

# City of Madison

## Analysis of Impediments to Fair Housing Choice

September 2013 CDBG Committee Review DRAFT





(Insert Committee Recommendation)



(Insert Resolution)



Mayor

Paul R. Soglin

Mayor

## Common Council Members

Lisa Subeck	Alder, District 1
Ledell Zellers	Alder, District 2
Lauren Cnare	Alder, District 3
Michael Verveer	Alder, District 4
Shiva Bidar-Sielaff	Alder, District 5
Marsha Rummel	Alder, District 6
Steve King	Alder, District 7
Scott Resnick	Alder, District 8(Council Pres. Pro Tem)
Paul Skidmore	Alder, District 9
Maurice Cheeks	Alder, District 10
Chris Schmidt	Alder, District 11(Council President)
Larry Palm	Alder, District 12
Sue Ellingson	Alder, District 13
John Strasser	Alder, District 14
David Ahrens	Alder, District 15
Denise DeMarb	Alder, District 16
Joseph Clausius	Alder, District 17
Anita Weier	Alder, District 18
Mark Clear	Alder, District 19
Matthew Phair	Alder, District 20

City of Madison Department of Planning & Community & Economic Development

## Community Development Division

*A special thank you to all of our focus group and survey participants.*



## Table of Contents

Executive Summary .....	1
Purpose.....	1
Overview of Study .....	1
Impediments to Fair Housing Choice in the City of Madison, WI .....	1
Summary of Actions .....	1
I. Introduction .....	5
II. Background Data.....	8
Demographics .....	9
Income and Poverty .....	16
Access to Food.....	19
Employment.....	20
Transportation Options and Commute Outcomes.....	21
Transit .....	21
Commuting .....	24
Housing Stock.....	25
Housing Vacancy .....	27
Housing Affordability .....	29
Fair Market Rents .....	29
Gross Rent.....	29
Cost Burden .....	30
Foreclosures .....	30
Lending Policies and Practices .....	31
III. Fair Housing Profile.....	37
Fair Housing Programs and Activities .....	37
Public Groups and their Role in Fair Housing .....	37
Federal Funding Sources Received in Madison.....	38
City-Administered Programs .....	39
Non-Profit Agencies .....	41
Public Policy Impacts on Fair Housing Choice .....	44
Zoning and Site Selection .....	44
Neighborhood Planning, Transit Service, and the Employment-Housing-Transportation Linkage ..	47
Public Housing Authority Units and Tenant Selection Procedures .....	48
Section 8 Vouchers and Associated Programs.....	50
Informational Programs .....	50
Sale of Subsidized Housing and Possible Displacement .....	51
Property Tax Policies .....	51

Relevant Boards & Commissions .....	52
City of Madison Fair Housing Complaint Process .....	56
State of Wisconsin and Federal Fair Housing Complaint Process.....	57
Documented Fair Housing Complaints and Discrimination Suits .....	57
Determination of Unlawful Segregation.....	58
IV. Community Input.....	59
Focus Group Results .....	59
Administrative Issues.....	60
Regulatory Issues .....	60
Quality Issues.....	60
Spatial Issues.....	60
Affordability/Financial Issues.....	61
Accessibility Issues.....	61
Supply Issues .....	61
Discriminatory Issues.....	61
Possible Actions suggested during the Focus Groups.....	62
Survey Results .....	63
V. Identification of Impediments to Fair Housing Choice and Recommended Municipal Activities to Alleviate Impediments .....	67
1. Supply Impediments (Private Sector) .....	67
1.1 Inadequate Supply of Rental Housing (Indirect Impediment) .....	67
1.2 Inadequate Supply of Larger Rental Units (Indirect Impediment) .....	68
2.1 Inadequate Supply of Affordable Housing (Indirect Impediment) .....	68
3. Financial Impediments (Private Sector).....	68
3.1 Lack of Loans to Minorities (Indirect Impediment) .....	68
4. Spatial Impediments (Public and Private Sector).....	69
4.1 Affordable Housing Projects Directed Toward Low Income Neighborhoods (Indirect Impediment).....	69
4.2 Transit Commuting Times Excessive from some Areas (Indirect Impediment).....	69
4.3 Poor Grocery Store Access in Some Minority Neighborhoods (Indirect Impediment) .....	69
5. Administrative Impediments (Public Sector).....	70
5.1 Limited Use of Fair Housing Complaint Procedures (Indirect Impediment).....	70
5.2 Uncertain Implementation Strategy and Responsibility (Indirect Impediment) .....	70
5.3 Zoning Code Permits Concentration of Disabled Residents (Indirect Impediment).....	70
Appendix A: City of Madison Fair Housing Funding Recipients (2012) .....	1
Appendix B: Zoning Code Term Definitions .....	1
Appendix C: Equal Opportunities Ordinance (MGO 39.03) .....	1
Appendix D: Maps.....	1



## Index of Tables and Figures

Table 1-1	Summary of Protected Classes and Exceptions .....	6
Figure 2-1	Census Tract Reference Map .....	9
Figure 2-2	Population Distribution by Census Tract Map.....	10
Figure 2-3	Residential Patterns by Race .....	10
Figure 2-4	Percentage of African American Population by Census Tract.....	11
Figure 2-5	Percentage of Asian Population by Census Tract .....	12
Figure 2-6	Percentage of Population with 2 or more Races by Census Tract .....	13
Figure 2-7	Percentage of Hispanic or Latino Population by Census Tract.....	13
Table 2-8	Percent Population with a Disability.....	14
Figure 2-9	Distribution of Residents 65 and over by Census Tract.....	14
Figure 2-10	Distribution of Residents Receiving SSI by Census Tract .....	15
Table 2-11	Income and Poverty Trends .....	16
Figure 2-12	Median Household Income by Census Tract Map.....	16
Figure 2-13	Percent Households Receiving Food Stamps in the Past 12 Months, by Tract .....	17
Figure 2-14	Selected Characteristics of People at Specific Levels of Poverty.....	18
Figure 2-15	Race, Garden and Grocery Store Distributions, 2010.....	19
Table 2-16	Unemployment Rate .....	20
Figure 2-17	Madison's largest Employers .....	20
Figure 2-18	Employment Concentrations .....	21
Figure 2-19	Current Metro Transit Routes .....	22
Figure 2-20	Proposed BRT Routes.....	23
Figure 2-21	Travel Time to Work .....	24
Figure 2-22	Unit Type .....	25
Table 2-23	Year Unit Built .....	25
Table 2-24	Year Moved into Unit .....	26
Figure 2-25	Occupancy .....	26
Table 2-26	Madison Area Rental Vacancy Rates .....	27
Figure 2-27	Apoproved Units, 2004-2013.....	28
Table 2-28	HUD Fair Market Rents .....	29
Table 2-29	Gross Rents .....	29
Figure 2-30	Selected Housing Costs as a Percentage of Income.....	30
Figure 2-31	Neighborhood Stabilization Score .....	31
Table 2-32	Loan Applications by Race/Ethnicity .....	32
Table 2-33	Mortgage Application Data, All Loans, by Race and Ethnicity .....	33
Table 2-34	Mortgage Application Data, Conventional Loans, by Race and Ethnicity .....	34
Table 2-35	Mortgage Application Data, FHA, FSA/RHS & VA Loans, By Race and Ethnicity .....	35
Figure 2-36	Reason for Loan Denial .....	36
Table 3-1	Allowed Uses in Residential Districts .....	45
Table 3-2	Publicly- Owned Housing Map .....	49
Figure 3-3	Madison Property Tax Full Value Rate .....	52
Figure 3-4	2010 Mill Rate Comparison Dane County Cities .....	52
Figure 3-5	Boards and Commissions by Race.....	53
Figure 3-6	Complaints to the City of Madison.....	57
Figure 3-7	Complaints Received by HUD 2008-2012 .....	58

