

## HOUSING DISCRIMINATION IS ILLEGAL

The federal Fair Housing Act prohibits discrimination in housing related transactions because of race, color, religion, national origin, sex, disability or familial status. Many state and local laws also prohibit housing discrimination based on several additional protected classes.

The Fair Housing Act applies to a wide variety of housing transactions, including rentals, sales, home mortgages, appraisals and homeowners insurance. Landlords, real estate agents, lenders, insurance companies and condominium, cooperative and homeowner associations must not discriminate because of one's membership in a protected class.

Housing discrimination is against the law. One way to stop discrimination is to report it.

## SOME SIGNS OF POSSIBLE DISCRIMINATION

- The availability changed between a phone contact and an in-person visit.
- The housing provider refused to sell, rent, or show available housing or charged a higher security deposit.
- Advertisements expressed a preference for singles or couples but the community does not qualify as housing for older persons.
- Families with children or persons with disabilities were limited or steered to certain buildings or to the first floor.
- The housing provider:
  - Failed or delayed to make repairs or maintain the property.
  - Limited the use of services or facilities or privileges.
  - Refused to make a reasonable accommodation or allow a reason modification for a person with a disability.

## COMMONLY ASKED QUESTIONS AND ANSWERS

### Must all landlords comply with the Fair Housing Act?

The Fair Housing Act covers most housing. In some circumstances, the Fair Housing Act exempts owner-occupied buildings with no more than four units. Communities that qualify for the "Housing for Older Persons" exemption under the Fair Housing Act are permitted to exclude families with children under the age of 18.

### What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes a record of having such an impairment or being regarded as having such an impairment. The law also covers someone who is associated with a person with a disability.

### What is a reasonable accommodation?

A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including its public and common use space. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident.

### What is a reasonable modification?

A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas.

Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a person with a hearing impairment to install strobes. The resident is responsible for paying the cost of the modification. Tenants are obligated to restore the interior of the unit to its previous state



only where it is reasonable to do so and the housing provider has requested the restoration. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

### What does "familial status" mean?

"Familial status" means the presence of children under 18 in the household. This includes pregnant women and persons in the process of adopting or securing custody of a child/children. Children include foster children and grandchildren so long as the person has legal custody or written permission.

### What actions does the law prohibit?

The law prohibits actions such as denying housing, limiting access to housing, discouraging home seekers, or creating different rules, fees, or standards because of one's membership in a protected class. The Fair Housing Act also prohibits harassing, coercing, intimidating, or interfering with anyone exercising or assisting someone else with his/her fair housing rights.

### Does this mean that a landlord must rent to or cannot evict anyone who is a member of a protected class?

No. A housing provider has the right to refuse rental applications or evict tenants based on objective criteria, such as credit history or bad tenant history. A housing provider should set criteria and apply them equally to each applicant and resident.

## WHAT ELSE IS COVERED UNDER THE FAIR HOUSING ACT?

### LENDERS, APPRAISERS AND INSURANCE COMPANIES MAY NOT DISCRIMINATE

Home mortgages and personal loans for housing-related purposes are covered. No one may do any of the following because of race, color, religion, national origin, sex, disability or familial status of the applicant:

- Refuse to provide information regarding loans.
- Provide inaccurate or incomplete information.
- Refuse to make a loan to a qualified applicant.
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees unrelated to credit history.
- Discriminate in appraising property.
- Refuse to issue a homeowner's or renter's insurance policy.

It is also a violation to fail to design and construct public and private multi-family housing with four or more units in an accessible manner. This applies to buildings designed and constructed for first occupancy after March 13, 1991.



For more information or to file a housing discrimination complaint:

5555 Conner St., Suite 2244  
Detroit, MI 48213  
313-579-FAIR (3247)  
[www.fairhousingdetroit.org](http://www.fairhousingdetroit.org)



Equal Housing Opportunity

YOUR FAIR  
HOUSING RIGHTS







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Housing discrimination is against the law. The only way to stop discrimination is to report it.



