



Legislation Details (With Text)

File #: 23-0934 **Version:** 1 **Name:** 6/5/23 Ordinance to Repeal Section 8:525(2) of Chapter 105 (Housing Code)

Type: Ordinance **Status:** Passed

File created: 6/5/2023 **In control:** City Council

On agenda: 6/20/2023 **Final action:** 6/20/2023

Enactment date: 6/20/2023 **Enactment #:** ORD-23-17

Title: An Ordinance to Repeal Section 8:525(2) of Chapter 105 (Housing Code) of Title VIII (Building Regulations) of the Code of the City of Ann Arbor (ORD-23-17)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD-23-17 Briefed and Approved.pdf, 2. ORD-23-17 Briefed.pdf, 3. ORD TO REPEAL SECTION 8525(2) OF CH 105.pdf, 4. ORD-23-17 Approval Notice.pdf, 5. WLN clipping Housing Code- Public Hearing Notice.pdf

Date	Ver.	Action By	Action	Result
6/20/2023	1	City Council	Held and Closed	
6/20/2023	1	City Council	Adopted on Second Reading	Pass
6/5/2023	1	City Council	Approved on First Reading	Pass

An Ordinance to Repeal Section 8:525(2) of Chapter 105 (Housing Code) of Title VIII (Building Regulations) of the Code of the City of Ann Arbor (ORD-23-17)

This proposed repeal of Section 8:525(2) of Chapter 105 (Housing Code) of Title VIII (Building Regulations) of the Code of the City of Ann Arbor would eliminate the requirement that local landlords provide tenants with voter registration information.

The City of East Lansing has been named as a defendant in the matter of *Hagan Realty, Inc. et al. v. City of East Lansing* which is pending in the United States District Court for the Western District of Michigan (Case No. 1:23-cv-00278) challenging the constitutionality of its ordinance which requires landlords to provide tenants with voter registration information.

Similarly, the City of Ypsilanti has been named as a defendant in the matter of *Ian Greenlee et. al. v. City of Ypsilanti*, which is pending in the United States District Court for the Eastern District of Michigan (Case No. 3:23-cv-11116) challenging the constitutionality of its ordinance which also requires landlords to provide tenants with voter registration information.

Similar ordinances in Minneapolis and St. Paul were struck down recently on constitutional grounds in the matter of *Minnesota Voters Alliance et al. v. the City of St. Paul and the City of Minneapolis*, which was litigated in the United States District Court District of Minnesota (Case No. 19-cv-0358). Minneapolis and St. Paul were ordered to pay the Plaintiffs \$144,029.33 in attorney fees arising out of that lawsuit.

A review of the City of Ann Arbor’s ordinance revealed that Section 8:525(2) is not actively enforced.

Further, the form of voter outreach set forth in Section 8:525(2) has been largely replaced since its passage in 2017 by more effective methods of online voter outreach and increased access to voter registration and voting, including same-day voter registration, extended voter registration deadlines to allow additional time to register by mail, online, or at the Secretary of State, early voting, and the City Clerk's creation of multiple satellite offices at the University of Michigan which provides additional access to first-time voters. These initiatives are detailed fully on the City Clerk's website:

www.a2gov.org/elections <<http://www.a2gov.org/elections>>

A repeal of Section 8:525(2) is recommended.

Reviewed by: John W. Reiser, Senior Assistant City Attorney
Jennifer A. Richards, Assistant City Attorney

Approved by: Milton Dohoney Jr., City Administrator
(See Attached Ordinance)