

Roll Call

A special work session of the Kalamazoo City Commission was held on Monday, February 24, 2020 at 6:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to discuss changes to Chapter 18 of the Code of Ordinances.

COMMISSIONERS PRESENT:

Mayor David Anderson
 Vice Mayor Patrese Griffin
 Eric Cunningham
 Jeanne Hess
 Erin Knott
 Chris Praedel
 Jack Urban

COMMISSIONERS ABSENT:

None

Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

2020-0058

Presentation and
 Discussion re:
 Amendments to Chapter
 18 of the Code of
 Ordinances

Vice Mayor Griffin, Sholanna Lewis, and Dr. Charlae Davis delivered a presentation entitled Fair Chance Ordinance, Monday, February 24, 2020. A copy of the slides from this presentation were filed with the papers for this meeting.

Vice Mayor Griffin provided introductory remarks and related her story of dealing with housing crisis and her experience working with the affordable housing system.

Sholanna Lewis, Director of Truth, Racial Healing, and Transformation (TRHT) for the Kalamazoo Community Foundation, talked about community partners, the Government Alliance for Racial Equity (GARE) Grant, data collection and survey results.

Dr. Charlae Davis, Executive Director of the Interfaith Strategy for Advocacy and Action in the Community (ISAAC), described focus group outreach and shared comments from focus group participants.

Vice Mayor Griffin stated the City needed more housing units, but there were other barriers to affordable housing. Vice Mayor Griffin explained the proposed ordinance attempted to deal with evictions, acceptable methods of payment, and criminal histories of prospective renters. Vice Mayor Griffin indicated the City needed to understand what implementation of the ordinance would look like for everyone involved – large management companies, small landlords, and those seeking housing. Vice Mayor Griffin described the community engagement efforts that had been undertaken to-date.

City Attorney Robinson provided a brief history of Chapter 18 of the Code of Ordinances and reviewed the following proposed changes to this chapter:

- the inclusion of additional protected classes
- replacing the Community Relations Advisory Board with a Civil Rights Board
- the addition of provisions addressing sources of discrimination:
 - limits on application fees

- acceptable forms of identification
 - subsidies count for income verification
 - religious exemption removed for public accommodation type housing
 - no blanket rejections of any group (people with convictions, evictions, etc.)
- the increase of fines for violations to a maximum of \$2,000

City Attorney Robinson also reviewed the proposed complaint process.

Ms. Lewis talked about the other organizations involved in the creation of the proposed ordinance and reported similar ordinances and laws were in place in Grand Rapids, Montgomery County Maryland, and the State of New Jersey. Ms. Lewis emphasized the need for a clear enforcement process.

Vice Mayor Griffin stated the proposed ordinance was not an attempt to eliminate a landlord's ability to screen rental applicants; rather it was an attempt to eliminate discrimination. Vice Mayor Griffin pointed out the proposed ordinance addressed the issue of prisoner re-entry raised during the Imagine Kalamazoo 2025 process. Vice Mayor Griffin noted the black community was disproportionately affected by housing discrimination.

City Attorney Robinson reported he had consulted ordinances in Grand Rapids, Chicago, New York City, Ann Arbor, and East Lansing.

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

David Elias, City resident, stated he owned a home in the City and expressed concern about the condition of the rental property next door. Mr. Elias stated the Housing Code was not being enforced, and he asked what he needed to do to protect his rights from bad neighbors.

Rider Griffin, City resident, remarked that children in housing crisis were not focused on school, so the Kalamazoo Promise did not really matter for them.

Ed Genesis, City resident a lead organizer for Criminal Justice Reform, spoke about his experience with housing discrimination and the impact of barriers like high rental housing application fees. Mr. Genesis expressed support for the proposed ordinance.

Mike Fleckenstein, City resident, stated he was part of a group of landlords who had sent Commissioners a proposal in response to the ordinance. Mr. Fleckenstein indicated the group was doing many of the things the ordinance would require already, and the burden should not be concentrated on City landlords. Mr. Fleckenstein stated landlords countywide should be engaged, and any standards should be agreed on. Mr. Fleckenstein remarked that he could not let other people make financial decisions for him, and he offered to spend more time working on this issue

Johanna Kelly, City resident, stated the proposed ordinance had some good prescriptions, but there were areas that would be practically difficult

2020-0058

Presentation and
Discussion re:
Amendments to Chapter
18 of the Code of
Ordinances (cont'd)

Public Comments

Public Comments
(cont'd)

to implement. Ms. Kelly stated landlords needed concrete guidance to know if they were complying with the ordinance.

Joe Lukeman, a non-resident and owner of 70 properties in City, stated landlords would want to know they were in compliance with the ordinance, which would be difficult if the ordinance required them to look at issues like felonies on a case-by-case basis. Mr. Lukeman expressed support for blanket rules and policies, which provided a clear line between compliance/non-compliance. Mr. Lukeman stated the maximum fine of \$2,000 could be severe for small landlords.