This page intentionally left blank.

## Executive Summary

### Purpose

The purpose of the Analysis of Impediments to Fair Housing Choice (AI) is to make sure that the City of Madison is working to affirmatively further fair housing. The basic purpose of the Fair Housing Act is to ensure that people are not denied housing opportunities because of their race, color, national origin, religion, sex, disability, or similar status. These are characteristics that should have no bearing on someone's suitability to rent or buy a home and are designated as *protected classes*. Fair housing impediments include *direct* discriminatory actions, omissions or decisions related to membership in a protected class, or *indirect* actions, omissions or decisions that *have the effect of* restricting housing choices for people specifically because of their protected class membership.

The AI identifies fair housing concerns and offers planning strategies that can be incorporated into other community planning and development processes and decisions. The AI planning process provides an opportunity to look at the "big picture" in regards to housing, discrimination, and fairness in the choice of housing.

### Overview of Study

The City of Madison hired MSA Professional Services to complete an AI for the City. The AI combines data available from a wide variety of sources, including population, demographic, economic and housing data from the American Community Survey, The US Department of Housing and Urban Development (HUD), the Federal Financial Institutions Examination Council, and the City of Madison. This data review and analysis was combined with information gathered during a series of focus groups with housing and social service professionals and a small survey of residents.

Both the primary information that was gathered and the secondary data that was analyzed point to a similar set of at-risk groups and possible impediments. All of these impediments are considered indirect impediments.

### Impediments to Fair Housing Choice in the City of Madison, WI

1. Supply Impediments (Private Sector)
  - 1.1 Inadequate Supply of Rental Housing
  - 1.2 Inadequate Supply of Larger Rental Units
2. Affordability Impediments (Private Sector)
  - 2.1 Inadequate Supply of Affordable Housing
3. Financial Impediments (Private Sector)
  - 3.1 Lack of Loans to Minorities
4. Spatial Impediments (Public and Private Sector)
  - 4.1 Affordable Housing Projects Directed Toward Low Income Neighborhoods
  - 4.2 Transit Commuting Times Excessive from some Areas
  - 4.3 Poor Grocery Store Access in Some Minority Neighborhoods
5. Administrative Impediments (Public Sector)
  - 5.1 Limited Use of Fair Housing Complaint Procedures
  - 5.2 Uncertain Implementation Strategy and Responsibility
  - 5.3 Zoning Code Permits Concentration of Disabled Residents

## Summary of Actions

Impediments, Goals, and Actions	Responsible Party	Timeline
<b>1. Actions to alleviate Supply Impediments</b>		
<b>1.1 Build more rental units</b>		
1.11 Establish policies to maintain a 5% vacancy rate	Community Development Dept	2014
1.12 Encourage flexible development (condo or rental)	Community Development Dept	Ongoing
1.13 Create programs or incentives (Vancouver as model)	Community Development Dept	2014
<b>1.2 Build more large rental units</b>		
1.21 Offer incentives to encourage more large units	Community Development Dept	Ongoing
<b>2. Actions to alleviate Affordability Impediments</b>		
<b>2.1 Build more affordable units</b>		
2.11 Encourage affordable units within all parts of the City	Plan Commission, Council	Ongoing
2.12 Encourage rehabilitation of existing affordable units rather than replacement by non-affordable units	Staff, Plan Commission, Council	Ongoing
2.13 Encourage more non-traditional housing types (co-housing, etc.)	Staff, Plan Commission, Council	Ongoing
<b>3. Actions to alleviate Financial Impediments</b>		
<b>3.1 More loans to minorities</b>		
3.11 More credit and homebuying education	Staff, Homebuyers Roundtable	Ongoing
3.12 More lender education to avoid predatory lending	Staff, Homebuyers Roundtable	Ongoing
3.13 More post-purchase education to improve ownership experience	Staff, Homebuyers Roundtable	Ongoing
<b>4. Actions to alleviate Spatial Impediments</b>		
<b>4.1 Direct affordable housing away from lowest income neighborhoods</b>		
4.11 Resist neighborhood opposition to affordable housing	Plan Commission, Council	Ongoing
4.12 Collaborate with CDA and WHEDA to prioritize certain neighborhoods	Staff, Plan Commission, Council	Ongoing
4.13 Develop a Comprehensive Housing Strategy	Staff, Council	2014
4.14 Adjust development review fees to tie the fee to the projected unit value or rental cost	Staff	2014

Impediments, Goals, and Actions	Responsible Party	Timeline
<b>4.2 Reduce commute times via Metro Transit</b>		
4.21 Evaluate the routing system and pursue express service options	Staff, Committees, Council	2014- 2020
4.22 Develop more housing along transit corridors	Plan Commission, Council	Ongoing
<b>4.3 Improve access to grocery stores</b>		
4.3.1 encourage development and services that offer daily grocery access in all neighborhoods	Staff, Plan Commission, Council	Ongoing
<b>5. Actions to alleviate Administrative Impediments</b>		
<b>5.1 Increase use of fair housing compliant procedures</b>		
5.11 Simplify materials and emphasize ease and quick resolutions	Staff	2014
5.12 Optimize the City website to make it easy to find fair housing info	Staff	2014
5.13 Coordinated training to identify and direct housing-related complaints	Staff	2014
5.14 Add "Housing Discrimination" to the Report a Problem system	Staff	2014
<b>5.2 Establish implementation strategies and responsibility</b>		
5.21 Establish clear implementation roles and responsibilities within DC&P&ED	DC&P&ED Director, Staff	2014
5.22 Collaboration and Coordination among DC&P&ED, CDA, DCR	Directors and Staff of each	2014
5.23 Streamline and combine funding programs	Mayor, Council, Staff	2014-2016
<b>5.3 Prevent segregation of disabled residents in group homes</b>		
5.31 Consider revisions to number of residents allowed in Community Living Arrangements	Staff	2014



## I. Introduction

Fair housing choice is equal opportunity housing. It is the right for all people to obtain housing, of their choice, without discrimination. Provisions to affirmatively further fair housing (AFFH) are fundamental components of the Department of Housing and Urban Development's (HUD) community development and housing programs. These provisions stem from the Fair Housing Act<sup>1</sup>; a section of which required HUD to administer the department's programs in a manner that fulfills their AFFH obligation.

