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Chapter 18 Fair Housing Town Hall Questions and Answers

What is a “blanket policy”?

Blanket policy is a policy in which there is no use of discretion and the decision-maker is not assessing the situation before them (for example, a policy to not rent to any person who has had a felony in the last 20 years). The Chapter 18 proposal would require landlords to make an individual assessment when reviewing people’s backgrounds and credentials. It is very likely that the term “blanket policy” will be defined as part of the most recent revisions.

Does this ordinance require housing providers and landlords to accept vouchers?

The proposal does not require vouchers to be accepted, however tenants could not be denied housing because a part of their income is from housing vouchers.

Are any income threshold requirements being removed as a result of this ordinance?

This proposal does not adjust any income thresholds or standards.

What type of cases will the civil rights board be hearing?

When there is an alleged complaint or violation of the ordinance, an investigation would be conducted by relevant staff with knowledge or expertise related to the specific complaint. A report would be prepared and provided to the Civil Rights Board, which will review the information and make a recommendation to the City Manager on how the matter should be addressed. Resolution of the complaint could be through conciliation between the parties, or it could be through prosecution for repeat violators or severe cases.

If there is a charge against a landlord and the City does begin an investigation, what due process would be available to the housing provider or landlord?

The landlord or property manager would have all due process rights that are required under law.

Will the court system have any involvement in adjudicating violations of this ordinance?

Only if there is a determination that the matter should be prosecuted, in which case the City Attorney would commence action in the 8th District Court.

How will this ordinance help more people get into housing in Kalamazoo?

This proposal is aimed at removing the barriers that people experience when trying to find housing. This ordinance will help to ensure that all residents have fair access to housing and have housing choice.

If this is passed, how will the City monitor landlords?

The City would be responding to complaints that are brought from tenants or housing applicants. This is currently the case with the existing Civil Rights Ordinance.

What actions would be needed by landlords to be compliant with this proposal?

The ordinance would require that tenants be informed that this ordinance exists and that they have rights under this ordinance. How this notice is provided is not currently dictated by the ordinance. Landlords would be required to retain one year of records.

Are there specific effects on fees for applications?

Landlords would not be allowed to charge application fees that exceed the actual cost of obtaining background checks and other reports that are part of the application process. For example, landlords could not add an administrative fee or other similar fees and must provide an itemized list to the applicant showing the breakdown of the application fee.

How does this ordinance affect advertising?

It would require landlords to state in their advertisements that the use of criminal background checks is regulated by ordinance to provide applicants with a fair opportunity.

How CAN a landlord decide whether a tenant is appropriate?

Landlords can continue to evaluate applications using existing practices such as references, recommendations, interviews, and background checks, but must evaluate applicants on an individual basis. Blanket policies that exclude groups of applicants would be prohibited.

Are there rules or bylaws for the Civil Rights Board?

These will be formed after the Civil Rights Board is formed. They will likely track bylaws for similar City boards that currently exist, such as Citizens Public Safety Review & Appeals Board, Zoning Board of Appeals, Planning Commission, etc.

Will the City Commission appoint members of the Civil Rights Board?

Yes., the Mayor appoints members with City Commission approval.

If a tenant causes damage to a unit, is the City considering any type of landlord insurance program for this?

The City is currently exploring a security deposit and added insurance program proposal. This pilot is under development and more details are expected to be shared in the coming months.

Will there be landlords on the Civil Rights Board?

As it currently stands there are not designated seats on the Civil Rights Board, but nothing would prevent landlords from serving on the Civil Rights Board. The membership of the board will be determined by City Commission appointments.

What is the religious exemption and how does this organization affect religious organizations?

The ordinance is drafted so that religious organizations are permitted to reserve housing for people who ascribe to its particular faith. However, if they also have housing that is generally available to the public this ordinance would apply to those units.

Why is this ordinance needed?

Access to housing in Kalamazoo as it currently stands is not equitable, and discriminatory practices prevent some Kalamazoo resident from accessing housing (for example, 11% of people in Kalamazoo County are black, however 60% of people in housing crisis are black) The City's work to create new housing units in our community will only be effective if the people in need of that housing can access it fairly. Some existing programs to help people find housing are also less effective due to discrimination, such as discrimination against individuals using housing vouchers.

Will this ordinance create additional costs for landlords?

There are no fees that are directly related to this ordinance. The ordinance does create fines for violations of the ordinance.

If someone makes an accusation that turns out to be false, is there restitution to the landlord to recoup those costs?

There are no costs to the landlord or property manager for having a complaint filed against them. If a complaint is unfounded, there will be no cost for the landlord. If the landlord chooses to obtain legal representation during the process or willingly incurs other costs, they would be responsible for those costs.

Does an audit require that landlords expose past, current, and future tenant files? Does the owner of that information have any right to privacy?

The only information that would not be subject to disclosure would be credit history. Most other information would already be accessible by the City (for instance criminal histories). If it's generally available to the landlord, it would be generally available to anyone else. There is no general audit- if the City gets repeated complaints against a particular landlord, the City would be seeking proof that there isn't a pattern of behavior. The City would only be looking for records that are relevant to the nature of the claim or a pattern that is discovered.