Andrew Chaponda, non-resident and the Housing Coordinator for CARES, spoke about the difficulty of finding housing for people who used vouchers. Mr. Chaponda noted many people who had housing vouchers did not have housing, and he stated the organizations providing vouchers stood behind the recipients. Mr. Chaponda expressed support for the proposed ordinance and urged landlords to be partners in the process.

David Dagher, non-resident and owner of Trident Properties, indicated he owned 375 rental units in the City and stated he had just been informed of the proposed ordinance a week ago. Mr. Dagher stated he was not opposed to accepting vouchers, but he opposed the proposed requirement that landlords could require proof of additional income for utilities. Mr. Dagher expressed concern that the proposed ordinance required landlords to make judgement calls when a principle of fair housing had always been to treat everyone equally. Mr. Dagher observed the proposed ordinance told landlords what they could not do, but it did not say what landlords were able to do. Mr. Dagher commented on the need to slow down the process.

Jacob Johnson, City resident and a social worker, thanked the City Commission for having a meeting on the topic of housing, as housing was in a state of emergency in the community. Mr. Johnson noted prisoners re-entering the community needed housing, and Kalamazoo had the largest number of children in poverty in the state. Mr. Johnson thanked the partners who had worked on the proposed ordinance, and he urged people to try and think now of any unintended consequences.

Dana Underwood, City resident, asked about unintended consequences, such as different ways landlords could thwart the intentions of the proposed ordinance. Ms. Underwood asked whether the City had considered what would happen if landlords got out of the business altogether or converted their properties to short term rentals (Air B&B's). Ms. Underwood questioned whether the City had an understanding of how changes to the ordinance would change the balance between different outcomes.

Marshall Kilgore, non-resident, thanked ISAAC, TRHT, and Vice Mayor Griffin. Mr. Kilgore stated the issue of fair housing was about humanity, not money, and it had a huge impact on children. Mr. Kilgore encouraged people to "check their privilege" and stated people who had never been in poverty or who were not persons of color should be listening and not talking. Mr. Kilgore spoke of the need to address this issue. Mr. Kilgore expressed support for the proposed ordinance but noted it was not set in stone yet.

Rebecca Macleery, City resident and Executive Director of the Center for Transformation, stated housing was a human right, and the proposed ordinance was not putting the problem on the backs of landlords. Ms. Macleery stated she was not able to give returning prisoners much hope because of all the barriers they faced, including the lack of a mechanism to find housing for them.

Matt Smith, City resident, remarked that housing problems disproportionately affected black people, and he expressed concern that conciliation clauses did not work. Mr. Smith reported that Action Now and the Kalamazoo Community Relations Board had opposed conciliation clauses in 1969.

Wendy Denning, City resident and owner of Troff and Denning Real Estate, submitted a plan for dealing with homelessness. Ms. Denning stated the proposed ordinance would ruin all landlords, and she asked the City to not try to solve the problem of homelessness on the backs of landlords. Ms. Denning spoke about the difficulty of getting rid of bad tenants and described the Vine Venture Initiative and the reasons for its failure.

Nancy Arcadipone, City resident, indicated she had 20 rental units in the City and stated she would have liked to have known about the proposed ordinance sooner. Ms. Arcadipone remarked that she was not interested in the past of behavior of tenants; rather, she wanted tenants with the life skills to take care of a home. Ms. Arcadipone expressed a desire to be involved in the development of the ordinance.

Stephanie Hoffman, City resident and Co-Chair of ISAAC Housing Task Force, expressed gratefulness for the proposed ordinance. Ms. Hoffman stated she had heard a lot of coded language, and there were policies that were racist and unjust. Ms. Hoffman highlighted the need to think of personal value, not property values, and she expressed support for the proposed ordinance.

Andrew Argo, City resident, expressed support for the proposed ordinance and thanked Vice Mayor Griffin, ISAAC, and TRHT. Mr. Argo questioned how the Civil Rights Board would be created and the members selected. Mr. Argo suggested a majority of members be tenants, as there was a power disparity between landlords and tenants. Mr. Argo stated he would like to see direct tenant involvement in ordinance process, and he encouraged landlords to talk with their tenants.

Gwendolyn Hooker, City resident, stated she served a population that had been historically marginalized and oppressed, and she expressed support for the proposed ordinance. Ms. Hooker noted housing was available, but people did not qualify. Ms. Hooker thanked the City for trying to create something fair and equitable. Ms. Hooker stated landlords should rent to people if they were able to pay the rent.

Ti Elzinga, City resident and a landlord, described problems with her neighbors who were Section 8 tenants. Ms. Elzinga stated some of her best tenants were black. Ms. Elzinga indicated the restrictions in the ordinance would handcuff landlords in their efforts to get responsible tenants.

Public Comments
(cont'd)

2020-0059

Public Comments
(cont'd)

Emily Hazel, City resident, read from Declaration of Human Rights and noted the intent of the proposed ordinance was to get rid of discrimination, not take away landlords' ability to screen prospective tenants.

