

AN ORDINANCE TO AMEND TITLE IX OF THE CODE OF THE CITY OF GRAND RAPIDS BY ADOPTING CHAPTER 175, ARTICLES 1-5, SECTIONS 9.935-9.953 ENTITLED "HUMAN RIGHTS."

ORDINANCE NO. 2019-_____

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Title IX of the Code of the City of Grand Rapids be amended by adopting Chapter 175, Articles 1-5, Sections 9.935-9.953 entitled "Human Rights."

TITLE IX – POLICE REGULATIONS

"CHAPTER 175 – HUMAN RIGHTS

ARTICLE 1 - GENERAL PROVISIONS

Sec. 9.935 - Statement of Public Policy

It is hereby declared to be contrary to the public policy of the City of Grand Rapids (City) for any person to deny any individual the enjoyment of civil rights, or for any person to discriminate against any individual in the exercise of civil rights because of actual or perceived color, race, religion or creed, sex, gender identity or expression, sexual orientation, national origin, genotype, age, marital status, familial status, medical condition, disability, height, weight, or source of lawful income (cumulatively known as protected classes).

Sec. 9.936 – Definitions

As used in this Ordinance, the following words and phrases shall mean:

1. Age: the length of time in years that an individual has lived
2. Agent: any person acting on behalf of an employment, housing, public accommodation, or public services entity
3. Bias: A tendency, opinion, or inclination that is preconceived, unreasoned or based on protected class status including, but not limited to, prejudice in favor of or against one person, or group compared with another, usually in a way considered to be unfair or based on stereotypes.
4. Bona Fide Occupational Qualification: a condition, characteristic, or factor which informs decisions and conduct with respect to a protected class in the area of employment when there are no less discriminatory means, but which is lawful, reasonable, necessary, and narrowly tailored to the safe, efficient, and standard operation of the employer, as further described in Sec. 9.939 below
5. City: the City of Grand Rapids, Michigan
6. Color: pigmentation of the skin
7. Complainant: a person aggrieved by a violation of a provision of this Ordinance who files a complaint with the Office of Diversity and Inclusion (ODI).

8. Conviction Record: the history of all criminal convictions of an individual in any jurisdiction, including time served in prison, jail, juvenile detention, probation, rehabilitation or diversionary programs, or placement on a sex offender registry
9. Creed: a system of beliefs, principles, or opinions that guides an individual's actions
10. Disability: a physical or mental characteristic of an individual which may result from disease, injury, congenital condition, or functional disorder, if the characteristic:
 - a. for purposes of employment, substantially limits one or more of the major life activities of an individual but is unrelated to that individual's qualifications for employment or ability to perform the duties of a particular job or position; or
 - b. for purposes of public accommodation, is unrelated to an individual's ability to use and benefit from a place of public accommodation or public service; or
 - c. for purposes of housing, substantially limits one or more of an individual's major life activities but is unrelated to that individual's ability to acquire, rent or maintain property

For the purposes of this Ordinance, disability shall include, but not be limited to, the use of adaptive aids, devices, or guides, but shall not include temporary impairments associated with drug or alcohol consumption
11. Discrimination: to make or refrain from making a decision, selectively furnish or withhold access, or act or threaten to act in an adverse way in the areas of employment, housing, public accommodation, public services, or other benefit, based in whole or in part on the actual or perceived status of an individual as a member of a protected class. Discrimination includes:
 - a. The use of facially neutral practices that have an adverse impact on members of a protected class
 - b. Harassment directed at a protected class; harassment does not need to be both severe and pervasive
 - c. Any act which results in unequal treatment or segregation of an individual
12. Employee: an individual performing lawful work for another person who does not share familial status with that person, in exchange for monetary compensation
13. Employer: any person compensating one or more individuals for the performance of work in a lawful business or enterprise
14. Equal: subject alike to all requirements, qualifications, conditions, and considerations that are not prohibited grounds of discrimination
15. Familial Status: an individual's position within the network of that individual's biological and legal relations within three degrees of consanguinity, or through marriage, adoption or other legal custodial relationship
16. Gender Identity or Expression: an individual's actual or perceived sex including identity, self-image, appearance, expression, or behavior, whether or not that identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the individual's biological sex assigned at birth
17. Genotype: the genetic constitution of an individual
18. Harassment: conduct or communication directed at another individual intentionally for the purpose or effect of creating an intimidating, hostile, or

offensive environment with regard to employment, public accommodation, public services, or housing