HUD maintains several Community Planning and Development Programs (CPD), including the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs which the City of Madison receives. As recipients of these funds, HUD requires the City of Madison to work to affirmatively further fair housing. Although a grantee's AFFH obligations arise in connection to their receipt of federal funding, the obligations extend to all housing and housing-related activities in the grantee's jurisdictional area whether publically or privately funded.

The Federal Civil Rights Act and Fair Housing Amendments established protected classes: protected classes are groups of people who share a characteristic that historically has been used as the reason for discrimination. These characteristics have absolutely no relevance as to whether or not a person will make a good tenant or homeowner. As such, these groups are protected from housing discrimination under US, Wisconsin, Dane County and local laws. These different levels of government may have slightly different sets of protected classes; however, all four levels of laws are applicable within the City of Madison.

Table 1-1 displays the protected classes at a federal, state, county and local level. For additional information on each of these laws, visit these sites (and if the address has changed, search for the specific title provided here:

City of Madison Equal Opportunities Ordinance  
<http://library.municode.com/index.aspx?clientId=50000>

Dane County Fair Housing Ordinance  
<http://danedocs.countyofdane.com/webdocs/pdf/ordinances/ord031.pdf>

State of Wisconsin Housing Discrimination Law  
[http://dwd.wisconsin.gov/er/discrimination\\_civil\\_rights/open\\_housing\\_law.htm](http://dwd.wisconsin.gov/er/discrimination_civil_rights/open_housing_law.htm)

United States Fair Housing Code  
<http://www.law.cornell.edu/uscode/text/42/chapter-45>

<sup>1</sup> Title VIII of the Civil Rights Act of 1968 (also known as the Fair Housing Act) prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, or national origin. Title VII has been amended since its original adoption in 1968 to include more protected classes. Refer to [www.hud.gov/offices/fheo/progdesc/title8.cfm](http://www.hud.gov/offices/fheo/progdesc/title8.cfm) for other laws which have fair housing components. Exceptions to the Fair Housing Act, depending on the jurisdiction can include housing for elderly or disabled persons, illegal distribution or manufacture of illegal drugs, certain convictions, student status in relation to housing needs and gender where housing is devoted exclusively to members of the same sex.

**Figure 1-1. Summary of Protected Classes and Exceptions**

Protected Class	Federal (42 U.S.C 3602)	Wisconsin (Wis. Sat. 106.50(1))	Dane County (31.01-31.03(5))	Madison (Sec 39.03, MGO)
Race	✓	✓	✓	✓
Color	✓	✓	✓	✓
Religion	✓	✓	✓	✓
Sex/Gender	✓	✓	✓	✓
National Origin	✓	✓	✓	✓
Handicap/Disability	✓	✓	✓	✓
Perception of disability		✓	✓	✓
Familial Status	✓	✓	✓	✓
Sexual Orientation		✓	✓	✓
Marital Status		✓	✓	✓
Ancestry		✓	✓	✓
Lawful Source of Income		✓	✓	✓
Age		✓	✓	✓
Status as a victim of Domestic abuse, sexual abuse, or stalking (limited protections)		✓	✓	✓
Physical appearance			✓	✓
Political beliefs			✓	✓
Status as a student			✓	✓
Arrest or conviction record (limited protections)			✓	✓
Type of military discharge			✓	✓
Refusal to disclose Social Security Number			✓	✓
Domestic Partnership Status			✓	✓
Citizenship Status				✓
Gender Identity			✓	✓
Genetic Identity				✓
Receipt of Rental Assistance				✓
<b>Exceptions</b>	Owner-occupied buildings with 4 or fewer units  Housing for elderly or persons with disabilities  Illegal distribution or manufacture of drugs	Roommates (5 or fewer)  Housing for elderly or persons with disabilities	Housing for elderly or persons with disability  Student status in relation to housing needs  Certain convictions  Gender where such housing is devoted exclusively to members of one sex	Certain convictions including violent crimes, property destruction and drug offenses  Housing for older or people with disabilities

## Protected Class Exceptions, or Legal Discrimination

There are exceptions written into the local, county, state, and federal fair housing laws that allow for discrimination based on characteristics that are otherwise protected. All levels of government grant exceptions for the benefit of elderly and disabled residents, such that it is legal to offer housing designated specifically for such residents, and to discriminate against younger residents and persons without disabilities. Similarly, Dane County allows discrimination by gender in the case of single-sex housing.

Most levels of government allow discrimination based on criminal convictions for certain crimes that could put other tenants or employees at risk. To a limited extent, housing occupants are allowed to discriminate in the selection of other occupants, including owner-occupants of four-unit buildings (or smaller), and roommates, as long as there are five or fewer people in the same unit.

## What is Required to Affirmatively Further Fair Housing?

The federal mandate to affirmatively further fair house (AFFH) has never included clear directives regarding how to fulfill this obligation. However, HUD defines it as requiring a grantee to:

- Conduct an analysis to identify impediments (AI) to fair housing choice within the jurisdiction,
- Take appropriate actions to overcome any impediments identified through the analysis, and
- Maintain AFFH records.

## What are Impediments to Fair Housing Choice?

HUD defines two types of impediments to fair housing choice:

- Direct impediments: any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, national origin, or other protected class which restrict housing choices or the availability of housing choices, and
- Indirect impediments: any actions, omissions, or decisions which have this effect

Any policies, practices, or procedures that may appear neutral but operate to deny or adversely affect the availability of housing to a person may be considered an impediment. To the best extent possible, this Analysis of Impediments to Fair Housing Choice defines the existence, nature, extent, and causes of fair housing choice problems within Madison, and the resources available to solve them. It is the goal of this document and the process by which it was created to identify any issues within the City of Madison that are preventing some persons from having access to housing of their choice without discrimination.

## II. Background Data

This section summarizes relevant background data for the City of Madison. Much of the data was derived from secondary sources, consisting primarily of the U.S. Census and the American Community Survey.

