



HUMAN SERVICES BOARD

March 3, 2016

CITY OF PORTAGE HUMAN SERVICES BOARD

A G E N D A

Thursday, March 3, 2016
(6:30pm)

Conference Room #1

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES:

- * February 4, 2016

OLD BUSINESS:

NEW BUSINESS:

- * 1. FY 2016-17 Human/Public Service Application Funding
 - * 2. Memo Regarding Nondiscrimination Ordinance
 - 3. Kalamazoo Transit Authority LAC update- Maye
-

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE HUMAN SERVICES BOARD
Minutes of Meeting February 4, 2016

CALL TO ORDER: 6:30 p.m.

ROLL CALL: Staff member Elizabeth Money called roll: Diane Durian (arrived 6:37), Effie Kokkinos (aye), Ray LaPoint (aye), Elma (Pat) Maye (aye), Nadeem Mirza (aye), Edward Morgan (aye), Fiorella Spalvieri (aye), Amanda Woodin (aye), and Lindy Nebiolo, Youth Representative, (aye)

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist and Vicki Georgeau, Director of Community Development

CITIZENS PRESENT: Thom Phillips

APPROVAL OF MINUTES: Spalvieri moved and Maye seconded approval of the minutes as submitted. Motion passed 8-0.

OLD BUSINESS:

1. Public Hearing 2016-2020 Consolidated Plan – Needs Assessment and Market Analysis – Community Development Director Vicki Georgeau: Spalvieri moved and Maye seconded opening the public hearing for the Needs Assessment and Market Analysis at 6:32 p.m. Motion passed 8-0. Director Georgeau began the presentation by handing out updated copies and explained that new data, including homeless data, had been received since part I was presented and the current agenda prepared. Continuation of the presentation commenced and summary information was provided on public housing, homeless needs, special needs populations and non-housing community development needs. With regard to the Market Analysis, data on the cost, condition and availability of affordable housing was presented. In addition, potential barriers to affordable housing, availability of facilities to assist homelessness and special needs housing was discussed. Morgan asked if vouchers were similar to Section 8 housing. Both Georgeau and Maye responded that vouchers were essentially the same and that recipients had housing choice options, and that participating landlords are required to make accessibility accommodations for tenants when needed. While there was no public housing in the county, Georgeau had indicated that the Michigan State Housing and Development Authority acts as the public housing authority. Spalvieri inquired how many beds the Gospel Mission had and Georgeau responded. Georgeau further explained that there is research that indicates it is more expensive to maintain homeless shelters than to rapidly re-house homeless individuals. Georgeau clarified that the homelessness data included in the plan are based on a point-in-time, one-day county-wide count, and annual data from 2014. With regard to non-housing community development needs, CDBG funds are not typically used for capital improvements, with the exception of small-scale playground and sidewalk improvements within low-moderate income neighborhoods. Board members had questions regarding nursing homes, those that accept Medicaid, new senior assisted living facilities being constructed in Portage, and how accessible these housing developments would be low-income special needs residents. The presentation was concluded by indicating if anyone had any questions on the information provided to please contact city staff, that the plan would be completed in early March 2016, and the 30-day public comment period would conclude with the April 7th Human Services Board meeting. Thom Phillips of Michigan Habitat for Humanity was asked how he heard about the public hearing and he indicated he had read about it in the *Portager*. There being no further comments, Spalvieri moved and Maye supported closing the public hearing at 7:17 p.m. Motion passed 9-0.

NEW BUSINESS:

1. FY 2016-17 Human/Public Service Application Review: Woodin opened the discussion noting that Board scoring was very consistent except for the applicant Goodwill Industries. The Board discussed their scores for this applicant and what basic human need tax preparation service filled. Woodin indicated that the program was not designed to be an educational tool but to assist low to moderate income households with securing qualifying refunds and submitting their returns electronically for no fee. Durian added that AARP provides free tax preparation service to qualifying individuals at several locations throughout the county. The Board was divided on whether or not this service constituted a quality of life enhancement. While the Board disagreed on what basic human need the tax service fulfilled, no Board member changed their individual scores. LaPoint noted that if you remove the Board's high and low score for each applicant that it did not affect the overall ranking of any of the applicants and that Board and staff ranking were similar. Nebiolo brought up that everyone received full points for the outreach (criterion question 6) and was that a necessary question. LaPoint and Mirza added that review of that criterion was ongoing and things like internet advertising verses personal outreach may need to be considered. Spalvieri inquired how much impact the Board recommendation had with City Council. Staff members Money and Georgeau explained that while staff offered their own recommendation, and it may or may not coincide with the Board's, that City Council took the Board's recommendation seriously as they were the Advisory Board charged with recommending action on human/public service funding. Durian asked for clarification on the Portage Community Center's (PCC) two applications being reviewed as one. Staff explained that PCC had always requested their CDBG grant and General Fund grant requests be considered as one application because grant funding amounts are not known at the time of application and CDBG grants funds can fluctuate significantly from year to year and General Fund monies may be needed to balance their request. As the Board was satisfied with their scores and ranking, no further discussion was had. LaPoint moved and Kokkinos moved to accept the ranking as indicated on the monitor: CDBG - 1. PCC (177); General Fund- 1. PCC (183), 2. Housing Resources, Inc. (181), 3. YWCA (174), 4. Catholic Charities (164), 5. Gryphon Place (153), 6. Lending Hands (132), 7. Goodwill Industries (126). Motion passed 9-0.

2. Kalamazoo Transit Authority LAC update - Maye: Maye indicated that the expanded bus services on Sunday would begin in February and not September as indicated at the last meeting. She had no further updates as the LAC had not met since the last meeting.

STATEMENT OF CITIZENS:

ADJOURNMENT: Georgeau reported to the Board that at a recent City Council meeting a motion was made to investigate/review a Nondiscrimination Ordinance that included sexual orientation and gender identity and that the Board may be asked to participate. The Board discussed that the issue had previously been brought before the Board. There being no further business of the Board, Maye moved and Spalvieri supported adjournment of the meeting at 8:14 p.m. Motion passed 9-0.

Respectfully Submitted,

Elizabeth Money,
Neighborhood Program Specialist

CITY OF PORTAGE

COMMUNICATION

TO: Human Services Board

DATE: February 26, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: FY 2016-17 Human/Public Service Review and Options

For FY 2016-17, a total of \$172,423 of General Fund and Community Development Block Grant (CDBG) Program funds are estimated to be available for human public service funding from two sources:

1. The General Fund allocation is \$130,495 (0.55% of the General Fund revenue per City Council policy); and
2. The CDBG Program allocation is \$41,928 (15% of the FY 2016-17 entitlement grant and prior year program income through December 31st).

The above human/public services funding compares to \$168,135 available in the current fiscal year, derived from the General Fund (\$125,625) and CDBG Program Fund (\$42,510). The total estimated funding in the upcoming fiscal year represents a \$4,288 increase from FY 2015-16.

