

City of Bloomington Common Council

Legislative Packet – Addendum

(Issued on Tuesday, 15 June 2021)

Wednesday, 16 June 2021

Regular Session - 6:30 pm

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

RESOLUTION 21-23

**RECOGNIZING THE 52ND ANNIVERSARY OF THE STONEWALL RIOTS
AND THE JUNE CELEBRATION OF PRIDE MONTH**

- WHEREAS, LGBTQ+ residents of Bloomington, Indiana have made and continue to make vital contributions to the city and the state through their roles in education, law, health care, business, government, public safety, science, research, economic development, architecture, fashion, sports, the arts, technology, literature, social justice, and numerous other fields; and
- WHEREAS, LGBTQ+ residents in the United States serve and have served honorably and with bravery in the United States Army, Navy, Air Force, Marines, and Coast Guard; and
- WHEREAS, LGBTQ+ individuals throughout the United States have served with distinction in a range of elected leadership positions in Federal, State, and local government including member of Congress, governor, mayor, city council member, county council member, clerk, and other roles; and
- WHEREAS, the LGBTQ+ community has faced discrimination, inequality and violence in the United States; and
- WHEREAS, throughout much of this nation’s history, same-sex relationships were criminalized in many states, and many LGBTQ+ individuals were compelled to hide their LGBTQ+ identities and to live in secrecy and fear; and
- WHEREAS, According to the Human Rights Campaign (HRC) 2020 State Equality Index, 27 states have no explicit ban on discrimination based on sexual orientation and gender identity in housing; and 29 states have no express prohibition on Public Accommodations discrimination based on sexual orientation and gender identity; and
- WHEREAS According to the Gay, Lesbian and Straight Education Network (GLSEN) there are 30 states without laws prohibiting discrimination against students based on sexual orientation and gender identity; and
- WHEREAS, LGBTQ+ people in Indiana face disparities in employment, healthcare, education, housing, and many other areas central to the pursuit of happiness in the United States; and
- WHEREAS, the demonstrators who protested a law enforcement raid of the Stonewall Inn, an LGBTQ+ club in New York City, on June 28, 1969, 52 years ago this month, were pioneers in the LGBTQ+ movement for equality; and
- WHEREAS, on June 26, 2015, the Supreme Court of the United States ruled in *Obergefell v. Hodges*, 135 S. Ct. 2584, that same-sex couples have a constitutional right to marry and acknowledged that “[n]o union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family”; and
- WHEREAS, the United States Supreme Court in *Bostock v. Clayton County, GA*, 140 S. Ct. 1731 (2020) held that discrimination on the basis of gender identity or sexual orientation is a form of sex discrimination, and thus prohibited by Title VII of the City Rights Act of 1964; and
- WHEREAS, despite being marginalized throughout this nation’s history, LGBTQ+ people in Bloomington, Indiana and across the country continue to celebrate their identities, love, and contributions to the United States in various expressions; and
- WHEREAS, LGBTQ+ people in Bloomington and across Indiana have fought for equal treatment, dignity, and respect; and
- WHEREAS, LGBTQ+ people in Bloomington have achieved significant milestones, ensuring that future generations of LGBTQ+ people in the City will enjoy a more equal and just society; and

WHEREAS, the inclusion of LGBTQ+ people in Bloomington continues to expand, and LGBTQ+ people in Bloomington remain determined to pursue equality, respect, and inclusion for all individuals regardless of sexual orientation and gender identity;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT;

SECTION 1. The City of Bloomington supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority individuals (referred to in this resolving clause as “LGBTQ+”) people in Bloomington and around the world;

SECTION 2. The City of Bloomington supports efforts to ensure the equal treatment of all people in the City, regardless of sexual orientation and gender identity;

SECTION 3. The City of Bloomington encourages the celebration of June as “LGBTQ+ Pride Month” in order to provide a lasting opportunity for all people in Bloomington to learn about the discrimination and inequality experienced by the LGBTQ+ community, and to celebrate the contributions of the LGBTQ+ community throughout the history of the City.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-4-6-14.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, , 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Sgambelluri, Councilmember Flaherty and Councilmember Sandberg. It recognizes the substantial contributions of members of the LGBTQ+ community in our community and beyond. Further, it remembers the 1969 protests at the Stonewall Inn as a significant moment in the struggle for equality for the LGBTQ+ community, and it reaffirms the City of Bloomington's commitment to supporting the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority individuals.