Caution should be used when interpreting the data from secondary sources. The United States has transitioned from the Census long-form to the American Community Survey (ACS). The majority of the data that the American Community Survey collects is from a sample of the total population; and therefore, is subject to both sampling errors (deviations from the true population) and non-sampling errors (human and processing errors). The ACS is released every year and covers all of the social, economic, housing, and demographic questions that previously were covered by the Census long-form. The 2010 Census only collected data on gender, age, race, ethnicity, relationship, and whether the respondent owned or rented their home.

Unlike the Census, which attempts to take a snapshot of the population on April 1<sup>st</sup>, the ACS provides consecutive estimates. Because the data is “smoothed out” over the time period, it is near impossible to pinpoint specific changes that may have occurred during the time period. The majority of the data in this document is from the ACS 2010 1-Year Estimate. Because this data is only an estimate, the ACS data may not accurately represent the housing climate within the City. Due to the fundamental differences in data, Census data and ACS data cannot be compared with each other. When comparing ACS data, it is necessary to take the margin of error (MOE) into account. Numbers that may appear to be different may not actually be *statistically significantly* different. It is important to note the source of any of the data herein and understand the caveats that accompany it.<sup>2</sup>

While data collection is a necessary part of the process to prepare an AI, it is also important to remember that the AI is meant to be a practical document that identifies impediments to fair housing choice and creates a systematic plan to remove them. For the most part, the community is aware of impediments, and those that are not clearly presented in the data are identified through the focus group process described in this document.

### QUICK FACTS

**233,209** population of Madison

**102,516** total households

**21.1%** % Minority

**\$29,169** per capita income

**18.7%** % individuals below poverty

**9.2%** % of families below poverty

**51.8%** % of units that are multi-family

**50.7%** % of units renter-occupied

**34.6%** % home costs exceeding affordability

**56.7%** % renter costs exceeding affordability

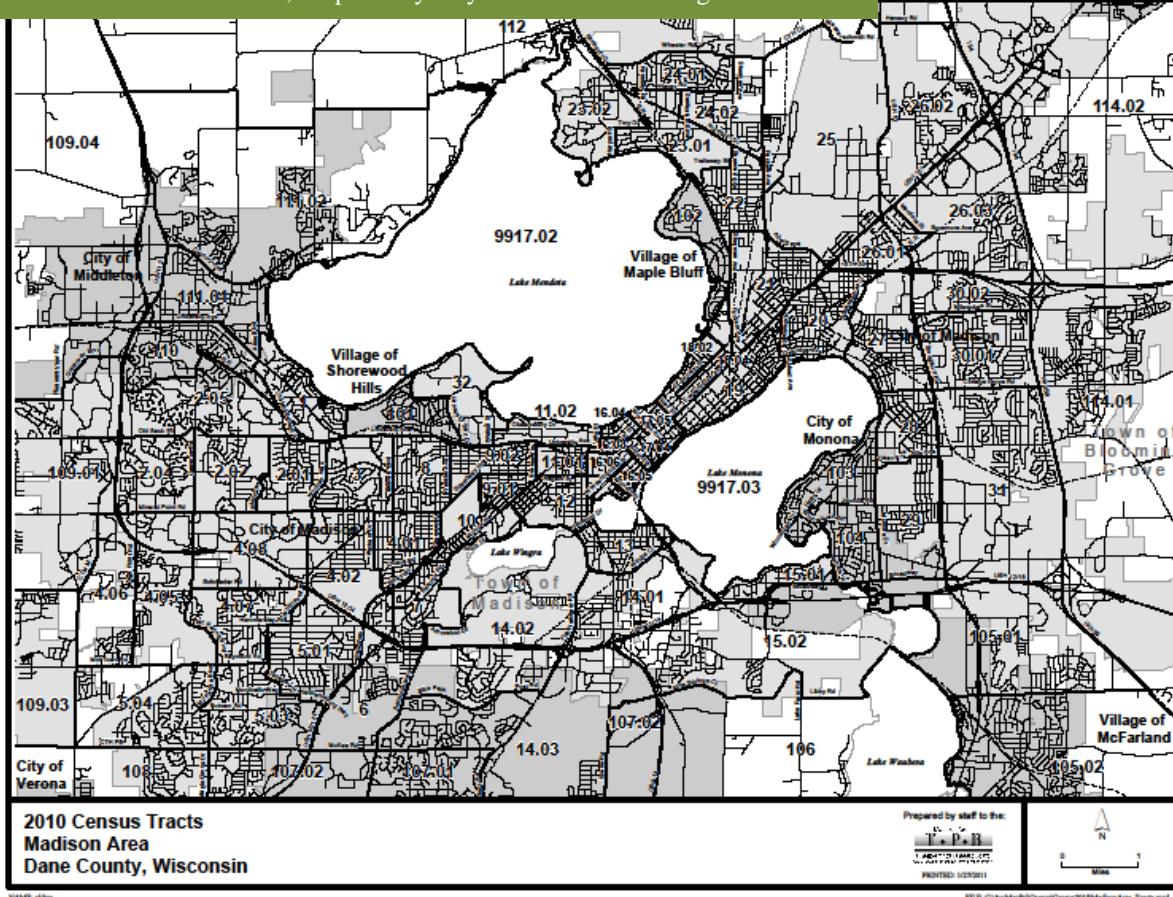
Sources: U.S Census 2010; ACS 2010 One Yr. Est.

<sup>2</sup> For more information on the ACS and how to appropriately interpret the data, visit [www.census.gov](http://www.census.gov)

*Reader note: the maps in this document were produced for use at a larger scale and are difficult to read when reduced to fit within the text. The same maps are provided at a larger scale in Appendix D.*