## COMMONLY ASKED QUESTIONS AND ANSWERS

### What is the definition of a disability?

A disability is a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. It also includes having a record of such an impairment or regarding someone as having such an impairment when they do not.

### May housing providers refuse to rent to me because they believe I will not be safe or cannot take care of myself?

No. The only exception, which applies to all applicants, is if an individual's tenancy poses a direct threat to the health or safety of others or would result in substantial physical damage to the property of others and a reasonable accommodation cannot significantly reduce or eliminate the threat.

### What is a reasonable accommodation?

Housing providers must permit reasonable accommodations requested by residents. A "reasonable accommodation" is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if there is a "no pets" policy or creating a reserved accessible parking space for a specific resident.

A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would

fundamentally alter the nature of the provider's operations, determined on a case-by-case basis. When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs.

### What is a reasonable modification?

Housing providers must permit reasonable modifications requested by residents. A "reasonable modification" is a structural change made to existing premises occupied or to be occupied by a person with a disability, so that he or she can fully use and enjoy the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings, and to the common and public use areas. The resident pays the cost of the modification. Examples of reasonable modifications include installing grab bars or ramps, lowering counter spaces, and allowing a deaf or hard of hearing tenant to install strobes. Section 504 of the Rehabilitation Act of 1973 may require landlords that receive federal funds to pay for reasonable modifications.

### May the housing provider ask for details or proof that I am disabled?

The housing provider may ask for verification of a person's disability, if it is not obvious or otherwise known to the housing provider, and may verify that a request is related to that disability. If requested, the individual may provide a written statement from a licensed medical or social service professional or other third party stating that the applicant/resident qualifies as an individual with a disability. **The housing provider may not ask the person with a disability or the certifying professional about the nature or severity of the individual's disability.**

## LENDERS ALSO MAY NOT DISCRIMINATE

These are examples of things a lender may not do because you are a person with a disability:

- Refuse to meet with you because you request a sign language interpreter or need some other reasonable accommodation, such as meeting in a wheelchair-accessible location.
- Require medical documentation from you or require that you prove that your disability income will continue for a specified period of time, such as three years.

- Charge you a higher interest rate or fees.

- Fail to count all your sources of income, including any disability income.

- Hold you to a higher qualification standard or require a higher credit score.

- Require that you make a larger down payment or pay more in closing costs.

- Appraise the property differently because it has features such as strobes or ramps.



## REQUEST FOR REASONABLE ACCOMMODATION/MODIFICATION

Housing providers are required to make a reasonable accommodation in their rules, policies, practices and procedures, and to allow reasonable modifications (changes to the physical structure) for individuals with disabilities. A request need not be in writing, but it is recommended that a request be made in writing so that there is a record of both the request and the date it was sent.

When considering a reasonable accommodation/modification request, a housing provider may take only the following into consideration:

- Is the individual for whom the request is made a person with a disability?
- Is the requested accommodation or modification necessary to allow the person with a disability an equal opportunity to use and enjoy a dwelling, including common areas? This is not determined by the housing provider but by the individual; however, confirmation from a qualified third party may be requested.
- Would the requested accommodation impose an undue financial and administrative burden on the housing provider? For a modification, this may only be considered if the housing provider receives federal financial assistance.
- Would the requested accommodation require a fundamental alteration in the nature of the program?

Under no circumstances may a housing provider ask about the nature or severity of the disability. Housing providers may request information about the relationship between the person's disability and the need for the requested accommodation or modification.

Providers may ask questions that clarify what it is about the rule, policy, practice or procedure that serves as a barrier or whether there are alternatives that would work for the person with a disability. This may enable providers to offer an alternative solution if the requested accommodation is an administrative and financial hardship or would fundamentally alter the nature of a provider's operations.