Attached are the Human/Public Service Application Summary Forms for each of the seven General Fund applications and the one CDBG Program Fund application. These summary forms highlight agency activities for which funding has been requested, and supplement the completed applications submitted by the agencies that were provided to the City Council and Human Services Board in December 2015.

Based on well-established practice, review of applications and FY 2016-17 funding options have been prepared based on:

1. The extent to which each application fulfills the Human Services Funding Evaluation Criteria (attached), which are: basic human needs, accessibility of services, critical needs in Portage, collaboration of services, Portage citizens served, outreach, and funding capacity and resources.
2. Review of the score and ranking of each application in comparison to other applications, the funding requested, the current annual funding levels as determined by City Council, and current grantee agency performance.

1. CDBG Program Fund

One application from the Portage Community Center (PCC) was received in the amount of \$34,400, consistent with the amount estimated to be available when requests for applications were mailed in November 2015. As noted above, the \$41,928 amount now available is based on the FY 2016-17 entitlement grant and program income received through December 31, 2015. The City of Portage CDBG Program has traditionally allocated the maximum 15% permitted toward human/public services

per federal regulations. Table 1 shows the PCC funding request, the staff and Human Services Board (HSB) scores and rankings.

Table 1

Agency	Approved FY 15-16	Funding Requested	Funding Request as Percent of Program Budget	Funding Request as Percent of Funding Available	Evaluation Criteria Ranking/(Score)	
					City Admin.	HSB
Portage Community Center	\$42,510	\$34,400	28.6% ¹	76.8% ²	1 / (185)	1 / (177)

¹ PCC has requested that the CDBG Program and General Fund grant requests be reviewed together as one application. The percent shown includes \$132,400 in CDBG Program fund and General Fund requests combined and is based on the approved FY 2015-16 PCC budget. Note: funding to PCC should not exceed 30% of the PCC operating budget.

² The percent shown is based on the total PCC request of \$132,400 and total funding available of \$172,423.

PCC coordinates and administers numerous programs for persons in need, hosts other agency programs and provides referrals to other agencies as necessary. If awarded, the CDBG Program would fund the PCC emergency assistance, transportation and youth recreation scholarship programs to Portage families in need. If PCC is funded at the full amount of CDBG Program funding available (\$41,928), it will allow more flexibility in the allocation of the grants to applicants from the General Fund.

2. General Fund

Seven agencies submitted applications in the total amount of \$152,767, compared to the total available General Fund allocation of \$130,495. With the exception of the Goodwill Industries and Lending Hands of Michigan, all applicants were funded in FY 2015-16. While there is an increase of funds compared to FY 2015-16, fully funding all applicants at the requested amount is not possible due to funding constraints faced by the city. Table 2 shows the applications received, funding requested, application scores as assigned by staff and HSB, together with the ranking of the applications.

Table 2

Agency	Funding Requested	Funding Request as Percent of Program Budget	Funding Request as Percent of Funding Available	Evaluation Criteria Ranking/(Score)	
				City Admin.	HSB
PCC	\$98,000	28.6% ¹	76.8% ²	1 / (185)	1 / (183)
HRI	\$20,000	1.37%	15.3%	1 / (185)	2 / (181)
YWCA	\$11,130	0.83%	8.5%	3 / (180)	3 / (174)
Catholic Charities	\$11,137	0.9%	8.5%	4 / (175)	4 / (164)
Goodwill Industries	\$2,000	1.27%	1.5%	5 / (155)	7 / (126)
Gryphon Place	\$2,500	0.54%	1.9%	6 / (150)	5 / (153)
Lending Hands	\$8,000	12.4%	6.1%	7 / (145)	6 / (132)
Total	\$152,767				

¹ PCC has requested that the CDBG Program and General Fund grant requests be reviewed together as one application. The percent shown includes \$132,400 in CDBG Program fund and General Fund requests combined and is based on the approved FY 2015-16 PCC budget. Note: funding to PCC should not exceed 30% of the PCC operating budget.

² The percent shown is based on the total PCC request of \$132,400 and total funding available of \$172,423.

As accomplished for the current and prior budget years, staff considered the funding requests received in comparison to current or prior year funding levels and grantee performance. Based on Status Reports submitted to the city, all existing and prior grantees have met expected accomplishments and have complied with contract requirements.

Considerations for funding levels for the upcoming fiscal year include:

- As noted above, there is an additional \$4,288 of total funding available in FY 2016-17 compared to FY 2015-16. Current grantees are recommended to receive increased funding, and based on methodology recommended in prior years, grantees with a higher ranking should receive a higher percentage and/or dollar amount increase in funding compared to the current fiscal year.
- In addition to existing grantees, it is recommended that a \$1,300 grant be awarded to both Goodwill Industries and Lending Hands of Michigan. While both applicants score lower in the basic human needs criterion, the services they provide to the community are beneficial and worthy of funding. Both agencies coordinate well with other agencies, and they provide financial gains and/or quality of life enhancements to low-to-moderate income persons. Furthermore, each applicant has indicated if their request is not fully funded, the services can still be accomplished with the recommended funding level from the city.

Table 3 shows staff recommended funding based on the above considerations.

Table 3

Agency	Approved FY 15-16	Funding Requested	Evaluation Criteria Ranking/(Score)		FY 16-17 Recommended Funding Option & Increase from Current Funding	
			City Admin.	HSB	Funding Option	Percent/Dollar Increase
PCC	\$122,985	\$132,400	1 / (185)	1 / (183)	\$124,073 ¹	101% / \$1,088
Housing Resources	\$19,780	\$20,000	1 / (185)	2 / (181)	\$20,500	104% / \$720
YWCA	\$11,130	\$11,137	3 / (180)	3 / (174)	\$11,450	103% / \$320
Catholic Charities	\$11,100	\$11,130	4 / (175)	4 / (164)	\$11,400	103% / \$300
Goodwill Industries ³	N/A	\$2,000	5 / (155)	7 / (126)	\$1,300	N/A
Gryphon Place	\$2,340	\$2,500	6 / (150)	5 / (153)	\$2,400	103% / \$60
Lending Hands	N/A	\$8,000	7 / (145)	6 / (132)	\$1,300	N/A
Total	\$167,335 ²	\$187,167			\$172,423	

¹ PCC has requested a combined total of \$132,400 from the General Fund and CDBG Fund, compared to current year total funding of \$122,985. The General Fund and CDBG Fund recommendation for PCC above equals a combined \$124,073 which represents a 1% increase in General Fund and CDBG Fund dollars combined from FY 2015-16.

² An additional \$800 was awarded in FY 2015-16 to Kalamazoo Anti-Human Trafficking Coalition, which did not apply for FY 2016-17 funding.

³ Goodwill Industries was awarded a \$1,020 grant in FY 2014-15 for the VITA program.

In summary, of the \$4,288 in additional total funding available in FY 2016-17, \$1,300 each is recommended for Goodwill Industries and Lending Hands of Michigan. Of the remaining \$1,688 in funding available, increased funding is recommended for the remaining five applicants with higher monetary increases awarded to higher scoring/ranked grantees.

