



Livonia Non-Discrimination Ordinance

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1) Why does Livonia need a non-discrimination ordinance?

Livonia's existing ordinances, related to these issues, are remarkably out of date. Our two ordinances that deal with non-discrimination were last updated in 1982. As such, they do not reflect the values our community holds today.

Unfortunately, instances of discrimination happen in Livonia. This is tough to swallow, but these stories are real and shine a light on what we should all see as unwelcome behavior in our community. This ordinance puts in place a way of enforcing protections when discriminatory behavior crosses the line into violating someone's rights by affecting their access to public services, public accommodations, housing, employment, or their enjoyment of civil or political rights.

Finally, this ordinance solves a process problem: Livonia residents should have access to a clear procedure for having their discrimination complaints heard at a local level.

2) Why now?

As Livonia becomes more diverse, our community's needs are changing. Our non-discrimination ordinances have not been updated since 1982, and we need ordinances that not only reflect our community's commitment to inclusion but provide our diverse community the protections they deserve. Now, more than ever, residents and community members are looking for their elected leaders to take action on diversity, equity and inclusion in meaningful ways, and this proposed ordinance is one example of tangible action the City can take to improve protections for residents in a way that exemplifies our values.

3) Don't federal or state laws already do this?

This ordinance creates protections for Livonia residents that are not enshrined in state or federal law. There are no federal or state laws that include members of the LGBTQ community as a protected class subject to anti-discrimination statutes and protections. The nearly 60 municipalities across Michigan that have passed these ordinances have done so precisely because there are specific protections this ordinance creates that are not in state or federal law.

4) Who would this ordinance protect?

This ordinance would expand protections from discrimination based on an individual's race, color, creed, religion, ancestry, national or sectional origin, gender, gender expression, gender identity, sex, sexual orientation, or marital status in matters related to their civil or political rights or employment, public accommodations, housing, or public services.

5) What is the importance of including protections for access in public accommodations?

The nearly 60 Michigan municipalities that have non-discrimination ordinances include protections from discrimination in public accommodations, which are places, including private businesses, that offer goods or services to the general public.

It is important to note -- Livonia already has non-discrimination ordinances that involve private businesses, whether that be preventing discrimination in some housing or real estate deals to the requirement that gas station attendants assist those with physical limitations in pumping gas.

Thus, the inclusion of “public accommodations” in this ordinance expands and standardizes the protections in place for some individuals already, ensuring that a broader set of protected classes receive the same protections.

6) Why include a fine?

Violations of this ordinance are punishable by a fine of up to \$500. All violations of City ordinances are punishable by a fine of up to \$500, unless otherwise stated. Identifying the fine provides an additional disincentive towards discriminatory behavior in violation of this ordinance, while also being a clear statement of our values: Violators damage our entire community when their discriminatory acts violate a person’s access to public services, public accommodations, housing, employment, or their enjoyment of civil or political rights.

7) Does the ordinance have the potential to put some businesses out of business?

That has not been the case across the nearly 60 Michigan municipalities that have non-discrimination ordinances. In fact, there has been no uptick in reported violations. Businesses that have discriminatory policies or practices may be in violation of the ordinance but, short of that, individual employees who engage in specific, provable discriminatory behavior would be the party in violation of an ordinance. This means that an individual business in nearly all cases would not be held accountable for any violations committed by an employee.

8) What other municipalities have non-discrimination ordinances?

Nearly 60 other communities in Michigan already have non-discrimination ordinances. These municipalities come from every corner of the State and include many neighboring communities like Westland, Canton, Dearborn Heights and Farmington Hills. The full list is included below:

- City of Adrian
- City of Albion
- City of Ann Arbor
- City of Battle Creek
- City of Bay City
- City of Buchanan
- City of Cadillac
- City of Chelsea
- City of Dearborn Heights
- City of Detroit
- City of East Grand Rapids
- City of East Lansing
- City of Farmington Hills
- City of Fenton
- City of Ferndale
- City of Grand Ledge
- City of Grand Rapids
- City of Grandville
- City of Hazel Park
- City of Holland
- City of Howell
- City of Huntington Woods
- City of Kalamazoo
- City of Jackson
- City of Kalamazoo
- City of Lansing
- City of Linden
- City of Marquette
- City of Mt. Pleasant
- City of Muskegon
- City of Novi
- City of Pleasant Ridge
- City of Portage
- City of Royal Oak
- City of Saginaw
- City of Saline
- City of Saugatuck
- City of Southfield
- City of St. Joseph
- City of Trenton
- City of Traverse City
- City of Wayland
- City of Westland
- City of Ypsilanti
- Canton Township
- Delhi Township
- Delta Charter Township
- Kalamazoo Township
- Lathrup Village
- Lake Orion Village
- Meridian Township
- Oshtemo Township
- Saugatuck Township
- Union Township
- Village of Dougla

9) How was the non-discrimination ordinance crafted?

