

Ann Arbor Human Rights Commission 2021 Annual Report¹

The *Duties* of the Ann Arbor Human Rights Commission (HRC) detailed in the City's Code of Ordinances, require that the Commission report to City Council annually on two of its functions: a) receiving and acting on complaints of alleged violations of Chapter 112 Non-Discrimination and b) monitoring compliance by City contractors with the provisions of that ordinance. This report fulfills the first of those requirements. It also reports on Fair Chance Access to Housing Ordinance complaints the HRC handled. And it provides a broad summary of the HRC's activity overall in 2021. A separate report, written jointly with the City's Purchasing Department, focusing on contractor compliance in FY21-22 will be submitted to Council in a separate document in the near future.

Commission Activity

The role of the Ann Arbor Human Rights Commission has evolved since Council updated Chapter 112 Non-Discrimination Ordinance (NDO) in 2014. With the revised ordinance and our enhanced responsibilities for enforcement, the Commission has been able to identify areas where additional protection for people in Ann Arbor was needed. In 2021, the Human Rights Commission focused on a number of these needs, researched how the issues could be best handled and, with the help of City Attorney Margaret Radabaugh, proposed ordinances that City Council subsequently passed into law.

In 2021, the HRC:

- **Proposed altering the Non-Discrimination Ordinance (NDO) to allow the HRC to handle all discrimination complaints, no matter when the alleged discrimination occurred.** The NDO did not permit the Commission to hear complaints about discrimination that occurred or was first learned to have occurred more than 180-days earlier. Input from Ann Arbor residents whose allegations could not be heard by the HRC because of this constraint, concerns of commissioners based on their experience, and input from School of Social Work students who looked at this for a class project, convinced us to propose that the 180-day requirement be removed from the NDO -- and Council agreed.
- **Drafted and proposed the Fair Chance Access to Housing Ordinance** (with excellent guidance from Deputy City Attorney Radabaugh) after learning how difficult it has been for people with a criminal record -- even a single conviction in the distant past -- to get housing in Ann Arbor. Our research indicated that lack of housing for incarcerated persons is a key factor contributing to recidivism and that the reason they are denied housing is based on fear of future criminal behavior -- something that in fact does not differ statistically from tenants with no criminal record. In April, Council passed this stand-alone ordinance as one that, like the Non-Discrimination Ordinance, is enforced via a complaint process run by the Human Rights Commission. The Commission worked with the City Attorney's Office to create and distribute a notice/flyer explaining the new

¹ This report was formally accepted by the members of the Human Rights Commission on a unanimous vote of all present at the December 14, 2022 meeting of the HRC.

ordinance. The ordinance requires landlords to post this notice with their rental listings. While the HRC has received and responded to numerous complaints about violations of the new ordinance, most of the complaints have been resolved by simply reminding landlords of the requirements of the Fair Chance Access to Housing Ordinance.