19. Height: length of an individual's body as measured in feet and inches
20. Housing: any real property, building, structure, or portion thereof which is used or occupied, or is intended to be used or occupied, as the home or residence of one or more individuals. This includes, but is not limited to, a house, apartment, condominium unit, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home, or nursing home
21. Marital Status: the state of being married, remarried, never married, divorced, or widowed
22. Medical Condition: all past or present physical or mental health diagnoses, treatments, and procedures an individual has received, associated symptoms and risk factors, and effects of such diagnoses, treatments, and procedures
23. National Origin: an individual's nation of origin, or the physical, cultural, or linguistic characteristics associated with that nation or a part thereof
24. Office of Diversity and Inclusion (ODI): the department of the City responsible for promoting diversity and ensuring compliance with civil rights laws
25. Perceived: the perception of a person who acts, but not necessarily the perception of an individual for or against whom the action is taken
26. Person: an individual, association, partnership, agency, organization, or corporation, public or private, including all employees thereof. The term, when applied to partnerships, associations, and corporations, includes members and officers
27. Protected Class: any group or status identified in Sec. 9.935
28. Public Accommodation: a facility, including a governmental entity or business, offering or furnishing goods, services, places, privileges, or advantages to the general public for purchase, consumption, use, or acquisition, including, but not limited to, hotels, motels, housing, restaurants, taverns, concert and entertainment venues, retail and service enterprises, public services, and certain educational institutions. Public services include those goods or services provided by the City in the public interest to the people living within its jurisdiction, either directly or under contract.
29. Race: the perceived status of human beings as belonging to distinct groups based on inherited characteristics primarily identified by skin color, and which is a social construct unsupported by the science of genetics
30. Religion: a particular system of faith and worship
31. Retaliation: Adverse action taken against the person who filed a complaint or participated in a complaint investigation under the Human Rights Ordinance
32. Sex: the biological designation of male or female assigned at birth. For gender, see 16. above.
33. Sexual Harassment: a type of discrimination including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 - a. Submission to such conduct or communication by an individual is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodation, public services, or housing

- b. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodation, public services, or housing
 - c. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodation, public services, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, public services, or housing environment
34. Sexual Orientation: an individual's sexual and/or romantic identity in relation to the gender(s) to which the individual is attracted, or the absence of such sexual and/or romantic identity
35. Source of Lawful Income: any legal source from which an individual obtains money
36. Weight: the body mass of an individual measured in pounds

ARTICLE 2 - PROHIBITED DISCRIMINATORY PRACTICES

Sec. 9.937 – In General

1. No person shall adopt, enforce, or employ any policy, requirement, qualification, practice, or factor which has the effect of creating unequal treatment or opportunities relating to housing, employment, public accommodations or public services on the basis of actual or perceived membership in a protected class as defined under Sec. 9.935 of this Ordinance, except as exempted under Sec. 9.944 of this Ordinance.
2. The prohibitions against discrimination as provided for in this Ordinance shall not be deemed preempted by state or federal law, but are intended to supplement such law.
3. This Ordinance shall be construed and applied in a manner consistent with the First and 14th Amendments of the U.S. Constitution and Art. I, §2 of the Constitution of Michigan regarding freedom of speech and free exercise of religion.

Sec. 9.938 - Discriminatory Housing Practices

1. The opportunity to purchase, lease, rent, sell, use, convey, and finance housing without discrimination on the basis of actual or perceived membership in a protected class as identified in Sec. 9.935 of this Ordinance is hereby recognized and declared to be a civil right.
2. The provisions of Chapter 160 of the City Code shall apply to discriminatory housing practices, including but not limited to those provisions governing discriminatory housing and financial practices, exceptions, blockbusting, and violations.
3. In addition to the exemptions contained in Chapter 160 of the City Code, the following considerations may result in exceptions to discriminatory housing practices:

- a. Safety. Any decision based upon the reasonable and well-substantiated belief that an individual's physical or mental health poses a serious threat to the health, safety, and welfare of the individual, other residents, or other persons
- b. Conviction Record. History of criminal conviction may be considered in housing decisions, although arrest with no conviction may not be considered. An outright ban on prospective tenants with a criminal background is prohibited. Landlords must carefully consider, on a case-by-case basis, the nature and severity of the crime, the age of the individual at the time of the crime, whether there have been repeat offenses, whether the individual maintained a good tenant history before or after the conviction, evidence of rehabilitation efforts, and whether the crime for which the individual was convicted may pose a demonstrable risk to the health, safety or welfare of other residents or persons (which would include manufacturing or distributing illegal drugs) or to property.
- c. Competence. Any decision which is based upon the reasonable and well-substantiated belief that an individual is incapable of satisfactorily fulfilling reasonable responsibilities associated with the housing arrangement
- d. The following are not legitimate exceptions:
 - i. The anticipated or actual objections of other residents, neighbors, or persons
 - ii. Mere inconvenience, less than an undue hardship, to a housing agent in procuring or providing reasonable aid to a member of a protected class to accommodate that individual's needs

Sec. 9.939 - Discriminatory Employment Practices

1. The opportunity to obtain employment and advancement opportunities without discrimination on the basis of actual or perceived membership in a protected class as identified in Sec. 9.935 of this Ordinance is hereby recognized and declared to be a civil right. No person shall discriminate against a current or prospective employee with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, unless such act is based on a bona fide occupational qualification.
2. The City as an employer shall also be bound by the provisions of Sec. 1.150 of the City Code.
3. Bona fide occupational qualifications shall include:
 - a. Safety. Any decision based upon the reasonable and well-substantiated belief that an individual's physical or mental health poses a serious threat to the health, safety, and welfare of the individual or other employees or customers
 - b. Conviction Record. History of criminal conviction may be considered in employment decisions, although arrest with no conviction may not be considered. An outright ban on prospective employees with a criminal background is prohibited. Employers must carefully consider, on a case-by-case basis, the nature and severity of the crime, the age of the individual at the time of the crime, whether there have been repeat offenses, whether the individual maintained a good employment history before or after the

- conviction, evidence of rehabilitation efforts, and whether the crime for which the individual was convicted may pose a demonstrable risk to the health, safety or welfare of other employees or persons or to property.
- c. Competence. Any decision which is based upon the reasonable and well-substantiated belief that an individual has not met certain educational or licensing requirements, or is otherwise incapable of satisfactorily performing necessary duties or fulfilling reasonable responsibilities associated with a particular occupation
 - d. Undue hardship. A qualification is bona fide if and only if the particular needs of the protected individual affected by it cannot be reasonably accommodated without undue hardship, or without unreasonably expanding health and safety risks. Mere inconvenience to the accommodating party is not grounds for discrimination. Whether the cost of a reasonable accommodation imposes an undue hardship depends on the employer's resources, not on the individual's salary, position, or status.
 - e. The following are not bona fide occupational qualifications:
 - i. Mere inconvenience, less than an undue hardship, to an employment agent in procuring or providing aid to a member of a protected class to accommodate that individual's needs
 - ii. The anticipated or actual objections of other employees, co-workers, customers, or other persons unrelated to an individual's competence as an employee
 - iii. A qualification which has insignificant or incidental bearing on, or which is otherwise not necessary to, the efficient operations of the employer

Sec. 9.940 - Discriminatory Public Accommodation and Public Services Practices

1. The opportunity to enjoy full and equal access to all public accommodations and public services without discrimination on the basis of actual or perceived membership in a protected class as identified in Sec. 9.935 of this Ordinance is hereby recognized and declared to be a civil right. No person shall discriminate in making available full and equal access to all goods, services, activities, and privileges of any place of public accommodation. Public services shall include those provided in the public interest by the City to the people living within its jurisdiction, either directly or by contract.
2. Exceptions:
 - a. Public accommodations must be made accessible to individuals with disabilities in compliance with the Americans with Disabilities Act (ADA), unless to do so would not be readily achievable due to cost, size and operation of the facility, and other factors
 - b. An individual who displays offensive behavior, engages in disorderly conduct, or otherwise represents a clear threat to public health, safety, and welfare may be removed from, or prevented from entering, a public accommodation
 - c. Based upon cost, need, availability, subscription, qualification under federal, state, or local laws, rules, or regulations, or other non-discriminatory factors, public services may not be available to all persons living within the city

Sec. 9.941 - Nondiscrimination by City Contractors

1. All contractors proposing to do business with the City shall satisfy Section 1.517 of City Code, this Ordinance, and any policies based thereon as adopted by the City.
2. A contractor shall, as a condition of being deemed a responsible bidder, at the time of its submission to the City in responding to an invitation to bid or request for proposal, certify in writing that it is in compliance with the provisions of Sec. 1.517, this Ordinance, and any applicable policies.
3. Each City contract shall provide that a breach of the obligation not to discriminate shall be considered a material breach of the contract.