The City of Livonia Human Relations Commission and Livonia Law Department spent more than a year studying Livonia's current ordinances regarding non-discrimination. In their view, the current ordinance does not adequately provide Livonia residents the protections they deserve nor does it reflect our community's values. They studied how these ordinances were implemented in other communities. They connected with community leaders and subject-area experts to understand all aspects of the ordinances.

10) Are all instances of discriminatory behavior and speech in violation of this ordinance?

No. The First Amendment provides broad, important protections for behavior and speech, regardless of how intolerant or vile it may be. This ordinance can only be enforced against discriminatory speech and behavior that has an impact in violating someone else's rights: their right to public accommodation, access to public services, housing or employment. In addition, the speech or behavior must be in part or wholly on the basis of an individual's race, color, creed, religion, ancestry, national or sectional origin, gender, gender expression, gender identity, sex, sexual orientation or marital status.

11) What is changed from Livonia's existing non-discrimination ordinances?

No aspects of Livonia's existing non-discrimination ordinance are eliminated. Instead, existing protections are expanded and streamlined. Livonia's two ordinances create inconsistencies, with some protected classes being offered some protections in certain circumstances. The new ordinance standardizes these protections, while maintaining other aspects of existing ordinances, such as the provision that gas station attendants, as available, provide assistance to people with physical limitations.

Another addition to existing ordinances is the requirement of non-discrimination language to be included in all City contracts with outside service providers and contractors. Currently, ordinance requires contractors to sign an agreement saying they will not discriminate in hiring based on physical limitation. The new ordinance expands that language to include protections against discrimination against all protected classes.

12) Does this ordinance provide protection for free expression and religious freedom?

This ordinance includes a specific reference that it shall be construed and applied in a manner consistent with the First and 14th Amendments, specifically regarding freedom of speech and free exercise of religion. Not every non-discrimination ordinance identifies these freedoms directly as Livonia's proposal does.

13) How is Livonia's proposed ordinance different from that in other cities?

Livonia's proposed ordinance is largely in alignment with non-discrimination ordinances as they exist in other communities. In addition to clearly citing the First and 14th Amendments, Livonia's proposal is also unique in its inclusion of existing non-discrimination ordinance language and in its complaint investigation process. This process is similar to what exists in other communities, but not all ordinances vest the power of initial investigation with a City Attorney. Some communities use a board of residents like a Human Relations Commission or other group. However, larger cities have typically assigned these responsibilities to their duly sworn City Attorney.

14) What is the role of the Livonia City Attorney in this ordinance?

The City Attorney's role is similar to their role relative to all potential ordinance violations in the City. The City Attorney serves as prosecutor of ordinance violations. Potential violations would be heard by a judge, as is the case with other ordinance violations.

15) Is Livonia's ordinance similar to the Fair and Equal Michigan ballot proposal?

Yes! The Fair and Equal Michigan proposal would have added gender, sexual orientation and gender identity or expression to the list of protected classes in the Elliott-Larsen Civil Rights Act in Michigan. The Elliott-Larsen Civil Rights Act already prevents discrimination in employment, housing, public accommodations, public service, and educational institutions for a list of protected classes – but this law currently does not include gender or sexual identity-related classes.

16) How does this impact the Livonia Police Department and its process?

The non-discrimination ordinance process standardizes the way discrimination complaints are reviewed in the City of Livonia. The Police Department's process of receiving and investigating potential violations continues, with added communication with the City Attorney throughout the process. The City Attorney is provided complaint reports and the results of subsequent investigations as they are received and completed by the Police Department.

17) What kind of impact is the ordinance expected to have?

Other communities that have implemented a non-discrimination ordinance have not seen significant increases in the number of complaints related to potential violations. Instead, we expect this ordinance to create a more welcoming community and provide a deterrent for discriminatory behavior that may decrease such incidents.

18) What will businesses and organizations have to do differently with this ordinance in place?

Nothing. Unless a business or organization has an explicitly discriminatory policy, they are in compliance with the ordinance.

19) How many violations of this ordinance have we have had in the past?

It is difficult to know how many violations may have occurred in the past absent a robust reporting system. However, there have been violations of the existing non-discrimination ordinances, specifically related to housing. Oftentimes these complaints are referred to the Metro Detroit Fair Housing Center.

20) What is this going to cost?

There is no added cost to implementing this new ordinance.

21) What organizations have supported legislation like this in the past?

Across Michigan, community groups have come together to support non-discrimination ordinances and LGBTQ protections like the Fair and Equal Michigan policy. Chambers of Commerce in nearly every part of Michigan have previously supported local non-discrimination ordinances. Most recently, the Michigan West Coast Chamber of Commerce endorsed the City of Holland's non-discrimination ordinance.

22) How is this different from the non-discrimination policy the Mayor enacted in June?

The non-discrimination policy expands protections in individuals' access to City buildings and services. The ordinance is needed to expand those same protections beyond City buildings and services to serve our entire community.