

SUMMARY

This ordinance amends Chapter 23 of the 2019 Detroit City Code, *Human Rights*, Article I, *Generally*, by amending Section 23-1-2, *Definitions*, to define “race” as inclusive of traits historically associated with race.

1 **BY COUNCIL PRESIDENT SHEFFIELD:**

2 **AN ORDINANCE** to amend Chapter 23 of the 2019 Detroit City Code, *Human Rights*,
3 Article I, *Generally*, by amending Section 23-1-2, *Definitions*, to define “race” as inclusive of traits
4 historically associated with race.

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

7 **Section 1.** Chapter 23 of the 2019 Detroit City Code, Article I, be amended by amending
8 Section 23-1-2, to read as follows:

9 **CHAPTER 23. HUMAN RIGHTS**

10 **ARTICLE I. GENERALLY**

11 **Sec. 23-1-2. Definitions.**

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

14 *Age* means chronological age except as otherwise provided by law.

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

16 *Certification* means the designation given to a firm using standard review procedures
17 where determined by the Human Rights Department that the firm applying for such designation
18 meets or exceeds certain specified requirements for that category of business as determined by
19 this division.

20 *Certification process* means the standard review process used to confer upon a firm the
21 designation of certification as defined in this section.

22 *Certified Business Register* means a listing of businesses, which have applied for and
23 received certification as a Detroit-Based Business, a Detroit-Based Small Business, a Detroit-

1 Headquartered Business, a Detroit-Resident Business, a Minority-Owned Business Enterprise,
2 or a Woman-Owned Business.

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

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

11 *Detroit-Based Business* means a business which pays City income taxes on the business's
12 net profits and pays City property taxes on a plant or office and equipment which are ordinarily
13 required for the furnishing of the goods or the performance of the services required by the
14 contract and referred to in the application for certification as a Detroit-Based Business, or other
15 real or personal property in the City equivalent in value to such plant or office and equipment
16 for not less than one taxable year immediately prior to the date of the application for certification
17 as a Detroit-Based Business, which shall comply with the following requirements:

- 18 (1) Provide verification that the firm has the physical resources including, but not
19 limited to, inventory, equipment, vehicles, and the like, as well as the ability to
20 provide the services indicated in its application for certification at the City
21 location;
- 22 (2) Provide verification of the ability of the business to carry out the service or repair
23 the product to be sold to the City at the City site;

- 1 (3) Provide references, licenses, or other means of verification acceptable to the City
2 that the services the firm offers to the City have been provided at the City site for
3 at least one year prior to the date of application; and
- 4 (4) Provide verification that the business has or can procure an adequate number of
5 employees based at its City site to perform services indicated in the application.

6 *Detroit-Based Small Business* means any business which meets the definitions of a
7 Detroit-Based Business and a Small-Business Concern as defined within this section.

8 *Detroit-Headquartered Business* means a business which:

- 9 (1) Has received a certification as a Detroit-Based Business, as defined in this
10 section;
- 11 (2) Has an office within the City that serves as the administrative center where the
12 chief executive officer and highest level management staff perform at least 51
13 percent of their management functions; and
- 14 (3) Has received a certification as a Detroit-Headquartered Business.

15 *Detroit-Resident Business* means any business which employs a minimum of four
16 employees at least 51 percent of which are City residents.

17 *Disability* means one or more of the following:

- 18 (1) A determinable physical or mental characteristic of an individual, which may
19 result from disease, injury, congenital condition of birth, a functional disorder,
20 if the characteristic:
- 21 ~~(a)~~a. For purposes of Article III of this chapter, is unrelated to the individual's
22 ability to utilize and benefit from educational opportunities, programs, and
23 facilities at an educational institution;

1 ~~(b)~~ b. For purposes of Article IV of this chapter, substantially limits one or more
2 of the major life activities of that individual and is unrelated to the
3 individual's ability to perform the duties of a particular job or position or
4 substantially limits one or more of the major life activities of that
5 individual and is unrelated to the individual's qualifications for
6 employment or promotion;

7 ~~(e)~~ c. For purposes of Article V of this chapter, is unrelated to the individual's
8 ability to utilize and benefit from a place of public accommodation or
9 public service; and

10 ~~(d)~~ d. For purposes of Article VI of this chapter, substantially limits one or more
11 of that individual's major life activities and is unrelated to the individual's
12 ability to acquire, rent, or maintain property.

13 (2) A history of a determinable physical or mental characteristic described in
14 Subsection (1) of this definition.