Note: This resolution was revised after distribution in the Legislative Packet but before being introduced at the June 16, 2021 Regular Session. The revision added Councilmember Sandberg as a co-sponsor.

*** Amendment Form ***

Ordinance #: 21-30
Amendment #: Am 03
Submitted By: City HAND department (in search of sponsor)
Date: June 16, 2021
Proposed Amendment: Additions are shown in **bold**; deletions are shown in ~~striketrough~~

[*Note: this amendment takes into account previous amendments to Ordinance 21-30 that were adopted by the Council*]

1. The first Whereas clause of Ordinance 21-30 shall be amended as follows:

WHEREAS, the City of Bloomington ~~has a demonstrated problem enforcing~~ **is in need of a resource to support identification and enforcement of** over-occupancy in residential rental units; and

2. The last Whereas clause of Ordinance 21-30 shall be deleted and the “; and” at the end of the preceding Whereas clause shall be amended to a period to reflect this change.

3. Ordinance 21-30, Section I shall be amended by revising the proposed new BMC Section 16.03.025 as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

- (a) No owner of a residential rental unit containing up to four dwelling units per building shall let for occupancy or let any such dwelling unit without first ~~submitting~~ **completing and maintaining** a fully executed occupancy affidavit for said dwelling unit ~~to the HAND department~~ on the form so provided by the HAND department.
- (b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant ~~and identify the familial relationships, if any, among the occupants~~. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after ~~diligent~~ **reasonable** inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
- (c) For each dwelling unit, the owner or agent shall ~~submit~~ **complete** an updated occupancy affidavit and each tenant shall sign the same, as set forth above, not less than once per calendar year ~~during the month of September~~, and also within 15 calendar days from the date of any change in the occupancy in the dwelling unit. **The owner of the residential rental unit shall retain completed occupancy affidavits for a period of two years. The owner of a residential rental unit shall produce and permit inspection of an occupancy affidavit during any HAND inspection, or upon request by the City.**

- (d) For residential rental properties containing more than four dwelling units, the requirement to ~~submit~~ **complete and maintain** a fully executed occupancy affidavit to the ~~HAND department~~ is waived unless a complaint is made about occupancy concerning the residential rental unit.
- (e) Any residential rental unit that is subject to this section but has received from the Board of Housing Quality Appeals a variance from having to obtain an occupancy permit under this Title must still fully comply with this section of this Title.

3. Ordinance 21-30, Section II shall be amended by revising the proposed addition to the table contained at BMC Section 16.10.030(b) as follows:

Failure to timely submit and/or submission of an incorrect occupancy affidavit.	Flat fine not to exceed \$500.00.
Failure to timely maintain and/or knowing, intentional, reckless, or negligent completion of an incorrect occupancy affidavit	

4. Ordinance 21-30 shall be amended by deleting Section III and renumbering subsequent sections accordingly.

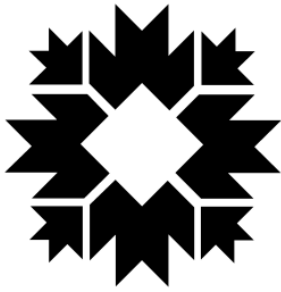
Synopsis

This amendment was prepared to reflect changes suggested by HAND staff. It makes several changes to Ordinance 21-30, as follows:

- requires property owners subject to the ordinance to complete and maintain occupancy affidavit forms after a reasonable inquiry as opposed to requiring submittal of each form to the HAND Department;
- states that property owners shall retain completed occupancy affidavit forms for a period of two years and shall be able to produce the forms upon request;
- removes the requirement to identify the familial relationship among occupants in the affidavit form;
- revises the proposed penalty to address a failure to timely maintain a required affidavit form;
- deletes Section III of the ordinance to remove the change proposed related to email notification of notices of violation; and
- revises Whereas clauses to better reflect the reason for the ordinance to reflect other changes proposed by the amendment.