For more information or to file a housing discrimination complaint:

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Equal Housing Opportunity



**THE BIRMINGHAM CITY COUNCIL'S PROPOSED LANDLORD TENANT  
LAW REFORMS – A MIXED 'BLESSING' FOR SENIORS**  
**Diane Anderson**

The Birmingham City Council's reforms to its Fair Housing policy to protect senior citizens who rent in Birmingham from unfair practices of landlords is most welcome. Eviction by stealth in which a landlord can in practice evict a tenant without cause at the end of a lease by failing to renew the lease will now be far more difficult. Attempts by landlords to infringe on tenants' 1<sup>st</sup> Amendment rights of free speech and the right to petition government by forming tenants' unions to address unfair practices can be challenged by reference to Birmingham's Fair Housing policy changes.

As welcome as these reforms are, they do not address the substantive problems facing tenants of all ages due to the pro-landlord nature of Michigan's landlord tenant law regime. Some of these problems include:

- Steep rent increases
- Charges for water without metering thereby forcing tenants to pay for water not used
- Charging tenants for external lighting costs by wiring lights through one tenant's unit and thereby making that tenant responsible for paying the landlord's cost
- Potential fire danger from fireplaces with creosote build-up
- Replacement of quality appliances such as furnaces, ACs and garbage disposals with lesser grade appliances increasing tenants' heating & cooling costs
- Failure to provide window covering again hindering the tenant's ability to keep out excessive heat and cold adding to power bills as well as a lack of privacy
- Failure to replace fuses with circuit breakers
- Failure to supply exhaust fans or replace those that age out
- Failure to provide permit parking when by petitioning city government such parking could be made available to tenants, a security issue when cars end up parked far from a tenant's unit
- Hiring contractors whose practices put tenants' health at risk, e.g. using a concrete replacement company whose concrete dust is allowed to enter tenants' homes
- Failure to remove snow from drives and sidewalks in a timely fashion
- Dual standard of tenant amenity while charging identical rents
- Failure to replace carpet and to repaint between tenants
- Failure to remove illegally installed equipment used to sexually harass tenants

Practices such as these lead to 'churn,' i.e. a policy by which high rents and poor services lead to a steady turnover of tenants. Churn creates wear and tear on buildings. Churn prevents tenants from getting to know their neighbors creating uncertainty as to who may or may not be legitimately accessing common areas of the property. Churn benefits landlords, however, enabling them to keep increasing the rent for new tenants and then jacking up the rents of existing tenants. Seniors are particularly disadvantaged by these steep rent increases as they are often on fixed incomes. Good landlords endeavour to keep good long term tenants. Those who practice 'churn' might be said to be putting short term profits ahead of the long term well being of their buildings and, in the process, the long term well being of tenants. City councils can only do so much to help those who rent in their municipalities. Local councils cannot enact policies that over-ride state government statutes. What is needed is a massive overhaul of Michigan's landlord tenant law. Joint submissions to Lansing by local councils with tenant unions can help to stress the urgency of law reform.

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## Fwd: Lot division: 1429 Quarton Rd

1 message

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**Brooks Cowan** <bcowan@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Mon, Apr 24, 2023 at 3:47 PM

Alex,

I Received this letter on Friday, I have 10 copies for distribution. Another neighbor just sent an email and I asked them if they wanted to make a correction - there may be another coming shortly. I can print those out too.

----- Forwarded message -----

From: **Niall Berkery** <niall.berkery@gmail.com>  
Date: Fri, Apr 21, 2023 at 12:55 PM  
Subject: Lot division: 1429 Quarton Rd  
To: <bcowan@bhamgov.org>

Hi Brooks,

Thank you for taking the time to talk earlier today.

I will be unable to attend the public hearing on Monday as I am on a plane at that time. But I have documented our opposition to the division in the attached letter.

