapter.
- (c) In the course of investigation, the Human Resources/Risk Management office may request a person to produce books, papers, records or other documents which may be relevant to an alleged violation of this chapter. If said person does not comply with such request, the city attorney may apply to the 16<sup>th</sup> Circuit Court in Macomb County for an order requiring production of said materials.
- (d) Within 30 days of a written complaint being filed, the Human Resources/Risk Management office shall undertake an investigation of any complaint filed in accordance with this section alleging a violation of this chapter not currently recognized or prohibited by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, Human Resources/Risk Management office shall give written notice of the results of the

investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this chapter occurred, the Human Resources/Risk Management office shall attempt to resolve the matter by conciliation and persuasion or refer the complaint to the city attorney for prosecution in a court of competent jurisdiction.

- (e) Conciliation agreements: In cases involving alleged violations of this Chapter, the Human Resources/Risk Management office may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination.
- (f) The city attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this chapter, to reverse the effects of such discrimination, or to enforce a conciliation agreement.

#### **Sec. 7.5-5. - Violations, fines and penalties.**

Any person in violation of any of the provisions of this Chapter 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. Each day upon which a violation occurs shall constitute a separate and new violation.

#### **Sec. 7.5-6. - Private civil action.**

- (a) To the extent allowed by law, an individual who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this article.
- (b) As used in subsection (a), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.
- (c) Private actions and remedies under this section shall be in addition to any actions for violations which the city may take.

#### **Sec 7.5-7. - Interpretation.**

This non-discrimination ordinance shall not be read to prohibit or interfere with a person's, or religious institution's, free exercise of religion as protected by the First Amendment to the United States Constitution and Article 1, Section 4, of the Michigan Constitution.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-816 was adopted by the Council of the City of Warren at its meeting held on July 11, 2023.

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SONJA BUFFA  
City Clerk

Published: October 18, 2023.