

Resolution Supporting Issuance of an Interpretive Statement by the Michigan Civil Rights Commission Regarding Sex Discrimination Under Michigan's Elliot-Larsen Civil Rights Act

Whereas, Michigan does not have a state law that explicitly protects lesbian, gay, bisexual, and transgender ("LGBT") individuals from discrimination on the basis of sexual orientation or gender identity in housing, employment, or public accommodations; and

Whereas, according to a May 2017 report by the Michigan Department of Civil Rights, discrimination against LGBT individuals in Michigan is significant and has a negative economic impact on the state; and

Whereas, over 38 LGBT community organizations across the state of Michigan, including Ann Arbor's Jim Toy Community Center, have jointly indicated that amending Michigan's Elliott-Larsen Civil Rights Act ("Elliott-Larsen") to include protections against discrimination based on gender identity and sexual orientation is instrumental to receiving equal treatment under the law in the state of Michigan; and

Whereas, issuance of an interpretive statement by the Michigan Civil Rights Commission would be in accord with Ann Arbor's long, established history of protecting the human rights of its citizens, including passage of its Non-Discrimination Ordinance in 1972; and

Whereas, Ann Arbor's Human Rights Ordinance was amended to protect individuals from discrimination on the basis of sexual orientation, gender identity, and gender expression; and

Whereas, the proposed interpretive statement, though not a substitute for proposed legislation, is consistent with established precedent under federal law, including findings by the Equal Employment Opportunity Commission and by federal courts; and

Whereas, courts, including the Michigan Supreme Court, have repeatedly recognized that Elliott-Larsen is analogous to federal laws that prohibit discrimination in housing, employment, and public accommodations; and

Whereas, all Michigan residents should be treated equally and fairly under the law, including protection from discrimination based on real or perceived sexual orientation or gender identity; therefore it is

Resolved, that the Ann Arbor Human Rights Commission urges the Michigan Civil Rights Commission to issue an Interpretive Statement finding that the prohibition on sex discrimination in employment, housing, and public accommodations under Michigan's Elliott-Larsen Civil Rights Act, MCL 37.2101 includes a prohibition on discrimination based on an individual's gender identity and sexual orientation, as proposed on June 30, 2017, and instructs the City Clerk to send copies of its resolution to the Michigan Civil Rights Commission, and the State legislators representing the people of Ann Arbor.