Best regards,  
Niall

(248) 946-2062

--  
Brooks Cowan  
Senior Planner  
(248) 530-1846



**Lot division- 1429 Quarton Rd.docx**  
660K

April 11, 2023

Dear Members of the City Commission,

As the owners of the adjacent property on the south side of the 1429 Quarton Rd property, we are writing to express our opposition to the petition to divide the residential lot located at 1429 Quarton Rd.

Our kitchen, living room, and deck overlook the beautiful backyard of 1429 Quarton Rd. There is a row of stunning trees right on the border of the property (inside the lot of 1429 Quarton Rd) that create a beautiful vista from our living space (see pictures below). We often enjoy dinner on this deck with an “up north feeling”. This view was a significant consideration in the purchase of our home. Building a large property right next to our living space view would reduce our living experience and would likely devalue our property. At the time we bought our house, we were under the impression there was a restriction in place to dividing the lot.

We kindly request that the restriction to divide the lot remains in place and the lot division request be denied as granting this petition would negatively impact the quality of our living experience and decrease the value of our property.

Thank you for considering our request.

Sincerely,  
Niall & Melvie Berkery  
1497 Pilgrim Ave  
248-946-2062, 313-595-5772

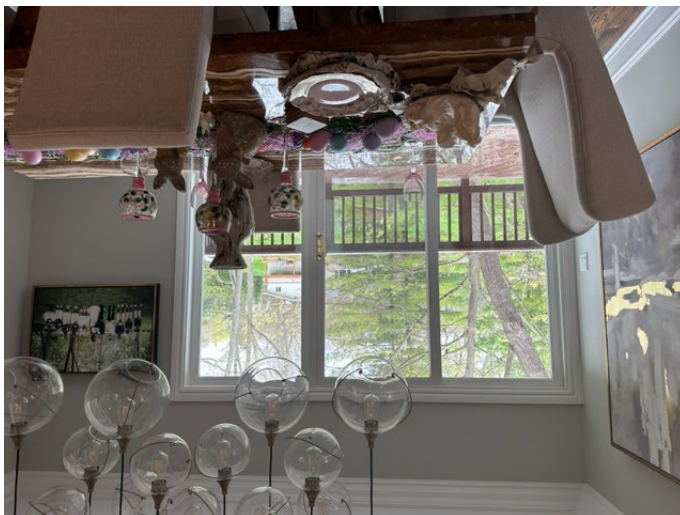


Outdoor dining space on deck overlooking 1429 Quarton R





View from our kitchen overlooking 1429 Quarton Rd



View from our dining room table overlooking 1429 Quarton Rd



View from our living room overlooking 1429 Quarton Rd



## Hearing this evening 4/24 for Lot Division 1429 Quarton Road/ Parcel # 19-26-203-003

External

Inbox



**Patricia Doerr** <trishd1997@yahoo.com>  
to me, marlajaradi@live.com, Stefan

Dear Mr. Cowan,

As discussed over the phone we are in favor of having the above referenced lot split in two with two homes facing Pilgrim. Please see letter that is

I am copying my husband STefan Doerr and my neighbor Marla Jaradi who will respond to give you their consent as well

Patricia Doerr

April 24, 2022

City Clerk's Office

City of Birmingham

151 Martin Street

Birmingham, MI 48012

To Birmingham City Commission:

We neighbors located on Pilgrim Ave are all in favor of the lot division at 1429 Quarton Road Parcel # 19-26-203-003.

We would love there to be two houses both facing Pilgrim Ave. This way our street will look more uniform like the other streets south of Redding R match street with no uniformity. It is like the parts of the streets North of Redding have been forgotten in a plan to give our neighborhood a more n

We ask you to please approve this split with two new houses both facing Pilgrim!

Thank you!

Patricia Doerr

Stefan Doerr

Marla Jaradi

Avis Jaradi

Regards

Trish Doerr



**Stefan Doerr** <doerrs2001@yahoo.com>  
to me, Patricia, marlajaradi@live.com

I, Stefan Doerr, also consent to the division of the above referenced lot!