Sec. 9.942 – Biased Crime Reporting

1. No person shall knowingly or recklessly report to a City of Grand Rapids police officer, City of Grand Rapids dispatcher, or other City of Grand Rapids personnel that an individual who is an actual or perceived member of a protected class as identified in Sec. 9.935 of this Ordinance has committed, or may or will commit, a crime, if such report is based in whole or in part on the individual's membership in a protected class and not on a reasonable suspicion of criminal activity in consideration of all available facts and the totality of the circumstances.
2. This Section is enacted for the purpose of ensuring the public health, safety, and welfare of persons within the city. Any person in violation of this Section may also be subject to penalty under Grand Rapids City Code 9.135(6) False Information or Michigan Penal Code 750.411(a) False Report of a Crime.

Sec. 9.943 - Other Prohibited Practices

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

ARTICLE 3 – EXEMPTIONS

Sec. 9.944 – Exempted Practices

The following practices shall not be violations of this Ordinance:

1. Restriction by a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or giving preference to such persons, unless membership in such religion is discriminatory on the basis of actual or perceived membership in a protected class as identified in Sec. 9.935 of this Ordinance; restriction of employment opportunities to officers, religious instructors, and clergy of the denomination, or; limited admission or preference based on religion in an educational institution controlled by the religious organization, association, society, or affiliated nonprofit.
2. Restriction by a private club or other establishment not open to the public, except to the extent that the goods, services, facilities, resources, privileges, advantages, or accommodations of the private club or establishment are made available to customers or patrons of another establishment that is a place of public accommodation, or the private club or establishment is licensed under the Michigan Liquor Control Act.
3. Restriction, by the owner of an owner-occupied one-family or two-family dwelling, a housing facility, or public accommodation devoted entirely to the housing or accommodation of individuals of one sex, to occupancy and use on the basis of sex.
4. Restriction of occupancy in a housing project, provision of public accommodations or services, or employment privileges or assistance to individuals who are of low income, over 40 years of age, or disabled, in circumstances in which such limitations are appropriately designated and in compliance with federal, state, or local law, rules, or regulations.
5. Discrimination based on an individual's age when such discrimination is required by state, federal, or local laws, rules, or regulations.
6. Restrictions on the sharing of a dwelling unit by an individual sharing said unit.
7. Housing exemptions as provided in Chapter 160 of the City Code.
8. Refusal to enter into a contract with an unemancipated minor.
9. Refusal to admit to a place of public accommodation serving alcoholic beverages an individual under the legal age for purchasing alcoholic beverages.
10. Refusal to admit individuals under 18 years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
11. Restrictions on use of facilities or resources by a private educational institution which provides education only to individuals of a particular sex.
12. Restriction on use of an educational institution's facilities and resources to those affiliated with such institution.

13. Restrictions on participation in instructional programs, athletic events, or on athletic teams on the basis of age, sex, height, or weight consistent with applicable federal, state, or local laws, rules, or regulations.
14. Provision of discounts on products or services to students, minors, and older persons.
15. Restrictions by the City of Grand Rapids on use of any of its facilities, or on its employment opportunities, based on duly-adopted institutional policies which conform to local, state, or federal laws, rules, or regulations.

Affirmative action provisions related to, preferential treatment of, or benefits conferred on, any of the protected classes identified in Sec. 9.935 of this Ordinance are permissible to the extent allowed by law.