**Figure 2-1: Census Tract Reference Map**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



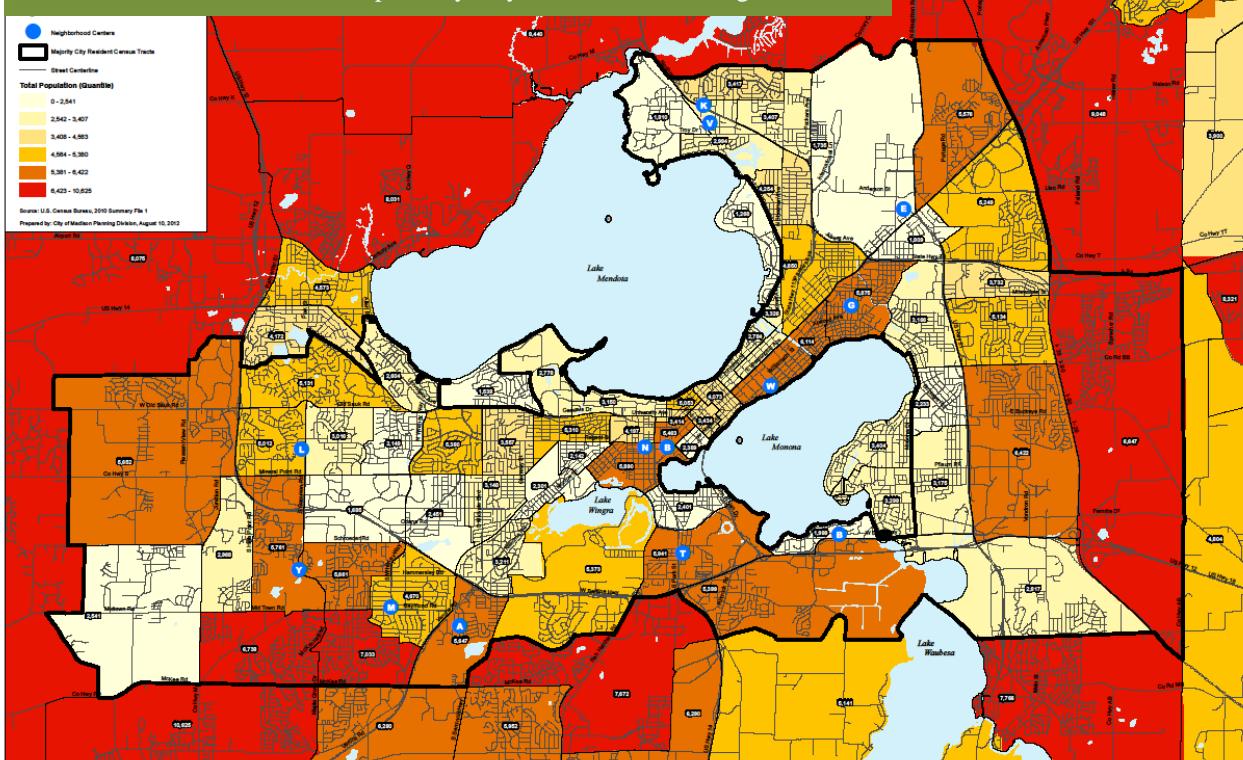
## Demographics

The City of Madison population has grown steadily over the last 30 years, at an average rate of 11% per decade. According to the 2010 census, the City population was at that time 233,209. This is approximately 47.8% of the population of Dane County, down from 52.7% in 1980. Percentages of Dane County population residing in certain Madison suburbs, including Fitchburg and Sun Prairie, have increased over the last 30 years, from 3.7% and 4.0% to 5.2% and 6.0% respectively. This indicates a shift in population from the City of Madison middle to the suburban edges of the metro area.

The following map, Figure 2-2, shows the population distribution by Census tract for the City of Madison. Note that the map does not depict population density, only population distribution. The most populous tracts are generally suburban growth areas that include more area and have not yet been subdivided to normalize the population as compared to other, more static tracts.

**Figure 2-2. Population Distribution by Census Tract**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



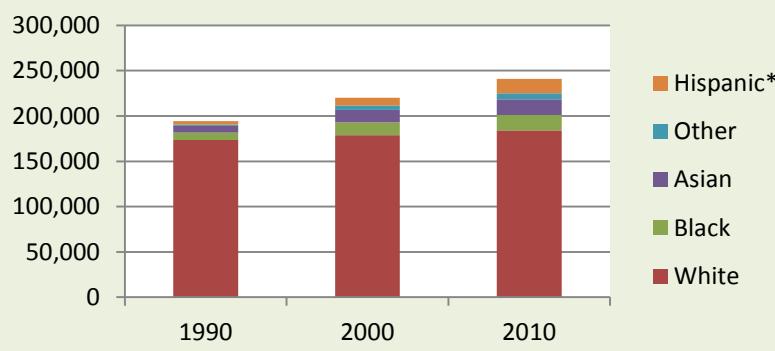
## Race

Figure 2-3 shows the residential patterns within the City of Madison by race. As the overall population grows, the percentage of the population that identifies as minority is also increasing (from 9% in 1990 to 21.1% in 2010). According to the 2010 Census, the City of Madison is approximately 78.9% White, 7.3% Black, 7.4% Asian, 2.9% Other, and 6.8% Hispanic. Hispanic persons can be of any race. Those identifying as "Other" are the fastest growing group, while those identifying as Hispanic are the second fastest growing group.

**Figure 2-3. Residential Patterns by Race**

\* Hispanic can be of any race

Source: 2010 Census, City of Madison Comprehensive Plan



Figures 2-4 through 2-7 show minority concentration by census tract for Madison and some adjoining areas.

**Figure 2-4 Percentage of African American Population by Census Tract**  
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