15 (3) Being regarded as having a determinable physical or mental characteristic
16 described in Subsection (1) of this definition, but does not mean either of the
17 following:

18 ~~(a)~~ a. A determinable physical or mental characteristic caused by the current
19 illegal use of a controlled substance by that individual; or

20 ~~(b)~~ b. A determinable physical or mental characteristic caused by the use of an
21 alcoholic liquor by that individual, if that physical or mental characteristic
22 prevents that individual from performing the duties of such individual's
23 job.

1 *Discriminate against* means treating differently.

2 *Discrimination based on sex* means:

3 (1) To discriminate against a person based on that person's sex;

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

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

13 (4) To discriminate through sexual harassment as defined in this section.

14 *Educational institution* means a public or private institution, or a separate school or
15 department thereof, and includes an academy, college, elementary or secondary school,
16 extension course, kindergarten, nursery, local school system, university, or a business, nursing,
17 professional, secretarial, technical, or vocational school, and includes an agent of an educational
18 institution.

19 *Employee* does not mean any individual employed by such individual's parents, spouse
20 or child.

21 *Employer* means a person who has one or more employees, or a person who is a
22 contractor or subcontractor with the City, and includes the agent of such person.

1 *Employment agency* means a person regularly undertaking with or without compensation
2 to procure, refer, recruit, or place an employee for an employer or to procure, refer, recruit, or
3 place for an employer or person the opportunity to work for an employer and includes an agent
4 of that person.

5 *Extraordinary circumstances* means circumstances which, due to the unavailability of
6 information that is critical to disposition of a complaint by the Human Rights Department, have
7 prevented the Department from completing its investigation.

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

10 *Housing accommodation* means improved or unimproved real property, or a part thereof,
11 which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the
12 home or residence of one or more persons.

13 *Human Rights Department* means an Executive Branch department that was created
14 under Chapter 10, Article 7, of the Charter and referred to in the Executive Organization Plan as
15 the "Department of Civil Rights, Inclusion, and Opportunity."

16 *Labor organization* means:

17 (1) An organization of any kind, an agency or employee representation committee,
18 group, association, or plan in which employees participate and which exists for
19 the purpose, in whole or in part, of dealing with employers concerning grievances,
20 labor disputes, wages, rates of pay, hours, or other terms or conditions of
21 employment;

22 (2) A conference, general committee, joint or system board, or joint council which is
23 subordinate to a national or international labor organization; and

1 (3) An agent of a labor organization.

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

4 *Micro-business concern* means a business which has average annual gross receipts of
5 \$1,000,000 or less and no more than 15 employees, but does not mean an affiliate or subsidiary
6 of a micro-business concern.

7 *Minority* means a person who is African-American, Aleut, Asian-American, Hispanic, or
8 Native-American.

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

12 *National origin* means the national origin of an ancestor.

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

16 *Place of public accommodation, resort, or amusement* means a business, or an
17 educational, refreshment, entertainment, recreation, health, or transportation facility, or
18 institution of any kind, whether licensed or not, whose goods, services, facilities, privileges,
19 advantages, or accommodations are extended, offered, sold, or otherwise made available to the
20 public and includes, but is are not limited to, the facilities of the following private clubs:

21 (1) A country club or golf club;

22 (2) A boating or yachting club;

23 (3) A sports or athletic club; and

1 (4) A dining club, except a dining club that in good faith limits its membership to the
2 members of a particular religion for the purpose of furthering the teachings or
3 principles of that religion and not for the purpose of excluding individuals of a
4 particular gender, race, or color.

5 *Public benefit status* means the status of being a recipient of governmental benefits,
6 including social security, unemployment compensation, public assistance, general assistance,
7 food stamps, Medicaid, Medicare, veteran's benefits or other governmental subsidy or grant, but
8 does not mean any restriction or action based upon the person's income level, negative credit
9 history or, in the sale of real property, the amount of liability.

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

13 Race is inclusive of traits historically associated with race, including, but not limited to,
14 hair texture and protective hairstyles. For purposes of this definition, "protective hairstyles"
15 includes, but is not limited to, such hairstyles as braids, locks, and twists.

16 *Real estate broker or real estate salesperson* means a person, whether licensed or not,
17 who;

18 (1) For or with the expectation of receiving a consideration, lists, sells, purchases,
19 exchanges, rents, or leases real property;

20 (2) Negotiates or attempts to negotiate any of these activities;

21 (3) Negotiates or attempts to negotiate a loan secured or to be secured by mortgage
22 or other encumbrance upon real property; or

1 (4) Is engaged in the business of listing real property in a publication, or a person
2 employed by or acting on behalf of any of these persons.