Thank you!

Regards

April 23, 2023

Dear Birmingham City Commission,

We have been very fortunate to have Jan and Maury Elvekrog as friendly neighbors for the past 4 years having lived across the street from them. Jan visited last week to explain her reasoning for dividing their lot into two taxable parcels and after much consideration, we decided to write this letter in opposition.

Currently, we have a rainwater issue on Pilgrim Ave even with the large area of green space that occupies the lot at 1429 Quarton. That space absorbs a good portion of heavy rains, so our concerns stem from the fact that when removing that area to use for two sellable lots and eventually two new houses, there will be an even worse flooding situation at hand. With the hill that runs down to the end of Pilgrim and Quarton, we consistently have pooled water at that intersection since the sewers were not built to function effectively for this street. In addition, our road is constantly crumbling leading to large potholes due to standing water. We have seen the road commission out filling these at least twice a year, but unfortunately it is not withstanding due to the water that runs down the hill eroding the asphalt. We believe that the city should address this current issue first before moving forward and potentially causing a bigger problem by dividing the lot into two. We have attached pictures on the following page to showcase a couple of these issues that have been noted in this letter.

With the amount of construction that has been popping up around the neighborhood, our green space has continued to decrease. We feel eventually one larger home with one yard (like the home that is being constructed at Chesterfield and Quarton), would keep that green space more intact, continue to be aesthetically pleasing and keep the value of the homes in the Quarton Lake neighborhood at a high level.

Thank you for your consideration of our point of view.