The Board will further review the FY 2016-17 Human/Public Service Funding applications at the meeting scheduled for March 3, 2016, and Neighborhood Program Specialist Money will be available to assist the Board with any questions that arise regarding this funding review and options analysis.

Attachments: Evaluation Criteria Form
 Human/Public Service Application Summary Forms and

HUMAN SERVICES FUNDING EVALUATION CRITERIA

In addition to the criteria listed below, which apply to the service(s) to be provided with the funding requested, the following Mission Statement for the Human Services Board will also serve as a guide to the Board in its review and recommendation of funding applications:

The mission of the Human Services Board is to facilitate the satisfaction of the basic human needs of all Portage citizens by educating and advising the City Council, Portage human service agencies, and the community at large.

1. EXTENT TO WHICH THE PROGRAM ADDRESSES A BASIC HUMAN NEED
(QUESTION 10 ON APPLICATION)

(Select only one that most closely fits)

"Basic Human Needs" are considered to include:	Score
Provision of housing (e.g. emergency, transitional, permanent, homelessness/ prevention such as eviction, foreclosure, and/or utility shut-off prevention)	50
Provision of food (e.g., direct food distribution, food bank/pantry, Meals on Wheels)	40
Provision of health and safety services (e.g., emergency services, health care, crisis intervention, etc.)	30
Provision of job training, educational services, transportation, or quality of life enhancements	20
Provision of clothing (e.g. direct, free/low-cost clothing and/or distribution)	10
None of the above	0

2. ACCESSIBILITY OF THE PROGRAM SERVICE TO PORTAGE RESIDENTS
(QUESTION 11 ON APPLICATION)

5 = Not Accessible to 25 = Easily Accessible

(Select only one that most closely fits)

"Accessibility" can be considered to be:	Score
Services located in Portage	25
Services regularly provided in Portage (e.g. at a facility located in Portage or at the citizen's location)	20
Services accessible after normal (8 a.m.-5 p.m.) business hours, 24-hour phone hot line, or other methods	15
Services available / accessible via public bus routes and/or transportation by agency	10
None of the above	0

3. DOES APPLICANT HAVE WORKING RELATIONSHIPS / COLLABORATIONS WITH OTHER ORGANIZATIONS SERVING PORTAGE RESIDENTS?
(QUESTION 13 ON APPLICATION)

5 = Fragments Service Delivery to 25 = Coordinates or Improves Service Delivery

(Select only one that most closely fits)

"Coordinates or Improves Service Delivery" can be generally considered to be:	Score
Services are unique in community and not duplicated by others	25
Services are similar to others but carefully coordinated to avoid duplication	20
Services are similar to others but Information and Referral is routinely provided to avoid fragmentation	15
Services are similar to others and some fragmentation of services occurs	10
None of the above	0

4. OF PORTAGE RESIDENTS SERVED, ARE MAJORITY ECONOMICALLY OR SOCIALLY DEPRIVED, SENIOR CITIZENS, OR PERSONS WITH DISABILITIES?
(QUESTION 14 ON APPLICATION)

5 = No Special or Unusual Needs to 25 = Economically or Socially Deprived

(Select only one that most closely fits)

"Economically or Socially Deprived" can be generally considered to be:	Score
Clientele is extremely low income and/or disabled and/or victim of abuse and/or other situation	25
Clientele is low income and/or senior citizens	20
Clientele is vulnerable or at risk of one of the above	15
Clientele is in need of services	10
None of the above	0

5. PERCENT OF PORTAGE CLIENTS SERVED
(QUESTION 5 ON APPLICATION)

5 = Few to 25 = Many

(Select only one that most closely fits)

"Many" clients served can be considered to be:	Score
Portage clients equals 51-100% of clients served by agency	25
Portage clients equals 31-50% of clients served by agency	20
Portage clients equals 16-30% of clients served by agency	15
Portage clients equals 7.6-15% of clients served by agency	10
Portage clients equals 1-7.5% of clients served by agency	5
Portage clients equals >1%	0

6. AMOUNT OF OUTREACH EFFORTS
(QUESTION 15 ON APPLICATION)

5 = No Outreach to 25 = Extensive Outreach Efforts to People in Needs

(Select only one that most closely fits)

"Extensive Outreach" can be considered to be: regular newsletter distribution; cable access PSAs; advertisements/marketing campaigns; service listing in I&R databases/directories (2-1-1, United Way, etc.); presentations to community organizations/schools; open houses; coordination/provision of services with/at other agencies; participation in community collaborative efforts (e.g., MPCB, KLAHP, etc.)	Score
Utilizes 5 or more methods of outreach to Portage residents	25
Utilizes 4 methods of outreach to Portage residents	20
Utilizes 3 methods of outreach to Portage residents	15
Utilizes 2 methods of outreach to Portage residents	10
Utilizes 1 method of outreach to Portage residents	5

For new programs/agencies in the community for less than five years, use criterion 7(A).

For programs/agencies in the community for five or more years, use criterion 7(B).

(QUESTION 6 (YEAR STARTED) AND 3 (% FUNDED) ON APPLICATION)

7(A). ABILITY OF AGENCY TO RECEIVE OTHER FUNDING OR

5 = Extensive to 25 = Limited

(Select only one that most closely fits)

"Limited" ability to receive other funding for "new" applicants can be generally defined as follows:	Score
Grant request equals 51% or more of the agency's budget	25
Grant request equals 31-50% of the agency's budget	20
Grant request equals 11-30% of the agency's budget	15
Grant request equals 6-10% of the agency's budget	10

Grant request equals 0-5% of the agency's budget	5
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7(B). ABILITY OF AGENCY TO LEVERAGE OTHER FUNDING

5 = Limited to 25 = Extensive

(Select only one that most closely fits)

"Extensive" leveraging of other funding for "previous" applicants can be generally defined as follows:	Score
Grant request equals 0-5% of the agency's budget	25
Grant request equals 6-10% of the agency's budget	20
Grant request equals 11-30% of the agency's budget	15
Grant request equals 31-50% of the agency's budget	10
Grant request equals 51% or more of the agency's budget	5

**-HUMAN/PUBLIC SERVICE
APPLICATION SUMMARY FORM**

1. **NAME/ADDRESS OF ORGANIZATION:** Goodwill Industries of Southwest Michigan, 420 East Alcott Street, Kalamazoo, MI 49001

2. **APPLICATION TYPE:** GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): N/A
FUNDING AWARDED FY 2015-16: N/A

3. **AMOUNT OF FY 2016-17 REQUEST:** \$2,000

4. **MISSION OF AGENCY:** Goodwill Industries of Southwest Michigan provides employment, education, training, and support services to individuals and families so they can achieve self-sufficiency.

5. **SUMMARY OF ALL SERVICES PROVIDED BY AGENCY:** Tax Counseling Initiative, Adult Job Training and Placement, Youth Career Development, Employment and Transitional Work Program, Financial Literacy, Literacy Programs, GED Preparation Courses, and operates Southwest Michigan Industrial Services.

6. **SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS:** Tax Counseling Initiative at three sites for the 2016 tax season: Portage Community Center and Bowers Manufacturing located in Portage and for Portage residents at Plumbers and Pipefitters Local in Vicksburg.