ARTICLE 4 – COMMUNITY RELATIONS COMMISSION

Sec. 9.945 – Creation; Membership

1. A Community Relations Commission (CRC) is established to work with the Office of Diversity and Inclusion (ODI), City Manager and City Commission to support and promote this Ordinance and strengthen the relationship between the community and the City of Grand Rapids.
2. The CRC shall consist of thirteen (13) members to be appointed for a term of three (3) years by the Mayor with the approval of the City Commission. CRC members shall be selected, to the extent possible, to be representative of the community at large.
3. A member may serve a maximum of two (2) consecutive terms. A member may be reappointed to the CRC three (3) years after the expiration of that member's last term.
4. Three members shall be appointed each year for terms commencing on the first Tuesday in January.
5. In the event of resignation, removal, or death of a member, that member's successor shall be appointed by the Mayor with the approval of the City Commission to serve for the unexpired term of the departed member.
6. The CRC shall meet not less than once per month. A quorum of its members, that being a majority of members appointed to the CRC, shall adopt such rules as deemed necessary for the conduct of business.
7. The CRC shall elect a chairperson and such other officers as it deems necessary.
8. The chairperson shall appoint such subcommittees as necessary, including but not limited to ad hoc subcommittees to address issues brought by the ODI, the City Manager, and/or the City Commission.
9. CRC members shall serve without compensation, but shall be reimbursed for pre-approved expenses necessarily incurred in connection with their duties as members of the CRC.
10. The City shall provide staff support to the CRC through the ODI, or as otherwise directed by the City Manager.

Sec. 9.946 - Duties

The duties of the CRC shall be to:

1. Foster mutual understanding and respect among all people in the City, and discourage and prevent discriminatory practices toward any protected class described in Sec. 9.935 of this Ordinance.
2. Upon its own initiative or at the request of the ODI, the City Manager, or the City Commission, identify issues relative to community tensions, discriminatory practices, or acts of prejudice against any protected class described in Sec. 9.935 of this Ordinance for review or possible investigation by the City.
3. Conduct research projects and obtain data to ascertain the status and treatment of any protected class described in Sec. 9.935 of this Ordinance, and make reports and recommendations to the ODI. If applicable, findings and research will be forwarded from ODI to the City Manager for review and/or further action.
4. Develop, or cooperate with other governmental or private entities to develop, programs and courses of community education for presentation in schools, public libraries, public museums, or other suitable venues, or develop presentations illustrating the contributions of protected classes to the culture, tradition, and progress of the City and society at large and demonstrating the deleterious effects of prejudice, intolerance, and discrimination.
5. Issue publications or reports that in its judgment will tend to minimize or eliminate prejudice, intolerance, and discrimination in the City.
6. Advise the ODI on opportunities of alignment for the City's Strategic Plan efforts and when applicable, assist ODI with those opportunities and efforts.
7. Cooperate with federal, state, and local agencies and departments as requested by the ODI to assist in addressing and resolving issues of discrimination.
8. Recommend to the ODI, City Manager and City Commission measures to enhance harmonious and equitable relations among City residents and institutions, support and fortify the efforts of City departments and agencies to protect those described in Sec. 9.935 of this Ordinance, and advise and consult as necessary on civil rights and the violation thereof.

ARTICLE 5 - COMPLAINT PROCEDURES, INVESTIGATION, LEGAL CONSEQUENCES, PENALTIES

Sec. 9.947 - Complaint Procedures and Investigation

1. A complaint may be filed with the ODI by any individual (the complainant) who has experienced or been witness to discrimination within the city as described in this Ordinance. The complaint must be filed in person, by mail, or via the ODI's online complaint reporting site within 180 calendar days of the date upon which the complainant knew or should have known of the alleged discriminatory act. If an individual fails to file a complaint within the specified time frame, the complaint will not be considered.

2. A complaint shall indicate, at a minimum, all parties involved, the contact information of the complainant, a description of the discriminatory conduct, the date(s) and location(s) of its occurrence, and the protected class or classes, defined in Sec. 9.935 of this Ordinance, which were discriminated against. The complaint will not be processed without this information.
3. The ODI, with the assistance of the City Attorney's Office, shall review the complaint to determine relevance under this Ordinance. Upon completion of the review, the ODI shall address the complaint through one or more of the following actions:
 - a. Referral of the complainant to an appropriate local, state or federal entity for further investigation and action. Complaints which are covered by local, state or federal law will be referred to the appropriate local, state or federal agency for full investigation.
 - i. The ODI and the City Attorney's Office will determine the most appropriate federal or state investigative agency to address the issue brought forward and make a referral to that agency.
 1. The complainant will receive written notification of the referral of the complaint to the external agency.
 2. The complaint will then follow the process established by the investigative agency referred to.
 3. The ODI will document all referrals that are made including but not limited to information regarding location of complainant, type of complaint, agency referral.
 - b. Conduct a complaint investigation in conjunction with the City Attorney's Office. This investigation may also include or be led by additional trained City personnel when needed.
 - i. ODI and/or another designated City investigator and the City Attorney's Office will conduct an investigation of the complaint filed utilizing appropriate investigatory methods.
 - ii. The City investigator (ODI or other designated City personnel) and the City Attorney's Office will make a determination regarding whether the complaint violates the Human Rights Ordinance and communicate that determination to the complainant in writing.
 - iii. The City investigator and City Attorney's Office will document all complaints investigated including but not limited to complaint disposition, location of complaint, and type of complaint.
 - c. Arrangement of mediation between the involved parties, upon their agreement, to seek a resolution without legal action. If an agreement is reached, a record of the agreement shall be prepared by the City Attorney's Office and signed by all parties. A violation of the agreement shall be considered a violation of this Ordinance.
 - d. Dismissal of the complaint if the allegations do not constitute a violation of this Ordinance.
4. Action on the complaint shall be taken in accordance with this Chapter within 90 days of receipt, and the parties shall be notified if additional time is needed.