Tobi Hanna-Davies, City resident and ISAAC Housing Task Force Co-Chair, thanked the City for the proposed ordinance. Ms. Hanna-Davies stated the City needed a housing equity ordinance, but the ordinance was not enough, which is why ISAAC and TRHT were working on other issues as well. Ms. Hanna-Davies stated the addition of 3,000 new housing units would not solve the problem because of housing discrimination.

Ben Stanley, City resident, spoke about the high cost of keeping a house repaired. Mr. Stanley spoke about his experience with neighbors who had housing vouchers, and he described how they couldn't pay for utilities and were eventually evicted.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments of City Commissioners.

Commissioner Knott thanked people for coming and speaking. Commissioner Knott asked about the point of contact for the City and community meeting dates.

Commissioner Knott left at 7:59 p.m.

Commissioner Urban stated enforcing the proposed ordinance would not be enough, and he remarked on the necessity of public education and incentives for the ordinance to succeed. Commissioner Urban suggested the Commission hold another work session about preparing people to comply with ordinance. Commissioner Urban noted the ordinance would ask landlords to apply reasonable judgement on a case-by-case basis, and he suggested the City provide a standard rental application and examples that would help landlords evaluate applications.

Commissioner Cunningham asked why the range of fines for violations of the ordinance was \$500-2,000, and he suggested there be a sliding scale. Commissioner Cunningham questioned why the religious exemption was changed. Commissioner Cunningham thanked Vice Mayor Griffin and City staff for their work. Commissioner Cunningham stated it was preferred that members of the community take the initiative to address community issues, but that was not happening, so City government needed to step in. Commissioner Cunningham expressed support for the collection of data that documented what renters were saying. Commissioner Cunningham stated the answer to racism was for every person to treat others how they want to be treated. Commissioner Cunningham urged landlords to be involved in the process of developing the ordinance, as the City Commission did not have the expertise to evaluate every aspect of it.

In response to Commissioner Cunningham, Vice Mayor Griffin stated the idea behind the dollar amount range for fines was to make it a serious penalty, but no thought had been given to specific dollar amounts for specific violations. Regarding the religious exemption, the American Civil Liberties Union recommended that it be removed from the ordinance.

In response to Commissioner Cunningham, City Attorney Robinson explained the high dollar amount for fines was an attempt to plant a stake in ground to show the seriousness of violating the ordinance.

Commissioner Hess thanked Vice Mayor Griffin for her work on the ordinance and thanked people who addressed the Commission for speaking their truth. Commissioner Hess spoke about the need to work together to come up with the best solutions to problems. Commissioner Hess noted children needed a home in order to take advantage of The Kalamazoo Promise, and she highlighted the need for community education on home ownership and taking care of a home.

Commissioner Praedel thanked people for coming, especially people with kids. Commissioner Praedel remarked on need for people to review the proposed ordinance and share their perspectives and viewpoints. Commissioner Praedel thanked Vice Mayor Griffin for her courage and stated everyone needed to show kindness to each other. Commissioner Praedel expressed support for ISAAC and noted the community was good at providing services to people, but justice was needed to prevent the need for services in the first place. Commissioner Praedel stated change always involved discomfort, but people were still able to work together. Commissioner Praedel indicated there was no silver bullet for this problem; rather many things needed to be done.

Vice Mayor Griffin thanked people for coming and the City Commission for holding this meeting. Vice Mayor Griffin reported 22% of homeless children in the state lived in the Kalamazoo/Battle Creek area, and most renters were rent burdened, meaning they paid more than 30% of their income for rent. Vice Mayor Griffin stated access to housing was a civil rights issue, and being a bad tenant was not related to civil rights. Vice Mayor Griffin highlighted the need for education in this area, noting many people did not know what their rights were. Vice Mayor Griffin explained she had been working on the issue of housing equity before she was elected to the City Commission. Vice Mayor Griffin stated the issue of housing went beyond the City, as surrounding townships were interested in this type of ordinance also. Vice Mayor Griffin stated it was a problem to assume behaviors of specific groups, and the key question was whether someone was able to take care of the property. Vice Mayor Griffin observed there had been coded language used in some of the comments, which was dangerous. Vice Mayor Griffin stated Nakia Bayliss of the United Way compared the housing crisis to a burning house where the residents had to convince everyone else there was a problem before people would help. Vice Mayor Griffin urged everyone to get up to speed quickly because the house was burning. Vice Mayor Griffin indicated she would consider peoples' perspectives when taking input and feedback. Vice Mayor Griffin asked who would be handling communications on this issue for the City.

Community Planning and Development Director Rebekah Kik stated she would be partnering with Diversity, Equity and Inclusion Director Dorla Bonner to make sure information was communicated to City residents. Director Kik stated they would reach out to the neighborhoods, and they would bring the same information to each community meeting so that feedback would be based on the same set of facts.

In response to a question from Mayor Anderson, Director Kik stated written feedback and questions should be sent to her, as she would be the point person for all communications.

Commissioner Urban stated the City was extremely fortunate to have Patrese Griffin on the City Commission, and it seemed like the stars had aligned to allow something to get done.

Commissioner
Comments (cont'd)

Adjournment

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on August 3, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: August 3, 2020

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