7. **NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED:** 280

8. **PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS:** 25%

9. **AVERAGE COST OF ONE UNIT OF SERVICE:** \$24

10. **FUNDING REQUEST AS PERCENT OF BUDGET:** 1.27%

HUMAN/PUBLIC SERVICE APPLICATION SUMMARY FORM

1. NAME/ADDRESS OF ORGANIZATION: Gryphon Place, 3245 South 8th Street, Kalamazoo, MI 49009

2. APPLICATION TYPE: GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): \$7,000
FUNDING AWARDED FY 2015-16: \$2,340

3. AMOUNT OF FY 2016-17 REQUEST: \$2,500

4. MISSION OF AGENCY: Gryphon Place connects with people and organizations to assist in resolving crisis conflict and meeting life challenges.

5. SUMMARY OF ALL SERVICES PROVIDED BY AGENCY: 1) 2-1-1/Information and Referral service that provides 24/7 Crisis Intervention and Comprehensive Information and Referral (including volunteer opportunities); 2) Gatekeeper Program for students focused on prevention and intervention focused on suicide and other forms of violence; 3) Dispute Resolution Services (DRS) that provides trained mediators; and 4) Critical Incident Stress Management Teams administered and coordinated by volunteers to help those impacted by traumatic events and Suicide Prevention and recovery services.

6. SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS: 2-1-1/Information and Referral

7. NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED: 2,105

8. PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS: 4.7%

9. AVERAGE COST OF ONE UNIT OF SERVICE: \$8.34

10. FUNDING REQUEST AS PERCENT OF BUDGET: 0.54%

HUMAN/PUBLIC SERVICE APPLICATION SUMMARY FORM

1. **NAME/ADDRESS OF ORGANIZATION:** Housing Resources, Inc., 420 East Alcott Street, Suite 200, Kalamazoo, MI 49001

2. **APPLICATION TYPE:** GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): \$20,000
FUNDING AWARDED FY 2015-16: \$19,780

3. **AMOUNT OF FY 2016-17 REQUEST:** \$20,000

4. **MISSION OF AGENCY:** The assurance of housing for socially or economically vulnerable persons of Kalamazoo County.

5. **SUMMARY OF ALL SERVICES PROVIDED BY AGENCY:** HRI provides a range of emergency, transitional and permanent housing assistance, including: Coordinated Assessment and Referral providing a community-wide housing delivery system; the Eleanor House Rapid Re-housing Center (emergency shelter); Homeless Prevention Services; and Permanent Supportive Housing including (Rickman House for mentally-ill single adults, additional permanent affordable rental housing complexes Pinehurst Townhomes, Summit Park Apartments, and Rosewood).

6. **SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS:** Housing Stabilization Program (which includes Coordinated Assessment and Referral, Homeless Prevention and Rapid Re-housing Services, and a scattered-site Permanent Supportive Housing program).

7. **NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED:** 175

8. **PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS:** 17.2%

9. **AVERAGE COST OF ONE UNIT OF SERVICE:** \$785 Homeless Prevention/\$2,525 Rapid Re-housing

10. **FUNDING REQUEST AS PERCENT OF BUDGET:** 1.37%

HUMAN/PUBLIC SERVICE APPLICATION SUMMARY FORM

1. **NAME/ADDRESS OF ORGANIZATION:** Lending Hands of Michigan, Inc., 5350 Ivanhoe Court,
Portage, MI 49002

2. **APPLICATION TYPE:** GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): N/A
FUNDING AWARDED FY 2015-16: N/A

3. **AMOUNT OF FY 2016-17 REQUEST:** \$8,000

4. **MISSION OF AGENCY:** Lend out basic home medical equipment for free to anyone in our seven county service area of Southwest Michigan.

5. **SUMMARY OF ALL SERVICES PROVIDED BY AGENCY:** Lend medical equipment for free to anyone for up to nine months.

6. **SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS:** To support the placement of medical equipment to Portage residents.

7. **NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED:** 403

8. **PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS:** 20%

9. **AVERAGE COST OF ONE UNIT OF SERVICE:** \$19.85

10. **FUNDING REQUEST AS PERCENT OF BUDGET:** 12.4%

**HUMAN/PUBLIC SERVICE
APPLICATION SUMMARY FORM**

1. NAME/ADDRESS OF ORGANIZATION: YWCA, 353 East Michigan Avenue, Kalamazoo, MI 49007

2. APPLICATION TYPE: GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): \$8,915
FUNDING AWARDED FY 2015-16: \$11,130

3. AMOUNT OF FY 2016-17 REQUEST: \$11,130

4. MISSION OF AGENCY: Eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all by offering services and programs which are designated to improve the lives of children, care for victims of assault and violence and advance women and women's issues.

5. SUMMARY OF ALL SERVICES PROVIDED BY AGENCY: The Kalamazoo YWCA offers: Domestic and Sexual Violence Crisis Intervention programs; Women's Economic Empowerment programs; and Racial Justice Initiatives, Community Education and Awareness programs.

6. SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS: Domestic Assault Program (DAP) and Sexual Assault Program (SAP) both which provide 24-hour crisis intervention, forensic exams, counseling, support/advocacy groups, and information and referral services. The DAP also provides emergency shelter and transitional supportive housing for victims and children.

7. NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED: 13 (SAP) and 24 (DAP)

8. PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS: 13.4% (SAP) and 3.1% (DAP)

9. AVERAGE COST OF ONE UNIT OF SERVICE: Varies but \$1,100 (sexual assault exam and services), \$32 for one night of shelter, and \$75 for one hour of counseling

10. FUNDING REQUEST AS PERCENT OF BUDGET: 0.83% for both programs

HUMAN/PUBLIC SERVICE APPLICATION SUMMARY FORM

1. **NAME/ADDRESS OF ORGANIZATION:** Portage Community Center, 325 East Centre Avenue,
Portage, MI 49002

2. **APPLICATION TYPE:** GENERAL FUND: CDBG FUND:
NEW APPLICATION: YES: NO:
MOST RECENT PRIOR YEAR REQUEST (FY 2015-16): \$35,000
FUNDING AWARDED FY 2015-16: \$42,510

3. **AMOUNT OF FY 2016-17 REQUEST:** \$34,400

4. **MISSION OF AGENCY:** Creating a better community by helping individuals and families in need.

5. **SUMMARY OF ALL SERVICES PROVIDED BY AGENCY:** Youth and social development, emergency assistance, program development, program coordination to host services of other agencies, affordable housing, meeting space, and volunteer opportunities.

6. **SERVICES PROPOSED TO BE PROVIDED WITH GRANT FUNDS:** Emergency assistance, youth recreation scholarship, transportation assistance.