Best regards,

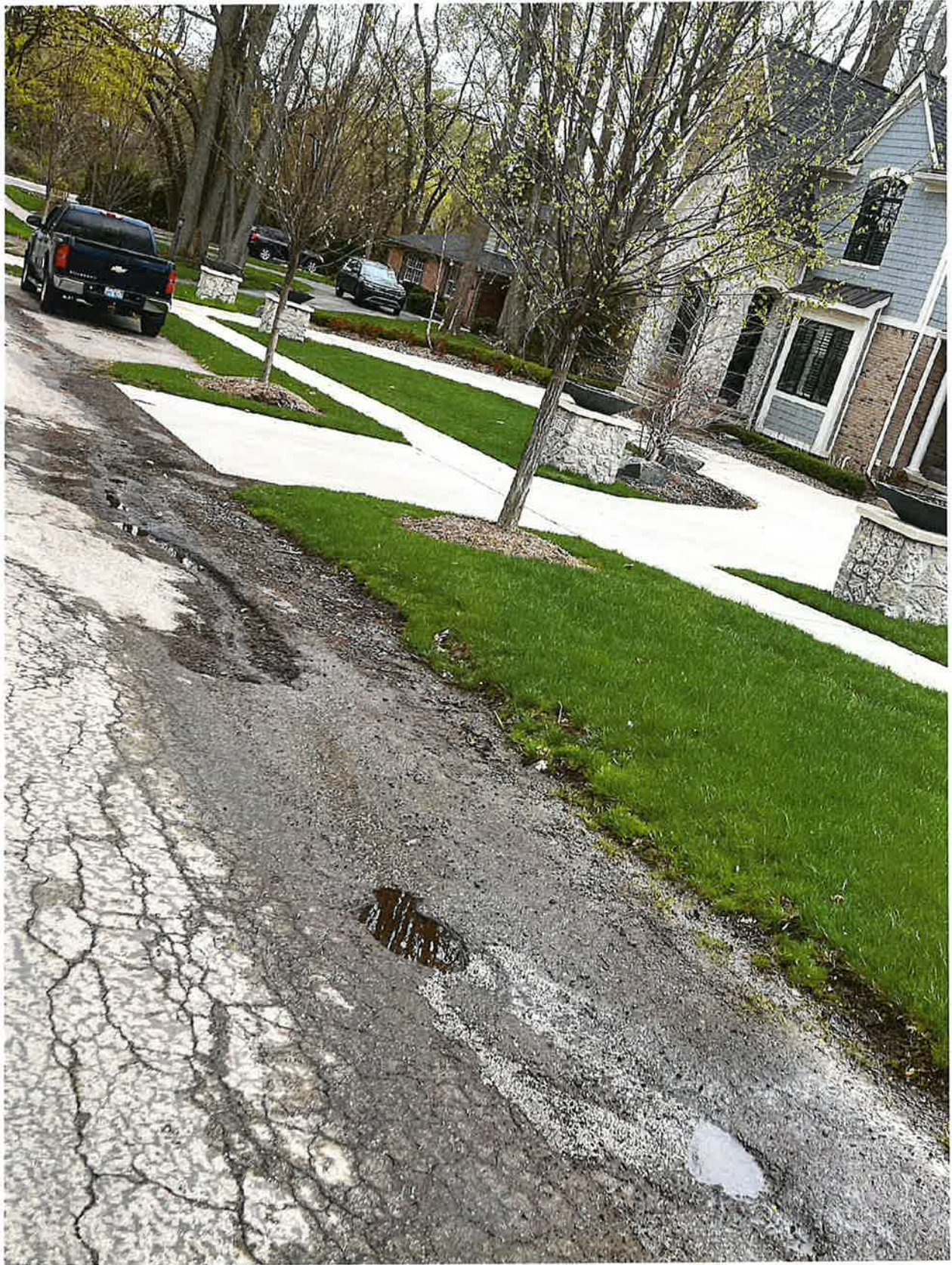


Steven & Kimberly LaBarre  
1530 Pilgrim Ave  
Birmingham, MI 48009  
(810) 333-3020  
[kimberlabarre@gmail.com](mailto:kimberlabarre@gmail.com)











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**Jason and Eleni Pittenger**

1570 Pilgrim Ave  
Birmingham, MI 48009  
(810) 728-0252  
jpittenger1988@gmail.com

24th April 2023

**Birmingham City Commission**

151 Martin  
Birmingham, MI 48009

Dear Birmingham City Commission,

Jan and Maury Evelkrog have been nothing but wonderful neighbors to us and we understand that it would make financial sense for them to divide their lot. This being said, we have concerns with how this will affect our block moving forward. We are fortunate to have some very large and beautiful homes that take up a significant portion of the open land on the 1500 block of pilgrim. The lot at 1429 Quarton provides the largest area of green (permeable) space that not only contributes to the aesthetics of the block, but allows for rainwater absorption. With 2 lots and 2 houses on this land, there would be a significant reduction in permeable land leading to less surface area for rainwater absorption. While we understand that if the existing lot is not divided, a single larger home is likely to be constructed, we feel that the open land will still be greater with one house than if there are 2 houses (and associated paved surfaces) in this space. Without curbs and a better functioning drainage system, we don't think the infrastructure of our block can withstand even less places for rainwater to go. Water commonly pools at the Quarton/Pilgrim intersection during big rain storms as is **(picture 1)**, and this issue would be further compounded with the addition of another house from which stormwater will need diversion.

Conversely, if the proposed lot division does pass, we request that the city of Birmingham look into addressing the poor drainage that afflicts our street, sidewalks and driveways. It takes only a quick walk down our block during a heavy rain to see the quick-moving stream that goes along Pilgrim from Redding down to Quarton, erodes our driveways and lawns, leaves significant sediment **(picture 2)** and puts our basements at risk of water infiltration. Curbs and a better drainage system seems the minimum commitment from the city to ensure the integrity of the homes/yards on our street. One additional consideration; this is the largest lot on our block which provides a future owner the opportunity to have a big house AND a big yard, a rare combination in Birmingham. It would be a shame to get rid of that.