How will this ordinance affect housing affordability or inventory of affordable housing? Does this ordinance open any more low-income housing?

The goal of this ordinance is to remove barriers to people who cannot access housing. It does not directly address the cost or number of housing units.

Is the data referenced publicly available?

A final report containing this data is expected to be published imminently. The Analysis of Impediments to Housing report is a collaboration between the City of Kalamazoo and other community partners. The report requires us to analyze the impediments that keep people from obtaining fair, safe, and affordable housing, also including things like wages, poverty, and zoning. It also requires consideration of actions that will impact those impediments.

How will this ordinance be evaluated?

The ordinance would be evaluated 18 months after it takes effect to determine how it had affected access to housing in Kalamazoo. The experience of other cities would help the City and the other community partners determine what metrics should be considered to gauge effectiveness.

Will this ordinance affect any federally funded rental properties in the City of Kalamazoo, or will this ordinance supersede any resident selection criteria already in place?

The ordinance proposal tracks federal and state discrimination guidelines, so anyone following federal guidelines will also be within this ordinance. The City ordinance cannot override any operational practices or requirements that are associated with federal funding programs.

Does this ordinance apply to all types of properties and landlords?

The ordinance would apply to all properties, except those that are owner-occupied. If you are leasing a space within your home or leasing a duplex and you are living in one of the units, your property would be exempt. Additionally, this ordinance does not affect a group of tenants determining who to have as a roommate when renting one unit together.

Is there anything that applies to the tenant side?

This ordinance is aimed at preventing discrimination and it is very unlikely that a tenant would be guilty of discrimination in these interactions. If there are other issues that landlords have with tenants there are other avenues for redress.

When the Civil Rights Board hears a case, what are the possible outcomes?

The Civil Rights Board would receive the results of an investigation and provide a recommendation to the City Manager. The board would not necessarily hold a hearing. The Board would review the investigation and could agree or disagree with either the results of the investigation or the recommendation made by the investigators. There is a limit to what the board would be able to do, but there is a certain amount of discretion that they could exercise when they are evaluating the investigations and determining what should be the next steps.

Are there any incentives for training for landlords and tenants to help them be successful and to help this ordinance be successful?

Yes. The City is currently preparing training with the Fair Housing Center for both tenants and landlords to understand fair housing law as it exists right now and tenant rights. Training would be expanded to include this new ordinance as well. There are not currently any incentives planned for this training, but it is possible that an insurance or security deposit assistance programs could require this training.

Will this new ordinance have any effect on rent prices or “price gouging”?

This ordinance limits the application fees charged to actual costs, but this does not regulate the market for housing and what rent prices can be charged. This proposal seeks to prevent discrimination.

What type of evidence will be required to be submitted for a complaint related to this ordinance?

This will be decided on a case by case basis depending on the nature of the complaint.

Were local housing providers given input into this ordinance?

Yes. The City has hosted several forums and meetings for each version of this ordinance proposal. Outreach was conducted to each person on the City’s Rental Registration list, and two forums were held specifically for individuals in this group. Engagement has included housing providers since it first started in 2018. Housing support providers will also be consulted before the proposal is presented to the City Commission.

If landlords are not able to discriminate based on income, what safeguard would be in place for damages that exceed a deposit?

How these damages would be handled would depend on the rental agreement. The tenant could be subject to a civil claim for damage in excess of the deposit. These remedies would not change. The City is exploring a pilot program to help provide assistance in this area.

Are there specific guidelines to screen tenants contained in the ordinance?

No, but there are specific groups that cannot be denied housing categorically. Housing providers must consider an individual’s circumstances.

How will this ordinance help felons get housing?

When applying for housing, a landlord must consider a person’s individual circumstances and cannot have a blanket policy to reject people that have been convicted of a crime.

What are the infraction fees or fines? Are they consistent with other communities?

The maximum penalty would be \$2,000 for a municipal civil infraction (plus the cost of prosecution). The actual fine would be at the judge’s discretion. Prosecution and fines would only be used a last resort.

Does this ordinance change the standard affordable housing being at 30% of a person's income?

This ordinance would not make any changes to any accepted figures or levels related to housing affordability.

What authority does the City of Kalamazoo have to create new protected classes?

The City can act to supplement existing law as long as it doesn't prohibit what is permitted or permit what is prohibited. The additional protected classes supplement the Michigan Civil Rights Act and the federal Fair Housing Act.

Comments:

- I am calling to support the housing equity ordinance. I have been following this from the beginning. This is necessary if we as a community want to keep moving forward with our housing program and to be an example to communities around us.
- Housing providers were not given a chance to help craft, but rather to respond. As a housing provider, we feel like this ordinance is unfair. Especially when we weren't given to chance to help craft it.
- I wish to counteract what Mr. Robinson said about the collection of damage deposits, when the damage exceeds the deposit. The remedy would not be the same when you try to collect from individuals who are on government stipends, as those folks are not collectable. Presently we can say we can't accept folks on aid, because they are not collectable when they cause damages to the property. So, the response given was not all encompassing.