5. The ODI shall provide written notice to the parties of the reasons for any action taken, and upon request, provide the parties with any evidence used in reaching its decision.
6. The City Attorney's Office and/or City investigator may share non-confidential data with the CRC.
7. In the course of its investigation, the City Attorney's Office may request a person to produce books, papers, records, or other documents which may be relevant to an alleged violation. If said person does not comply with the request, the City Attorney's Office may apply to the 17th Circuit Court for an order requiring production of the materials.
8. No individual shall knowingly file a false complaint or provide false information in the investigation of a complaint. All complaints received by, and responses from, the ODI shall be retained by the City of Grand Rapids in accordance with its retention policy.
9. The ODI shall provide an annual report to the City Manager, City Commission and the CRC providing a statistical and aggregate reporting of the data regarding:
 - a. Type of Complaint;
 - b. Length of investigation and/or review;
 - c. Disposition of Complaint (ie: referred, investigated, mediated, sustained, etc.)To the extent legally possible, complaint information will be kept confidential. No information regarding complaints will be released prior to the final disposition of the complaint.
10. The ODI, with the assistance of the City Attorney's Office, shall develop all other rules of procedure deemed necessary for the reporting, hearing, and resolution of complaints.

Section 9.948 – Citations for Civil Infractions

Following a City investigation, the ODI, upon consultation with the City Attorney's Office, may issue a civil infraction citation for violation of any of the provisions of this Ordinance, including the Bias Crime Reporting provision, Sec. 9.942.

Sec. 9.949 – Injunctions

The City Attorney's Office may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by City Code and this Ordinance, to reverse the effects of such discrimination, or to enforce a mediation agreement.

Sec. 9.950 – Retaliation

No individual shall take adverse action against a person for:

1. filing a complaint under this ordinance;
2. testifying or providing witness or evidence of a violation of this ordinance; or
3. opposing violations of this ordinance.

Incidents of alleged retaliation shall be reported to the ODI and will be investigated under the investigative policy.

Sec. 9.951 – Prosecution and Penalties

1. The City Attorney's Office may prosecute a violation of this Ordinance referred to it by the ODI or any other source.
2. Violation of this Ordinance shall be prosecuted by the City Attorney's Office as a municipal civil infraction pursuant to the provisions of Michigan law.
3. A municipal civil infraction is punishable by a fine of not more than \$500.00 and all other costs, damages, expenses, sanctions and remedies as authorized by Michigan law.
4. Nothing contained in this Ordinance shall be construed to limit in any way the remedies, legal or equitable, available to the City or any person for the prevention or correction of discrimination including, but not limited to false information pursuant to the Grand Rapids City Code 9.135(6) or false report of a crime pursuant to the Michigan Penal Code, MCL 750.411a. Such remedies shall be governed by applicable law.

Sec. 9.952 – Other Action

1. To the extent allowed by law, a person alleging a violation of this Ordinance may bring a civil action for appropriate injunctive relief, damages, or both against the person(s) who acted in violation of this Ordinance.
2. Damages may include those for injury or loss caused by each violation of this Ordinance, including reasonable attorney fees.
3. Private actions and remedies under this Section shall be in addition to any actions for violations which the City Attorney's Office may take.

Sec. 9.953 – Severability

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

Section 2. That this Ordinance shall be effective December 1, 2019.