In summary, from both an aesthetics standpoint and a infrastructure perspective we oppose the proposed division of the 1429 Quarton lot. Thank you for your time and consideration.

Sincerely,



**Jason & Eleni Pittenger**

Picture 1: From our front porch looking toward the Pilgrim/Quarton intersection





**Picture 2: Pilgrim Ave erosion due to fast moving water/pooling**



I'd like to express my concerns regarding the revised Code of Conduct included in the materials we've been asked to review for tonight's meeting. My written response is included in those materials.

I strongly believe that as currently drafted, this well-meaning but seriously flawed document will have unintended consequences that will . . .

- 1) Severely limit the naturally occurring interaction between elected Commissioners and their constituents that is so fundamental to good government;
- 2) Silence and unacceptably restrain current and future Commissioners who wish to raise questions or concerns deemed "noncompliant" by City staff or fellow Commissioners;
- 3) Encourage and facilitate beyond reason the casting of aspersions toward fellow Commissioners, citizens and City staff who hold differing views or challenge prevailing orthodoxy;
- 4) And place the City and this Commission at odds with the 1<sup>st</sup> Amendment to the United States Constitution.

Let me make clear that I am not opposed to having a well-constructed code of conduct.

Guidelines are helpful to everyone. We come to our roles, officials, and responsibilities with different backgrounds, experience and styles. A properly crafted code can help bring clarity to gray areas, define expectations and reduce the frequency of discord.

But codes of conduct should be inspiring and empowering, not punitive and stifling.

I believe the revised code we've been asked to review has been drafted — intentionally or unintentionally — in an authoritarian manner, setting traps for the people turning to it in good faith for guidance, failing to encourage the clarity, efficiency and comradery it should seek to achieve.

I respectfully ask that we take a hard second look at this code . . . not as a rejection of our need for a code of conduct, but as affirmation of our desire to work in harmony, connect with your constituents without fear, and express our ideas openly and freely.

BRAD HOST  
Comm. Comments  
4/24/23

**Re: Monday night Commission meeting 14th Amendment v Proposed Code of Conduct and current ethics ordinance**  
4 messages

**Tom Markus** <tmarkus@bhamgov.org> Fri, Apr 21, 2023 at 2:48 PM  
To: "Bloom, David (D.M.)" <dbloom4@ford.com>  
Cc: City Commission <city-commission@bhamgov.org>, DepartmentHeads <departmentheads@bhamgov.org>

You have the opportunity to express your views on Monday evening by 1. Speaking under Section IV Open to the public for matters not on the agenda or 2. When public comment is called for by the Mayor on items actually on the agenda.

On Fri, Apr 21, 2023 at 12:43 PM Bloom, David (D.M.) <dbloom4@ford.com> wrote:  
Hello Tom,

As it relates to the proposed code of conduct on the agenda for Monday night and your advisory opinion request before the Ethics Board I've been reading up on the 14<sup>th</sup> Amendment of the US Constitution (copied below). I wanted to ask if you or Mary can explain on Monday evening during the code of conduct discussion how under this amendment (specifically the first section) city commissioners can be legally barred by the city from 1) attending other city board meetings, 2 publicly or otherwise expressing themselves outside commission meetings, 3) advocating on any items before the city commission or which might come before the commission, and if so can any case law be cited in support of this conclusion? My understanding of the 14<sup>th</sup> Amendment's equal protection clause is that it covers the actual application of existing law to be fair and unbiased, not lawmaking or expressing opinions about laws or potential laws themselves. If the due process clause is being used to justify this what existing case law supports barring advocacy by a commissioner so long as this advocacy does not impact the actual application of any laws on issues before the commission? Based on my interpretation of the amendment and some additional reading I have done the effort and current attempts to limit advocacy and communication with constituents would appear to be unconstitutional.