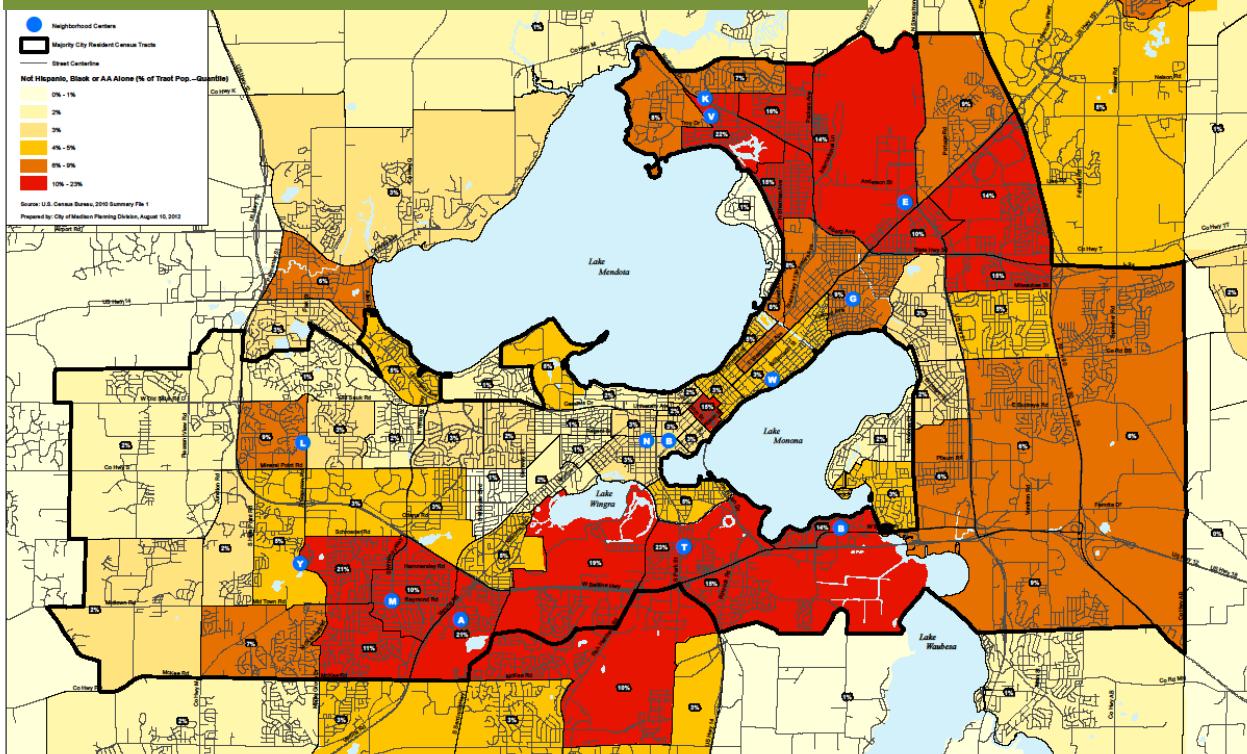
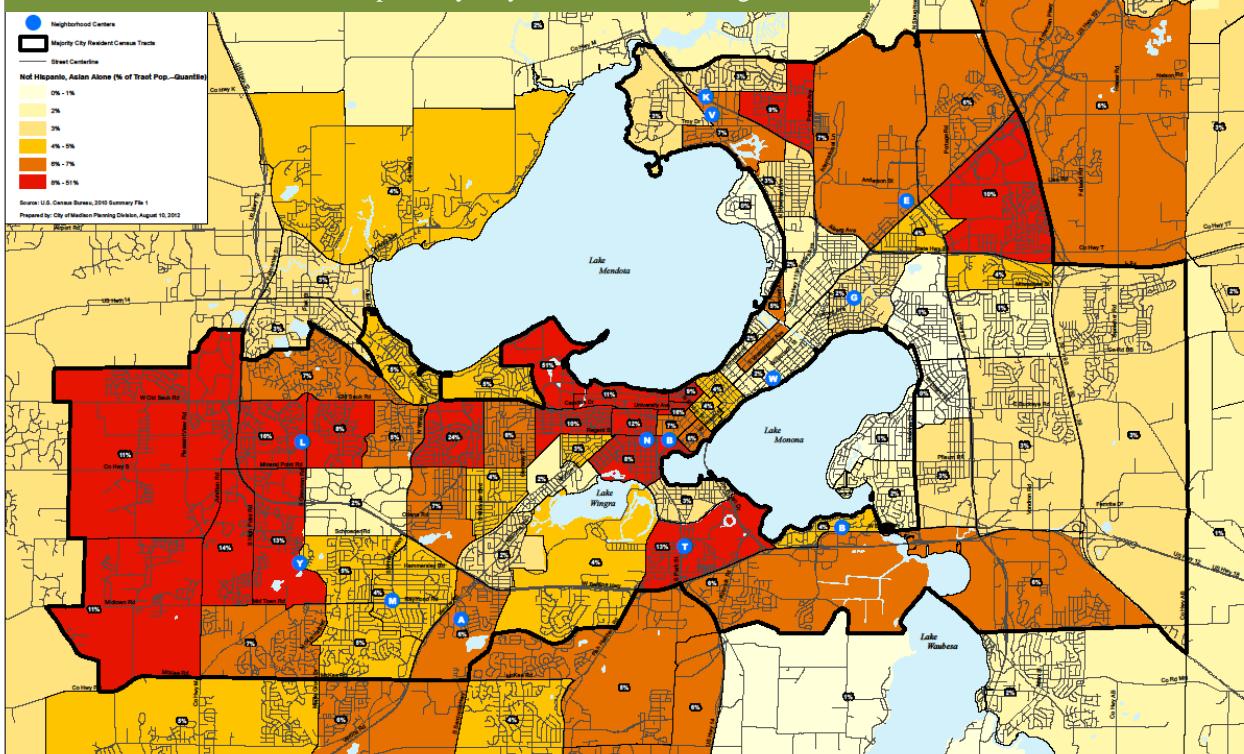


Figure 2-4 identifies tracts with a relatively high percentage of African American residents. Tracts in red are those with 10% or greater African American residents (2010 City-wide percentage was 7.3%). The highest concentrations, over 20 percent African American residents, are found in the north, south, and southwest parts of the City in census tracts 6, 4.07, 14.01 and 23.01.

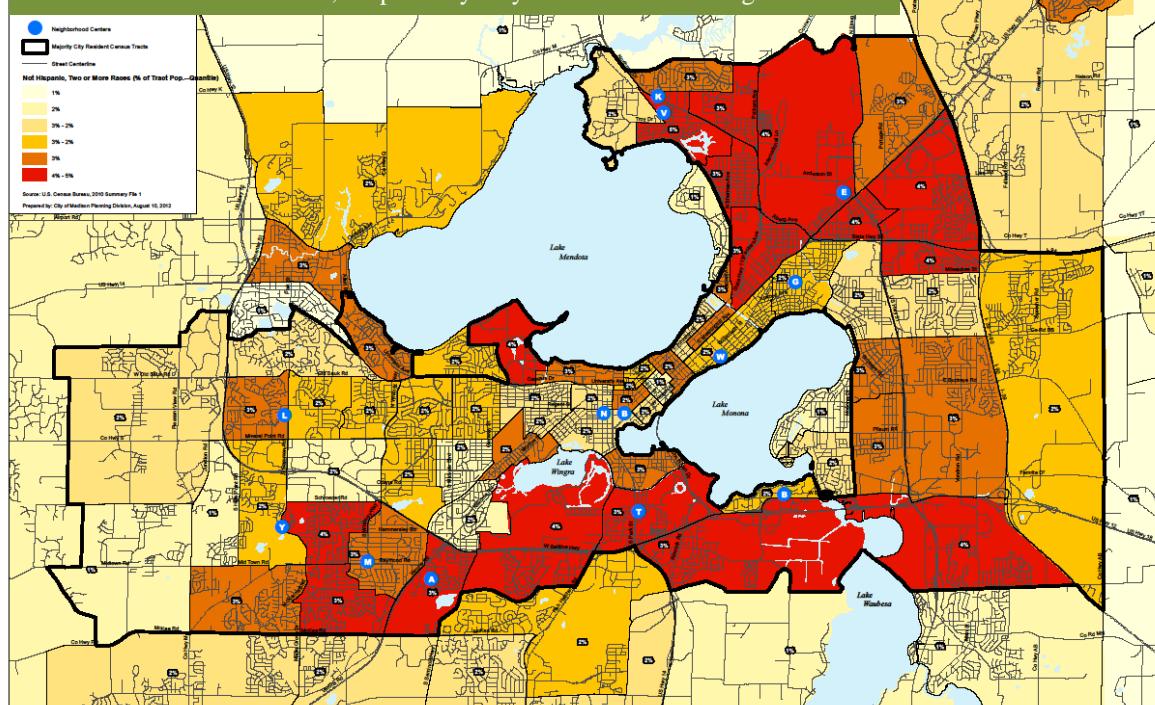
**Figure 2-5 Percentage of Asian Population by Census Tract**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