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

5 *Real property* means a building, structure, mobile home, real estate, land, mobile home
6 park, trailer park, tenement, leasehold or any interest in a real estate cooperative or
7 condominium.

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

12 *Sexual harassment* means unwelcome sexual advances, requests for sexual favors, and
13 other verbal or physical conduct or communication of a sexual nature under the following
14 conditions:

15 (1) Submission to the conduct or communication is made a term or condition either
16 explicitly or implicitly to obtain employment, public accommodations or public
17 services, education, or housing;

18 (2) Submission to or rejection of the conduct or communication by an individual is
19 used as a factor in decisions affecting the individual's employment, public
20 accommodations or public services, education, or housing; or

21 (3) The conduct or communication has the purpose or effect of substantially
22 interfering with an individual's employment, public accommodations or public
23 services, education, or housing, or creating an intimidating, hostile, or offensive

1 employment, public accommodations, public services, educational, or housing
2 environment.

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

5 *Small-business concern* means a business which:

6 (1) Has been in existence and operating for at least one year prior to the date
7 of application for certification as a Small-Business Concern; and

8 (2) Does not meet the definition of a Micro-Business Concern as defined in this
9 division; and

10 (3) Is one of the following:

11 a. A manufacturing business which, for the three fiscal years preceding the
12 date of application for certification, has provided full-time employment to
13 not more than 500 persons;

14 b. A general construction business which, for the three fiscal years preceding
15 the date of application for certification, has average annual gross receipts
16 of not more than \$28,000,000.00;

17 c. A specialty construction business whose average annual gross receipts
18 have not exceeded \$12,000,000.00 in the three fiscal years preceding the
19 date of application for certification;

20 d. A wholesale business which, for the three fiscal year preceding the date
21 of application for certification, has provided full-time employment to not
22 more than 100 persons;

- 1 e. A retail business which, for the three fiscal years preceding the date
2 of application for certification, has average annual gross receipts of not
3 more than \$6,000,000.00;
- 4 f. A service business, other than professional, which for the three fiscal years
5 preceding the date of application for certification, has average annual
6 gross receipts of not more than \$6,000,000.00; or
- 7 g. A professional services business, which for the three fiscal years
8 preceding the date of application for certification, has had average annual
9 gross receipts of not more than \$6,000,000.00.

10 A business which is an affiliate or subsidiary of an entity that is not eligible for
11 certification as a Small-Business Concern shall not be certified as a small business concern.

12 *Solicitation* means the requesting, inviting, or inducing, with the effect of committing an
13 unlawful real estate practice as defined in Section 23-6-1 of this Code, by any means, including,
14 but not limited to:

- 15 (1) Going in or upon the property of the individual to be solicited, except when
16 invited by such individual;
- 17 (2) Communicating with the individual to be solicited by mail, telephone, telegraph
18 or messenger service, except when requested by such individual;
- 19 (3) Canvassing in streets or other public places;
- 20 (4) Distributing handbills, circulars, cards or other advertising matter;
- 21 (5) Using loudspeakers, sound trucks, or other voice-amplifying equipment; and
- 22 (6) Displaying signs, posters, or other advertising devices upon a real estate office
23 except for the purposes and effect of identifying the occupants and services

1 provided therein, but does not mean advertising in newspapers of general
2 circulation, magazines, billboards, radio, television, or telephone directories.

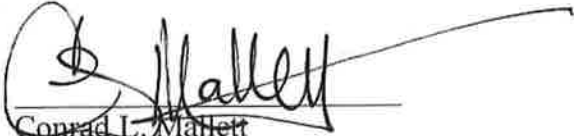
3 **Section 2.** This ordinance may also be known as the “The Crown Act Ordinance” in
4 reference to the Michigan State Crown Act, upon which this ordinance is based.

5 **Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are
6 repealed.

7 **Section 4.** This ordinance is hereby declared necessary for the preservation of the
8 public peace, health, safety, and welfare of the people of the City of Detroit.

9 **Section 5.** Where this ordinance is passed by a two-thirds majority of City Council
10 Members serving, it shall be given immediate effect and shall become effective upon publication
11 in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is
12 passed by less than two-thirds majority of City Council Members serving, it shall become effective
13 30 days after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:



Conrad L. Mallett
Corporation Counsel