



Migrant Labor Housing Advisory Board

NOTES

January 21, 2022

1:00 p.m. – 3:00 p.m.

[MS Teams](#)

Phone: 248-509-0316 / Access: 162 348 683

BOARD MEMBERS PRESENT:

Eva Alvarez
Craig Anderson

Jesse Costilla
Adam Dietrich

Bill Groenink
Joann Hoganson

Beth VanDrie
Mark Miezio

BOARD MEMBERS ABSENT:

Trever Meachum
Jose Roman-Mota

Francisco Posada

Dorian Slaybod

Ann Marie Rocha

GUESTS:

Gerardo Aranda
Hector Arroyo
Ashley Batteen
Dale Freeman

Audra Fuentes
Majed Ghussaini
Poppy Hernandez

Lisabeth Iglesias-Rios
Jim Johnson
Sheila McCulloch

Fred Lietz
Mark Swartz
Ben Tirrell

NOTE TAKER:

Sheila McCulloch

Call to Order

Migrant Labor Housing Advisory Board (MLHAB) Chair Joann Hoganson called the MLHAB to order at 1:02 p.m. with a quorum present.

Roll Call

MLHAB Board Chair Joann Hoganson conducted a MLHAB Member roll call, attendance noted above.

Welcome

MLHAB Board Chair Joann Hoganson welcomed MLHAB members and guests.

Additions to the Agenda

MLHAB Board Chair Joann Hoganson called for additional agenda items to consider. No additional agenda items were submitted.

Motion to Approve- Mark Meizio; Motion Second – Eva Alvarez

Mark Meizio motioned to approve the agenda, as presented. The motion was seconded by Eva Alvarez.

Motion Carried:

The motion carried unanimously. All members were in favor, none opposed or abstained from the vote.

Define/Clarify Draft MLH Advisory Board Recommendations

MLHAB members continued defining recommendation statements, clarifying metrics and milestones. MLHAB drafted a Broadband Access recommendation statement. Once finalized it will be included in the full report of recommendations.

Public Comment

Hector Arroyo

Recommendation to include U.S. Department of Agriculture and the U.S. Department of Housing and Urban Development as resources.

Requested MDARD Migrant Labor Housing Program develop an educational training tool and/or collaborate with Michigan State Housing Development Authority, Michigan State University Extension using existing resources to develop an online self-directed training related to zoning to facilitate greater understanding of the adverse impact on such zoning.

Lisbeth Iglesias-Rios

Bias is more than racism and discrimination (systematic). Should include growers, contractors and crew leaders when considering community outreach efforts.

Poppy Hernandez

Systemic discrimination needs to be addressed and recognized the task belongs to every department, agencies, and stakeholders. Requested MLHAB Board Member be mindful and reasonable in setting MLHAB goals.

Majed Ghussaini

Provided the following law references:

Michigan Zoning Enabling Act (Act 110 of 2006)

- Section 201(2) - Any local zoning ordinance must be uniform “for each class of land or buildings, dwellings, and structures within a district.” Thus, a zoning ordinance cannot be applied only to migrant labor housing, any ordinance must be applied to all housing without respect to who will reside within. *Frens Orchards, Inc. v. Dayton Tp. Bd.*, 253 Mich. App. 129,134-35 (2002).
- Section 203(1) - “A zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare...to meet the needs of the state’s residents for food, fiber, and other natural resources, places of residence, recreation, industry....” (emphasis added). In *Kropf v. City of Sterling Heights*, 215 N.W.2d 179, 182-84 (Mich. 1974) the Michigan Supreme Court ruled that an ordinance must have a current, reasonable relationship to the general welfare of the township or city’s citizens which should be supported by expert witnesses, public hearings, and necessary planning. A township cannot simply state that the ordinance will benefit its citizens, it must give reasonable evidence to support its conclusion. An ordinance that restricts migrant labor housing in a community where agricultural harvesting involves migrant labor is going against the Act’s intent to ensure places of residence are available and to help meet Michigan residents’ requirements for food and the benefits of its major industries, which include agriculture.

Elliot-Larsen Civil Rights Act (Act 453 of 1976)

- Article 1, Section 102(1) – “The opportunity to obtain employment, housing...without discrimination because of religion, race, color, national origin...is recognized and declared to be a civil right.” If migrant workers are treated differently than others, or are

otherwise discriminated against, based on their national origin, those responsible are have committed and are liable for a civil rights violation.

- Article 5, Section 505(1) – “A condition, restriction, or prohibition...that directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin...is void.” A local zoning ordinance with a condition or restriction that interferes with migrant labor workers efforts to find housing because of their race, color, or national origin, that ordinance would be void. Such a condition could include square footage requirements or other property requirements making migrant labor housing unprofitable or insensible for the owner. That would limit the amount of housing available to migrant labor, even if it is indirectly.

FEDERAL LAWS

Fair Housing Act (42 U.S.C.A. § 3604)

- Section (a) - It is unlawful to “refuse to sell or rent...or otherwise make unavailable or deny, a dwelling to any person because of race, color...or national origin.” A township cannot develop ordinances that have the purpose or effect of denying migrant laborers housing based on their national origin. In *Frazier v. City of Grand Ledge*, MI, 135 F.Supp.2d 845, 855 (2001) (quoting *Thornton v. City of Allegan*, 863 F.Supp. 504, 510 (W.D. Mich. 1993), the Court decided that “[p]laintiffs need prove only that Defendant’s action had a discriminatory impact or effect.” Once that impact or effect is proven, the township must justify their ordinance and demonstrate that there is no alternative “with less discriminatory effect.” *Id.* Thus, a township has the burden to justify an ordinance that has a discriminatory effect even when the effect was not intended. This can be hard to do, especially if the ordinance directly or indirectly eliminates all migrant labor housing in that township.

Jim Johnson

Advised the MLHAB the state of Michigan FY23 budget is currently being developed. Generally, the FY23 budget is released in February around the Governor’s State of the State Address. Need to be cognizant of this and develop clear objectives that affect the state budget (i.e., staffing requests).

MDARD staff will create a summary document identifying the broad categories the MLHAB members discussed when developing recommendations and full report.

Round Robin

Craig Anderson

Request MLHAB members review and prioritize the remaining topics, specifically those that will impact the state budget (i.e., Memorandum of Understandings, staffing, investments, incentives, and partnership development) these will be discussed at the next MLHAB meeting.

Adjournment

MLHAB Chair Joann Hoganson adjourned the meeting at 2:50 p.m. without a motion.

The next Migrant Labor Housing Advisory Board Meeting is scheduled on Friday,
January 28, 2022, at 1:00 p.m.