Committee Recommendation:
Regular Session Action (6/16/21):

N/A
Pending



**CITY OF BLOOMINGTON
RENTAL UNIT OCCUPANCY AFFIDAVIT**

**Housing & Neighborhood Development
P.O. Box 100
Bloomington, IN 47401
Phone: (812) 349-3420 Fax: (812) 349-3582
Email: hand@bloomington.in.gov**

As required by Section 16.03.025 of the Bloomington Municipal Code.

Address of Residential Rental Unit (include apt. number): _____

I am a competent adult and make this affidavit based upon my personal knowledge. I have made reasonable inquiry into the names of all tenants occupying this Residential Rental Unit. The names of each and every occupant residing in this residential rental unit are as follows:

Name:

The lease for this residential rental unit is from _____ to _____.

Initial one of the following:

_____ I am the owner of this residential rental unit.

_____ I am the agent of this residential rental unit.

As set forth in BMC 16.03.025, the owner or agent of a residential rental property consisting of not more than 4 dwelling units per building shall submit an updated occupancy affidavit for each dwelling unit, and each tenant occupying the dwelling unit shall sign the same, not less than once per calendar year and also within 15 days of the date of any change in occupants.

I affirm, subject to the penalties in BMC 16.10.030(b), that the foregoing representations are true.

Date: _____ Signature: _____ Printed: _____
Owner/Agent Owner/Agent

All Tenants of this Residential Rental Unit are required, pursuant to BMC 16.03.025 to review the information contained in this document and affirm that the information contained herein is true and accurate.

Tenant Confirmation: I affirm, subject to the penalties provided in BMC 16.10.030(b), that the foregoing representations are true.

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Date: _____ Signature: _____ Printed: _____

Owner/Agent Verification of Refusal to Sign: I affirm, subject to the penalties provided in Bloomington Municipal Code 16.10.030(b), that I have requested that the tenants sign this occupancy affidavit and the following tenants have refused to do so:

Name (please print legibly):

*** Amendment Form ***

Ordinance #: 21-25
Amendment #: Am 01
Submitted By: City legal department (in search of sponsor)
Date: June 16, 2021
Proposed Amendment: Additions are shown in **bold**; deletions are shown in ~~strikethrough~~

1. The title of Ordinance 21-25 shall be amended by revising the name of the fund to be established from the “American Rescue Plan Act Fund” to the “ARP Coronavirus Local Fiscal Recovery Fund” as follows:

**TO ESTABLISH THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY
FUND ~~AMERICAN RESCUE PLAN ACT FUND (“ARPA FUND”)~~
SUPPORTING THE CITY OF BLOOMINGTON’S RECOVERY FROM
THE COVID-19 PANDEMIC**

2. Ordinance 21-25, Section 1 shall be amended by revising the name of the fund to be established in the Office of the Controller from “ARPA fund” to “ARP Coronavirus Local Fiscal Recovery Fund” as follows:

SECTION 1. Establishment of Fund. There is hereby established a fund to be known as the ARP Coronavirus Local Fiscal Recovery Fund ~~ARPA Fund (“ARPA Fund”)~~ in the Office of the Controller.

3. The synopsis of Ordinance 21-25 shall be amended by revising the reference to the “American Recovery Plan Act (ARPA) Fund” to instead refer to the “ARP Coronavirus Local Fiscal Recovery Fund”.

Synopsis

This amendment updates the name of the fund to be established to “ARP Coronavirus Local Fiscal Recovery Fund” to comport with accounting directives issued by the State Examiner.

Committee Recommendation: N/A
Regular Session Action (6/16/21): Pending