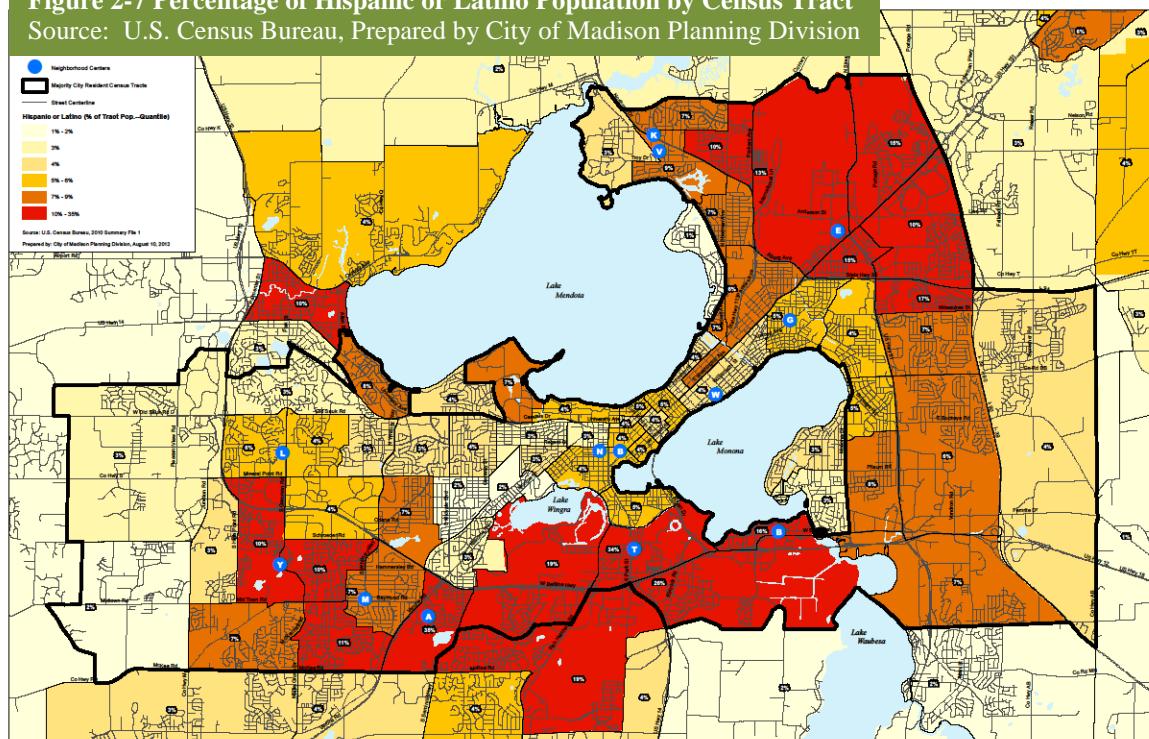
The Asian population is distributed differently across the Madison area. While the city-wide Asian population was 7.4% of the total population in 2000, there are areas in central and west Madison where the Asian population exceeds 20%. Specifically there are high concentrations in tracts 3 and 32 with percentages of the total population greater than 20. It should be noted that the concentration of Asian population can mostly be attributed to the presence of a university population that includes a high percentage of Asian students. This is certainly the case in tract 32, the location of Eagle Heights university housing. Tract 3 features a large number of apartment units along Sheboygan Avenue, which is popular among graduate students.

**Figure 2-6 Percentage of Population with 2 or more Races by Census Tract**  
 Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



The 2010 Census introduced a new demographic category for those who identify with two or more races. This small portion of the population (3.1% in 2010) was most often found in the same tracts where other minority populations are concentrated, generally north and south parts of the City. The highest concentration was 5 percent in tract 23.01.

**Figure 2-7 Percentage of Hispanic or Latino Population by Census Tract**  
 Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



The distribution of Latino residents is comparable to that of the African American population, including concentrations in the South and North areas of the city. Census tracts 6, 14.01, and 15.02 feature a Latino population over 20 percent. But, while the Latino population is only a bit smaller than the African American population (6.8% versus 7.3%), the Latino population is relatively more concentrated and segregated. Of the 64 census tracts with substantial City of Madison populations, just 17 tracts (27%) have a greater than average concentration of Latino residents, while 23 tracts (36%) have a greater than average concentration of African American residents. The greatest concentration of Latino residents is in two tracts (14.01 and 6) that are 34% and 35% Latino, whereas the greatest concentration of African American residents is in four tracts (4.07, 6, 14.01, and 23.01) that are 21-23% African American.

## Disability

Table 2-8 shows the percentage of people in the City of Madison with a disability. As might be expected, the age group with the greatest prevalence of disability is those who are 65 and older (31%). This data affirms the assumption that it is the elderly population with the greatest need for accessible housing.