7. **NUMBER OF PORTAGE RESIDENTS EXPECTED TO BE SERVED:** 4,089

8. **PERCENTAGE OF TOTAL CLIENTS THAT ARE PORTAGE RESIDENTS:** Emergency Assistance 66.2%/Transportation Assistance and Youth Recreation Scholarships both 100%

9. **AVERAGE COST OF ONE UNIT OF SERVICE:** \$18.74 for Emergency Assistance/\$0.94 for Transportation Assistance/\$16.39 for Youth Recreation Scholarships

10. **FUNDING REQUEST AS PERCENT OF BUDGET:** 28.6% for both CDBG and General Fund requests

CITY OF PORTAGE

COMMUNICATION

TO: Human Services Board

DATE: February 26, 2016

FROM: Vicki Georgeau, ^{VA} Director of Community Development

SUBJECT: Non-discrimination Ordinance

As the Board is aware, City Council discussed the potential of adopting a local non-discrimination ordinance, which would include protections for sexual orientation and gender identity. As outlined in Section 2-272 of City Code (attached), consideration of a local non-discrimination ordinance is relevant to the Board purpose. Therefore, City Manager Shaffer has recommended to City Council that the Board review this matter and make a recommendation to City Council.

For preliminary review purposes, the following information is provided for consideration:

- In January 2013, the Michigan Civil Rights Commission (MCRC) released the report, *LGBT Inclusion Under Michigan Law with Recommendations for Action*. A preliminary review of this report indicates that LGBT discrimination is present in Michigan, has a negative effect on the economy, and amendments to the Elliot-Larson Civil Rights Act (ELCRA) are among one of the report recommendations. The Executive Summary of this report is attached and the full report can be read online at:
http://www.michigan.gov/documents/mdcr/MDCR_Report_on_LGBT_Inclusion_409727_7.pdf
- In March 2015, the MCRC released a *Non-Discrimination Ordinance Template* (attached) for local communities to consider.
- A list of Michigan communities with non-discrimination ordinances is attached. Kalamazoo Township's ordinance (which is very similar to the Oshtemo Township ordinance) is also attached as information.

The City Attorney and City Administration are also conducting research and will be developing a draft ordinance for review and consideration during the Board meeting on April 7th. Subsequent to review of a draft ordinance, the Board is advised to hold a public meeting to garner broad community input on this matter, prior to forwarding a recommendation to City Council. Staff liaison Elizabeth Money will be in attendance at the March 3rd Board meeting to answer any questions or address comments from the Board on this matter.

Attachments: City of Portage HSB Ordinance
Executive Summary - *LGBT Inclusion Under Michigan Law with Recommendations for Action*
Michigan Civil Rights Commission Non-Discrimination Ordinance Template
Cities with Legal Protection
Nondiscrimination Ordinance - Kalamazoo Township

DIVISION 3. - HUMAN SERVICES BOARD

FOOTNOTE(S):

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Editor's note—Ord. No. 04-04, § 1, adopted Apr. 27, 2004, changed the title of ch. 2, art. 7, div. 3 from "Human Resources Board" to "Human Services Board."

Sec. 2-271. - Established.

There is hereby established a human services board of and for the city.

(Code 1983, § 270.01; Ord. No. 091-10, § 3, 5-7-1991; Ord. No. 04-04, § 1, 4-27-2004)

Sec. 2-272. - Purpose.

It is the purpose of the human services board to advise the city council on matters to ensure that all persons in the city enjoy equal freedom to pursue peaceably their just aspirations, and that practices or conditions, based on or resulting from consideration of race, sex, religion, color, national origin, age or association, which result in hindrance or restrictions on the enjoyment or exercise of the freedom are harmful to the common good and contrary to the public policy of the city. In this regard, the board shall seek to facilitate the satisfaction of the basic human needs of Portage citizens by advising the city council, and as may be directed by city council, educating human services agencies and the community at large. In addition, the board shall serve as an advisory board to the city council on matters related to public transportation.

(Code 1983, § 270.02; Ord. No. 091-10, § 3, 5-7-1991; Ord. No. 04-04, § 1, 4-27-2004; Ord. No. 09-04, 4-14-2009)

MDCR Report on LGBT Inclusion under Michigan Law With Recommendations for Action

Executive Summary

Michigan enjoys a strong tradition of supporting civil rights. For many years, our great state was at the forefront of the civil rights movement. Long before the Elliott-Larsen Civil Rights Act (ELCRA) was enacted, Michigan protected its citizens from discrimination in public accommodations, government housing, and employment (Michigan Civil Rights Commission, 2004). In 1955, the legislature passed the Fair Employment Practices Act which guaranteed the opportunity to gain employment regardless of race, color, religion, or national origin (Cramton, 1964).

The Commission and Department have long held the belief that the lesbian, gay, bisexual, and transgender (LGBT) population should also be protected from discrimination. In 1983, the Commission issued a statement that ELCRA should be amended to prohibit discrimination based on sexual orientation. Moreover, Commissioners and Department staff have long promoted a workplace culture of LGBT acceptance and understanding. Over the past few years, there has been increased federal and statewide attention to laws and policies of specific concern to the LGBT population. Amidst this background, the Michigan Department of Civil Rights (MDCR) sought grant funding for a project to determine whether Michigan's current public policies, (including but not limited to the failure to include these protections in ELCRA), have economic implications separate and apart from their civil rights implications.

In 2012, MDCR received a grant from the Tides Foundation to create "A Report on LGBT Inclusion Under Michigan Law with Recommendations for Action." This report is the result of the one-year project supported by that grant. Over the course of 2012, the MDCR

conducted public forums, surveys, and archival research to examine whether the state's current laws and policies have an economic impact on individuals, businesses, or communities and whether changes would brighten or dim our economic outlook.

While ELCRA prohibits employment, public accommodations, public services, education, and housing discrimination based on race, religion, color, national origin, sex, age, marital status, height, weight, and arrest record, it does not currently prohibit discrimination based on sexual orientation or gender identity/expression. This means that employers can fire or refuse to hire people, landlords can deny housing, and business owners can refuse restaurant service based on an individual's actual or perceived sexual orientation or gender identity/expression and those individuals would have no means of legal redress.

This report provides both analytical and anecdotal evidence that decisions like whether to expand civil rights protections to include sexual orientation has very real social and economic implications for Michigan. Additionally, the report identifies a number of steps which can be taken by public policy makers in Michigan to address these implications.

This report is divided into five sections. The first section, "The Present State of LGBT Inclusion," focuses on the present state of LGBT inclusion both in Michigan and nationwide. This background provides the reader with an understanding of the social and political landscape and depicts the extent to which LGBT persons are currently protected from discrimination under Michigan and federal law. Currently, 21 states and the District of Columbia (approximately 44% of the U.S. population) have non-discrimination statutes that include protections based on a person's sexual orientation; in 16 of those states and the District of Columbia, these non-discrimination laws also include protections based on gender identity or expression (National Gay and Lesbian Task Force, 2012).

This section also includes the results of archival investigation of Michigan's local non-discrimination ordinances. The Department examined Michigan's history of inclusive non-discrimination ordinances, specifically focusing on where local ordinances have been passed, what those ordinances entail, the history of the ordinances, and whether the ordinances have resulted in enforcement actions. As of August 2012, 19 cities (and two townships) across Michigan have local ordinances prohibiting discrimination based on sexual orientation and/or gender identity. While these ordinances indicate a local desire to provide protections, enforcement ability is lacking. The patchwork of local protections is confusing and has a negligible impact on whether Michigan is perceived as inclusive.