- **Drafted and proposed Chapter 123: Prohibition of Conversion Therapy on Minors** (with the excellent assistance of Deputy Assistant City Attorney Radabaugh and Senior Assistant City Attorney John Reiser) an ordinance that prohibits the dangerous practice of what is sometimes called “conversion therapy” or “reparative therapy” and targets LGBTQ youth by seeking to change their sexual or gender identities. While the practice of this “therapy” had not been reported in Ann Arbor, it has been prevalent in many parts of the country and poses such a serious threat that the HRC was asked to consider drafting an ordinance to protect the youth in this city. In our attempt to draft as effective an ordinance as possible, we reached out, not only to the Jim Toy Center and the LGBTQ Liaison to the Mayor, but also to attorneys, experts, and advocates who are nationally acknowledged in this area -- like the Trevor Project and the Human Rights Campaign -- as well as people who passed similar laws in other municipalities (including a former judge who was defending his city’s ordinance in federal court). Ann Arbor can be proud that in August 2021 its City Council agreed to adopt these new protections.
- **Drafted and proposed the “CROWN” amendment to the NDO.** The Commission became aware that people were experiencing discrimination because of their hair -- its texture, length, and/or styling – that had the effect of racial discrimination. To make it clear that Ann Arbor law would not allow this, the HRC proposed and City Council passed the addition of “CROWN” protections to the NDO’s definition of race.
- **Drafted and proposed protections against discrimination on the basis of religion-based hair styles and head coverings.** The “CROWN” issue triggered consideration of discrimination based on hair styles and head coverings related to religious beliefs. The HRC researched already-existing laws protecting against such discrimination. It used that information to enhance the NDO’s definition of religion to further protect against discrimination on the basis of hairstyles and head coverings associated with religious beliefs.
- **Took active measures to demonstrate our support.** In late summer of this year, hate speech and discrimination proliferated across the country – and, to some extent, became a concern in our community as well. Stories of Asian and Asian-American hate nationally led the Commission to explore what we could do to communicate our support to our Asian community. We partnered with the State’s AAPI group, the Michigan Asia Pacific American Affairs Commission (MAPAAC), chaired by one of our commissioners, Ayesha Ghazi Edwin. Some of us attended an AAPI town hall and explored whether holding a town hall ourselves was advisable. Some of us also attended the City’s first “Celebrating Black & Asian Solidarity Cookout.” We also had our HRC flyers describing how to recognize discrimination and how to file a complaint translated into traditional and simplified Chinese, distributed them and posted them around the community. The Commission also passed a resolution in support of City Council’s resolution, *Condemnation of Hate Crimes, Hateful Rhetoric, and Hateful Acts Against Asians and Asian Americans*. In response to another instance where hate speech seemed to be growing in our own community, the HRC passed a *Resolution Condemning Offensive and/or Hateful Speech*.

- **Engaged in a number of activities responding to human-rights-related issues in Ann Arbor and Washtenaw County.**
 - The CREW Report Study Group. Four HRC Commissioners formed a group to study the *Race to Justice* report, released by the Citizens for Racial Equity in Washtenaw (CREW) on *Racial Disparities in the Washtenaw County Criminal Legal System*. The study group included knowledgeable members from the community and brought in a number of people (a member of CREW team, attorneys and parole officers, the County Prosecutor, someone from the Sheriff’s Office, and a variety of people specializing in “re-entry”) to help us understand the issues raised and the work City and County officials were undertaking to counteract the racial disparities in law enforcement identified in this report and the effects they have on our community. In our nineteen meetings, we learned a great deal that will continue to inform our commission’s work.
 - Two members of the HRC are active in the Washtenaw County Re-Entry Stakeholders meetings that are now in their second year. They continue to inform us about the needs of people returning from incarceration and the programs that are being put in place. They also contribute to our effectiveness in supporting the Fair Chance Access to Housing Ordinance.
- **Finally, the HRC invested time enhancing its efficiency and effectiveness.** In October, the Human Rights Commission held a Strategic Planning Retreat and discussed ways to improve the efficiency and inclusiveness of our work. We continue to reap the benefits of practices that were discussed and improvements that were agreed upon at this retreat.

Facilitation of Contractor Compliance Under Chapter 112: Non-Discrimination

A separate report, jointly prepared by the Human Rights Commission and Colin Spencer, Purchasing Manager for FY21-22 will be submitted to City Council for its approval in the near future (pursuant to section 9:158 of the Ann Arbor Non-Discrimination Ordinance).

Handling Complaints Under the Non-Discrimination Ordinance and Fair Chance Access to Housing Ordinance

Under the revised Non-Discrimination Ordinance as well as the Fair Chance Access to Housing Ordinance, the Commission is tasked with receiving and responding to complaints of alleged violations of these ordinances. Community members seem to be increasingly aware of the complaint-handling services now available to them. A spreadsheet summarizing the complaints received in 2021 is attached. In addition to these complaints, the HRC receives calls and answers questions about human rights and discrimination in Ann Arbor. Simple requests for information were not tracked in 2021, although a number of requests were taken from Ann Arbor residents that required considerable attention yet did not become formal complaints. The HRC will continue its efforts to increase awareness in the community that this complaint process is available.