Also, on February 24<sup>th</sup> I sent comments on the draft ethics ordinance and included copies of some other ordinances that I thought would be improvements. Were these discussed and reviewed, is there any feedback, and can this information be included in the packet for Monday night as I was not able to locate it?

Regards,  
  
David Bloom  
Birmingham

Amendment XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for



participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

### Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

### Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

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To view this discussion on the web visit [https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CALPLqChkkGprv12\\_RERiLMsf0SreEf1kq8K671iYe\\_Jq2MWcHw%40mail.gmail.com](https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CALPLqChkkGprv12_RERiLMsf0SreEf1kq8K671iYe_Jq2MWcHw%40mail.gmail.com).

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**Tom Markus** <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>  
To: Alex Bingham <[abingham@bhamgov.org](mailto:abingham@bhamgov.org)>

Mon, Apr 24, 2023 at 3:01 PM

Make copies for the commission for tonight

[Quoted text hidden]

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**Tom Markus** <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>  
To: Alex Bingham <[abingham@bhamgov.org](mailto:abingham@bhamgov.org)>

Mon, Apr 24, 2023 at 3:02 PM

make copies

----- Forwarded message -----

From: **Bloom, David (D.M.)** <[dbloom4@ford.com](mailto:dbloom4@ford.com)>

Date: Sun, Apr 23, 2023 at 6:45 PM

Subject: RE: Monday night Commission meeting 14th Amendment v Proposed Code of Conduct and current ethics ordinance

To: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

Tom, Thank you.

Would you please place this communication chain in the packet for the meeting Monday night?

It would be helpful to everyone if you or Mary could explain the legal foundation on which the proposed code is based as it relates to preventing commissioner advocacy or perceived/alleged advocacy.

When I previously advocated before the Commission on the need for a commissioners' code of conduct it was prompted by the malicious and harmful ugliness committed by Commissioner Baller and then Mayor Pro Tem Longe through her tacit support during the last city commission election in the hopes of restoring civility and respect and reducing the likelihood of repeat occurrences in Birmingham's future. It was not to ban advocacy or suggest that all contact between a commissioner and constituents should require rigorous documenting and mandated reporting.

The goal of achieving commission governance that is fair and impartial and based on fiduciary principals is worthy and very noble. Realizing this in practice is extremely more complicated, and we should not try to achieve it with provisions in a code of conduct that are arguably unenforceable based on constitutional principles, unrealistic, or create an atmosphere which decreases the likelihood of citizens feeling uncomfortable communicating their concerns to commissioners. And, unfortunately, in terms of the fiduciary responsibility, fairness, and due process you are interested in achieving, the history and law on this seems to be quite murky which is why great care and legal expertise should be taken before adopting it.

Regards,

David Bloom  
Birmingham

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**From:** Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>  
**Sent:** Friday, April 21, 2023 2:48 PM  
**To:** Bloom, David (D.M.) <[dbloom4@ford.com](mailto:dbloom4@ford.com)>  
**Cc:** City Commission <[city-commission@bhamgov.org](mailto:city-commission@bhamgov.org)>; DepartmentHeads <[departmentheads@bhamgov.org](mailto:departmentheads@bhamgov.org)>  
**Subject:** Re: Monday night Commission meeting 14th Amendment v Proposed Code of Conduct and current ethics ordinance

**WARNING:** This message originated outside of Ford Motor Company. Use caution when opening attachments, clicking links, or responding.

[Quoted text hidden]

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**Alex Bingham** <[abingham@bhamgov.org](mailto:abingham@bhamgov.org)>  
To: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

Mon, Apr 24, 2023 at 3:07 PM

got it

[Quoted text hidden]

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**Alexandria D. Bingham**

*City Clerk*

**City of Birmingham**

**151 Martin Street**

**Birmingham, MI 48009**

(248) 530-1802 Office Direct

(248) 530-1080 Fax

[abingham@bhamgov.org](mailto:abingham@bhamgov.org)

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