The first section also examines the non-discrimination policies of Michigan's largest employers, in both the private and public sector. These policies were examined to determine the extent to which Michigan-based businesses and organizations include sexual orientation and gender identity/expression in their corporate employee non-discrimination policies. Across business sectors, employers are much more likely to offer anti-discrimination protections based on sexual orientation than gender identity/expression. It is particularly significant to note that institutions have adopted these inclusive internal policies because they saw doing so as 'good for business,' and did not experience any anti-business burden.

Section two provides an overview of the current state of LGBT discrimination. This section contains data from national sources as well as data that are specific to Michigan. Contained within this section are data collected by Michigan organizations such as the American Civil Liberties Union, Equality Michigan, and the fair housing centers across Michigan, as well as researchers at Michigan State University. This section shows that there is convergent evidence

of significant discrimination based on sexual orientation and gender identity/expression across a variety of sources and collection methodologies.

Data for this section also came from public forums conducted by the Department in the summer and fall of 2012. A total of five public forums were held to provide people with an opportunity to tell their personal stories and share their opinions. These forums were held in Jackson, Holland, Ann Arbor, Grand Rapids, and Detroit. To garner a better understanding of what people would gain or lose if protections were expanded, the Department solicited public and written testimony from Michigan citizens. Specifically, people were asked how the presence or absence of protections based on sexual orientation and gender identity/expression:

- Impacted their community/neighborhood/family/church/school?
- Impacted their life or that of a family member?
- Impacted their business operations/workforces/services?
- Affected people's perception of Michigan?

Many people also provided anonymous written testimony and indicated they did so due to fear of rebuke from employers or fear of facing further harassment or discrimination as a result of coming out publicly as LGBT by testifying. To protect the anonymity of people who submitted written testimonials, no identifying information is included in this report for testimonials provided by email.

A majority of the personal testimony the Department received reported employment discrimination. Police officers, university professors, schoolteachers, store managers, electrical engineers, symphony conductors, and food service staff recounted stories of being denied jobs, tenure, promotions, or of being fired because of their perceived or actual sexual orientation or gender identity/expression. People also delivered testimony that reported discrimination in

housing, public accommodations, and education, all areas investigated by the MDCR. These testimonials offered powerful first person narratives of experiences with discrimination and the effects of discriminatory experiences or the threat of discrimination.

The third section outlines the effects that not prohibiting discrimination based on sexual orientation and gender identity/expression is having on Michigan citizens, families, communities, and the economy. Many people who identified as heterosexual delivered testimony on behalf of their LGBT children, parents, siblings, and friends. These testimonials provided a reminder that it is not only those who are discriminated against who are impacted. Children are disadvantaged by discrimination faced by their parents and same-sex parents are fearful that without recourse for

In work environments where discrimination is prevalent, employees exhibit the following:

- Lower job satisfaction and commitment
- Lower productivity
- Heightened absenteeism
- Higher rates of mental health problems
- Higher rates of physical health problems

*Source: Hewlett & Sunberg, 2011;
Robinson & Dechant, 1997*

discrimination, they may not be able to care for their children if they lose their jobs. Parents testified to the heartache they experience worrying that their LGBT children would encounter bullying, harassment, and discrimination. Others lamented the division their families faced when their children out migrated to live somewhere they felt safer and more welcomed.

The Department's research reveals that the current state of discrimination in Michigan is having a negative impact on communities as well as individuals. Those who identify as LGBT reported that they cannot fully participate in civic life because they fear that they will be unable to attain employment, will be denied housing, or will be socially shunned. Moreover, the research showed that LGBT persons may choose to not report harassment, bullying, sexual assault, and other physical victimization for fear of further discriminatory or violent animus. The

"Bright, skilled workers no longer flock to a location just because a business puts down roots... The best and the brightest are most attracted to communities that are also safe and open to all families... The solution isn't to kick out our eager young workers who want Michigan to thrive. The solution is to welcome them." – Emily Dievendorf, testimony

testimonials received by the Department indicate that there are numerous ways that the lack of non-discrimination protections for sexual orientation and gender identity/expression impact businesses' profits and the economy. Employee productivity is particularly hard hit when an employer openly discriminates.

Discriminatory environments for LGBT employees have also been shown to negatively impact the performance of heterosexual employees. On the other hand, businesses that support and promote inclusive business policies report a high level of employee satisfaction, lower turnover rates, and consumer confidence.

The Department's research showed that out-migration is perhaps the most substantial effect of the state's lack of LGBT inclusive policies. Approximately one-fifth of the testimony the Department heard alluded to people leaving the state for reasons related to discrimination.

Professionals and college students, including students who identified as heterosexual, said that they planned to leave the state because they do not feel that Michigan values all of its citizens. Several people used the phrase "compelled to leave" and stated that they would not stay unless the state became a "community for all people."

The fourth section is a response to some of what was offered in testimonials provided at the public forums. This section is not a comprehensive response to those who oppose LGBT inclusive laws. Neither is this report intended to support or refute anyone's views about homosexuality. The purpose of this project, this report is to add analytical and anecdotal evidence to the public policy debate about whether Michigan should adopt more inclusive legislation by asking whether the decision has economic implications.

All available evidence shows that discrimination based on sexual orientation or gender identity/expression, (1) exists and is significant, (2) is protected in other states, but not in Michigan, which (3) has direct negative economic effects on Michigan. Thus, there is an economic effect to LGBT inclusion that needs to be part of the public policy discussion as Michigan's policy makers address related legislation. We hope the body of this report helps form the basis for that discussion.

Lastly, at the conclusion of this report, the reader will find recommendations for the future. Although much of what can be done necessarily falls to the legislature, there are a few steps that can be taken by the Commission and the Department that would improve the situation for LGBT persons in Michigan.

This executive summary provides only a brief synopsis of the project. We encourage readers to refer to the full report for greater detail.



Non-Discrimination Ordinance Template

[THIS DOCUMENT WAS PREPARED BY THE MICHIGAN CIVIL RIGHTS COMMISSION AND IS INTENDED AS A TEMPLATE THAT MAY, IN THEIR OWN JUDGMENT, BE USED BY LOCAL GOVERNMENT BODIES SEEKING TO ADOPT A COMPREHENSIVE NON-DISCRIMINATION ORDINANCE IMPACTING ALL PERSONS LIVING, VISITING, AND WORKING IN THEIR JURISDICTION. IT IS A GUIDE AND IT IS ANTICIPATED THAT EACH SUCH BODY WILL ADOPT OR AMEND THE TEMPLATE'S LANGUAGE AS APPROPRIATE TO FIT THE JURISDICTION'S SPECIFIC NEEDS, INTENT AND FORMATTING.]

Purpose

It is the policy of the (*City*¹) to exercise its police power in order to ensure public safety, public health, and a person's general welfare. It is the intent of the (*City*) that no individual be denied equal protection of the laws, nor shall an individual be denied the enjoyment of his or her civil rights or be discriminated against because of age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight.

Definitions

As used in this Chapter, the following words and phrases have the following meanings:

Discrimination or discriminate shall mean without limitation, any act which, because of age, color, disability, education, familial status, gender expression², 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 affect the benefit or enjoyment of any person, of employment, ownership, or occupancy of real property, or public accommodations and public services.

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

¹ (*City*) is used for the purposes of the template, but Township, County or other entity should be substituted as appropriate.

² There are cases holding that "gender expression" is included, and thus protected, by the inclusion of "gender." If this line of cases is sufficiently accepted it may eliminate the legal necessity of adding gender expression. It is none the less included in this template because, it is not entirely clear whether all gender expression will be seen as included, and because the goal of this legislation is not to catch people discriminating, but to provide them with clear and sufficient notice as to prevent it.

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

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

Prohibition

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 age, color, disability, education, familial status, gender expression, gender identity, height, marital status, national origin, race, religion, sex, sexual orientation, or weight. To the extent that this ordinance confers benefits on any classes protected from discrimination under this ordinance, it shall not be construed to be preempted by state or federal statute.

Exceptions³

This ordinance shall not apply:

- 1) 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.
- 2) 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.
- 3) to 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.
- 4) to the rental of housing accommodations for not more than (*Number*)⁴ months by the owner or lessor where it was occupied by him/her and maintained as his/her home for at

³ Common acceptations are provided in this template, though the decision to include any or all of them is at the discretion of the enacting body.

⁴ (*Number*) is used for the purposes of this template. This provision is added to some ordinances in order to create an exception that applies when an owner is temporarily renting a home while on a vacation, sabbatical or work assignment for a period of up to 12 months.

least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

- 5) with respect to age only, to 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.
- 6) with respect to gender only, to a private educational institution which now or hereafter provides an education to only persons of one gender.
- 7) A governmental exemption 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.

Complaint Procedures

- 1) If any individual has a grievance alleging a violation of this chapter, he/she has 180 calendar days from the date of the individual's knowledge of the allegedly discriminatory action or 180 calendar days from the date when the individual should have known of the alleged discriminatory action to file a complaint with the *(City)'s Human Rights Commission (HRC)*⁵. If an individual fails to file a complaint alleging a violation of this chapter within the specified time frame, the complaint will not be considered by the *(HRC)*.
- 2) The complaint should be made in writing to the *(HRC)*. The complaint may be filed in person, by email, or by mail. The complaint must contain information about the alleged discrimination, such as name, address, phone number of the complainant and location, date and description of the alleged violation of this chapter.
- 3) Upon receipt, the *(HRC)* will review the complaint, provide a copy of the complaint to the *(City) Attorney's Office*, communicate with the complainant, and take appropriate action with respect to the matter, including, but not limited to:
 - A) Referring the complainant to other local, state or federal entities for investigation and remedy.
 - B) Informally mediating the matter between the involved parties.
 - C) Referring the complaint to the *(City) Attorney* for further investigation and action pursuant to this chapter.
 - D) Dismissing the complaint, after review with the *(City) Attorney*, if the allegations do not constitute a violation of this chapter.
 - E) The *(HRC)* will take action on the complaint within 90 days of receipt of the complaint. If additional time is necessary, the *(HRC)* will notify the complainant of the need for additional time. All communications with the complainant regarding

⁵ *(HRC)* is used for the purposes of this template. This body may be known by a different name, (e.g. Civil Rights Agency, Equal Opportunity Office), or this authority could be given to another entity all together, (e.g. a city attorney directly) and the correct body title should be substituted.

actions taken or additional time necessary will be in writing, with a copy to the (City) Attorney.

- F) The (City) Attorney will notify the (HRC) in writing of actions taken by the (City) Attorney's Office on complaints referred to that office by the HRC.
- G) All complaints received by the (HRC) and responses from the (HRC) will be retained by the (City) of _____ for at least 3 years.
- H) The (HRC) will provide an annual report to (City) Council regarding the complaints received and actions taken.
- I) No individual shall provide false information to any authorized individual investigating a complaint regarding a violation of this chapter.
- J) For an investigation, the (City) Attorney may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this chapter. If said person does not comply with such request, the (City) Attorney may apply to the (City)'s County Circuit Court for an order requiring production of said materials.

Prosecution

Prosecution for violation of this chapter may be initiated by the (City) Attorney on behalf of the affected individual on the basis of an investigation initiated by a complaint to (HRC) and may act based on evidence gathered by or findings of the (HRC).⁶

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 \$500.00⁷, 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.

Private Civil Action

- 1) 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 chapter.

⁶ The actual process adopted by various jurisdictions will vary significantly, but must include the receipt of a complaint, the impartial investigation of the complaint, a decision based upon the investigation that there is legally sufficient evidence to proceed, and an adversarial hearing on the matter where the evidence is presented and a decision rendered.

⁷ The amount of \$500 is often used, but is subject to the discretion of the enacting jurisdiction.

- 2) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.
- 3) Private actions and remedies under this section shall be in addition to any actions for violations which the (*City*) may take

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.

Cities with Legal Protection

[Home](#) › [Resources](#) › Cities with Legal Protection

We want to ensure that nobody in our state is fired from their job, evicted from their home, or denied a public accomodation just because they are gay or transgender. Equality Michigan advocates for cities to protect their residents by including sexual orientation, gender identity, and gender expression in their non-discrimination policies.

As of October 2015, Fourty Michigan cities protect against discrimination based on at least one of the aforementioned traits:

Adrian's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Albion 's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Ann Arbor's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Battle Creek's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Birmingham's non-discrimination ordinance protects sexual orientation in housing.

Canton Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Dearborn Heights's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Delhi Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Delta Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Detroit's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Village of Douglas's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

East Grand Rapid's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

East Lansing's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Farmington Hill's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Fenton's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Ferndale's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Flint's non-discrimination ordinance protects sexual orientation in both housing and public accommodations.

Grand Ledge's non-discrimination ordinance protects sexual orientation in both housing and employment.

Grand Rapids's non-discrimination ordinance covers sexual orientation, gender identity and gender expression in both housing and employment.

Huntington Woods's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Kalamazoo's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Kalamazoo Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Lansing's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Lathrup Village's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Linden's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Meridian Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in housing.

Mt. Pleasant's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Muskegon's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Oshtemo Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Pleasant Ridge's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Royal Oak's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Saginaw's non-discrimination ordinance protects sexual orientation in housing.

Saugatuck's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Saugatuck Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Southfield's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Traverse City's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment

Trenton's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment.

Union Township's non-discrimination ordinance protects sexual orientation, gender identity and gender expression in both housing and employment

Wayland's non-discrimination ordinance protects sexual orientation and gender identity in both housing and employment

Ypsilanti's non-discrimination ordinance protects sexual orientation and gender identity in both housing and employment.

CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: 30 DAYS FOLLOWING
PUBLICATION AFTER ADOPTION

An ordinance to protect the health, safety and general welfare of the citizens of the Charter Township of Kalamazoo through the prohibition of discrimination; and to provide for civil sanctions and civil remedies for violation of this ordinance.

THE CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

This ordinance shall be known and may be cited as the "Charter Township of Kalamazoo Non-Discrimination Ordinance".

SECTION II
DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

- A. *Age*. Chronological age.
- B. *Contractor*. A person who by contract furnishes services, materials or supplies. "Contractor" does not include persons who are merely creditors or debtors of the Township, such as those holding the Township's notes or bonds or persons whose notes, bonds or stock is held by the Township.
- C. *Discriminate*. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, sex, age, religion, national origin, height, weight, marital status, familial status, citizenship, physical or mental disability, gender identity, sexual orientation, or genetic information, of another person.
 - 1. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(a) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations, or housing.

(b) Submission to rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.

2. Discrimination based on actual or perceived physical or mental limitation includes discrimination because of the use by an individual of adaptive devices or aids.

D. *Educational institution.* A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

E. *Employee.* An individual who is hired for a wage, salary, fee, payment or other remuneration to perform work for an employer.

F. *Employer.* Any person employing one (1) or more persons.

G. *Employment Agency.* A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

H. *Familial Status.* The status of being in a family.

I. *Family.* This term shall mean a "traditional family" or "functional family" as defined below:

1. Traditional family – an individual or group of two or more persons related by blood, marriage or adoption, together with foster children, who are domiciled together as a single domestic housekeeping unit in a dwelling.

2. Functional family – a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit.

A “functional family” shall not include any of the following:

- (a) Any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
 - (b) Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinate period of time.
- J. *Gender identity.* An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity or behavior is different from that which is traditionally associated with the individual's designated gender at birth.
- K. *Genetic Information:* information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members.
- L. *Housing Facility.* Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.
- M. *Labor Organization.* An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.
-
- N. *Marital Status.* The state of being married, never married, divorced, or widowed.
- O. *Perceived.* Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.
- P. *Person.* An individual, agent, association, corporation, labor organization, legal representative, partnership, receiver, trust or any other legal or commercial entity.
- Q. *Physical or Mental Disability.* A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. “Physical or Mental Disability” does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

- R. *Place of Public Accommodation.* An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, or financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
 - S. *Private club.* An establishment that is not open to the public. A private club is one whose members' association with each other and the club is sufficiently intimate, small and exclusive that it is not open to the public.
 - T. *Religious organization.* A religious corporation, association, educational institution or society whose purpose or character is directed toward the propagation of a particular religion, the inculcation of religious values or the provision of charity; primarily employs persons who share its religious tenets; and primarily serves persons who share its religious tenets or, on a charitable basis, the broader community. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship; any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenets in students; and faith-based organizations that provide charitable services to the public.
 - U. *Sexual Orientation.* Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.
 - V. *Township Supervisor:* The Township Supervisor, or his or her designee.
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SECTION III
DISCRIMINATORY HOUSING PRACTICES

Except as otherwise provided in this ordinance:

- A. A person shall not discriminate in leasing, selling, or otherwise making available any housing accommodation.
- B. A person shall not discriminate in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with any housing accommodation.
- C. A person shall not discriminate in providing financing for the purchase, repair, or remodeling of any housing accommodations.
- D. A person shall not discriminate in making referrals, listings or otherwise providing information regarding housing accommodations.

SECTION IV
DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES

Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.

SECTION V
DISCRIMINATORY EMPLOYMENT PRACTICES

Except as otherwise provided in this ordinance:

- A. No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- B. No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- C. No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

SECTION VI
OTHER PROHIBITED PRACTICES

- A. No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- B. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- C. No agent, broker, labor organization, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this ordinance shall be made to the applicable licensing or regulatory agency for such person or business.
- D. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- E. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this ordinance.

SECTION VII
EXCEPTIONS

The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. However, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

Nothing in this ordinance permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct.

Nothing in this ordinance shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities.

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

- A. For a religious organization to restrict employment opportunities, educational facilities, or occupancy of housing facilities that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization or the denomination to which it belongs.

- ~~B. For the owner of a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.~~
- C. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- D. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable state and federal law.
- E. To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- F. To refuse to enter into a contract with an unemancipated minor.

- G. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
 - H. To refuse to admit persons under eighteen (18) years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
 - I. For an educational institution to limit the use of its facilities to those affiliated with such institution.
 - J. To provide discounts on products or services to students, or on the basis of age.
 - K. To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
 - L. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
 - M. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age, sex, height, or weight.
 - N. To restrict membership in a private club.
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- O. To the employment of an individual by one's family.
 - P. To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a one-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
 - Q. For an employer offering health or pension plans to provide for marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations. Further, nothing in this ordinance shall be construed or interpreted to either require, or prohibit, a private employer from offering employment benefits to the same-sex partner of an employee.
 - R. For the Township to allow use of its facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse

policies or practices inconsistent with the general intent of this ordinance. Further, this ordinance shall not prohibit the Township from allowing use of its facilities or services by persons not generally affiliated with or supported by a particular religious organization, but who may espouse policies or practices inconsistent with the general intent of this ordinance.

SECTION VIII
INFORMATION AND INVESTIGATION

- A. Any person claiming to be discriminated against in a manner prohibited by this ordinance may, within 180 days of the alleged violation, file a signed, written complaint with the Township Supervisor, specifying in detail the names, dates, known witnesses and other pertinent facts relevant to the alleged violation.
- B. For any complaint alleging a violation of state or federal law, the Township Supervisor shall refer the complainant to the appropriate state or federal agency responsible for investigation and enforcement of such alleged violation. For any other complaint, the Township Supervisor shall undertake an investigation of the alleged violation.
 - 1. No person shall provide false information to any Township official or employee investigating a complaint regarding a violation of this ordinance.
 - 2. In the course of the investigation, a person may be requested to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the Township Supervisor may apply for a judicial order requiring production of said materials.
- C. After the completion of an investigation, the Township Supervisor shall give written notice of the result 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 ordinance occurred, the Township Supervisor shall, in his or her sole discretion, attempt to resolve the matter by conciliation and/or refer the complaint to the Township Police Department and/or the Township Attorney for prosecution.
- D. In cases involving alleged violations of this ordinance, the Township Supervisor may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such a conciliation agreement shall be a violation of this ordinance.

SECTION IX
SANCTIONS

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum</u> <u>Fine</u>	<u>Maximum</u> <u>Fine</u>
1st Offense within 3-year period*	\$75.00	\$500.00
2nd Offense within 3-year period*	\$150.00	\$500.00
3rd Offense within 3-year period*	\$325.00	\$500.00
4th or More Offense within 3-year period*	\$500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Kalamazoo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Charter Township of Kalamazoo shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

SECTION X
SEVERABILITY

Should any part of this ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion of this ordinance.

SECTION XI
EFFECTIVE DATE

This ordinance shall take effect 30 days following publication following adoption.

KALAMAZOO CHARTER TOWNSHIP
Donald Z. Thall, Township Clerk
1720 Riverview Drive
Kalamazoo, MI 49004
269-381-8080