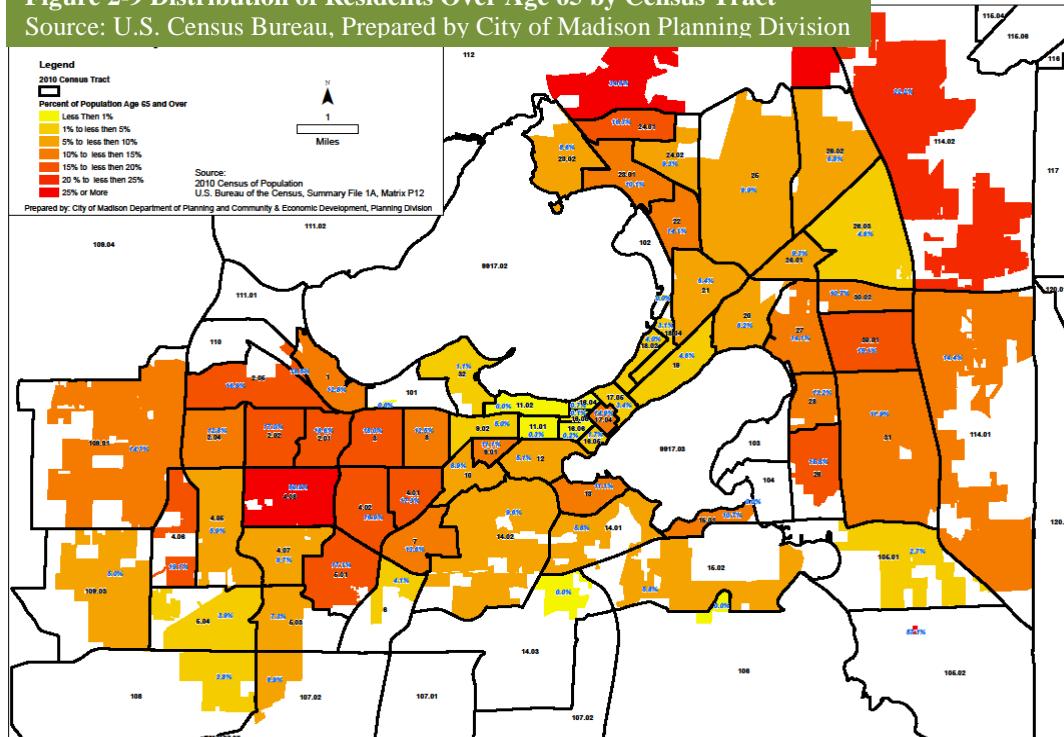
**Table 2-8. Percent Population with a Disability**  
Source: ACS 2010 1 Year Est.

	Percent
Under 5 years	0.40%
5 to 17 years	4.80%
18 to 64 years	8.40%
65 years or older	31.00%

Figure 2-9 indicates the distribution of residents age 65 and older, which can be used as one indicator of where people with disabilities are (and are not) living. The 32 (50%) census tracts with an above-average concentration of residents age 65 and older are located in all parts of the City. The outlier census tracts in terms of resident age are the university area, where there are five tracts with less than 1% of residents age 65-plus, and tract 4.08 on the west side, which has a relatively small total population that includes Oakwood Village, a large senior housing complex.

**Figure 2-9 Distribution of Residents Over Age 65 by Census Tract**

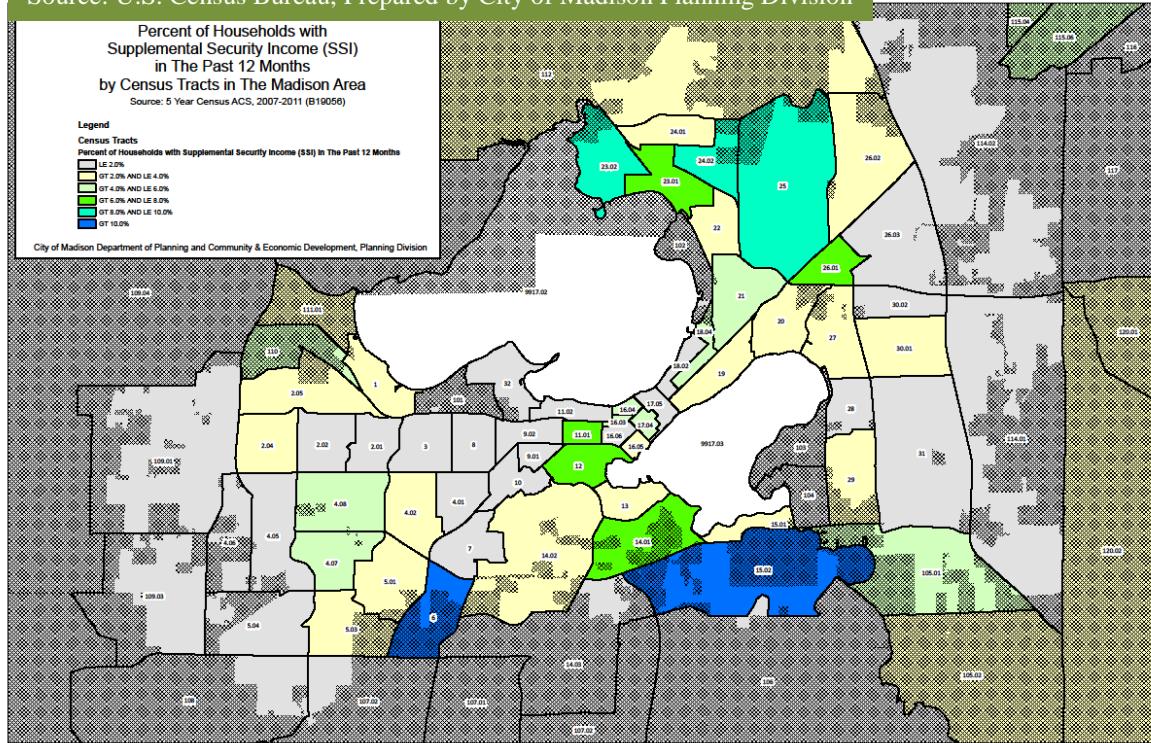
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



Another indicator of disability in the community is Supplemental Security Income (SSI), which the Census Bureau tracks at the tract level. SSI is designed to help people who are 65 years or more, blind or people with disabilities, with little little or no income; it provides cash to meet basic needs for food, clothing, and shelter. Figure 2-10 shows the distribution of SSI. Across the City, 2.8% of residents received SSI in the 2007-2011 sample period. The heaviest concentrations are found in tracts 6 and 15.02 both of which have greater than 10% of the population receiving SSI, and are both located on Madison's Southside. High concentrations are also found in the North in tracts 23.02, 24.02 and 25, with 8 to 10% receiving SSI. There are also above average concentration in tracts 11.01, 12, 14.01, 23.01, and 26.01, which are located in the central, south and north areas of the city.

This map correlates more closely with measures of income, as illustrated in the following section (see Figures 2-12 and 2-13), than with measures of age (see Figure 2-9). Interpreted in concert with those age and income maps, this map suggests that income is a strong determinant of where people live in Madison, but age and disability are not.

**Figure 2-10 Distribution of Residents Receiving SSI by Census Tract**  
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



## Income and Poverty

According to the 2010 American Community Survey 1-Year Estimates, the median household income in the City of Madison was \$50,508 (See Table 2-11). While we cannot directly compare ACS data with the previous Census data, it does indicate an increase in household income within the City. Despite this, the median household income in the City is almost 14% less than the median household income in Dane County (\$58,661). Approximately 18.7% of the individuals in the City are currently below the poverty line; compared to 12.2% of the individuals in Dane County, 13.2% of individuals in Wisconsin, and 15.1% nation-wide. Approximately 9.2% of the families in Madison are below the poverty line, while only 6.3% of the families within the Dane County are below the poverty line.

**Table 2-11. Income and Poverty Trends**

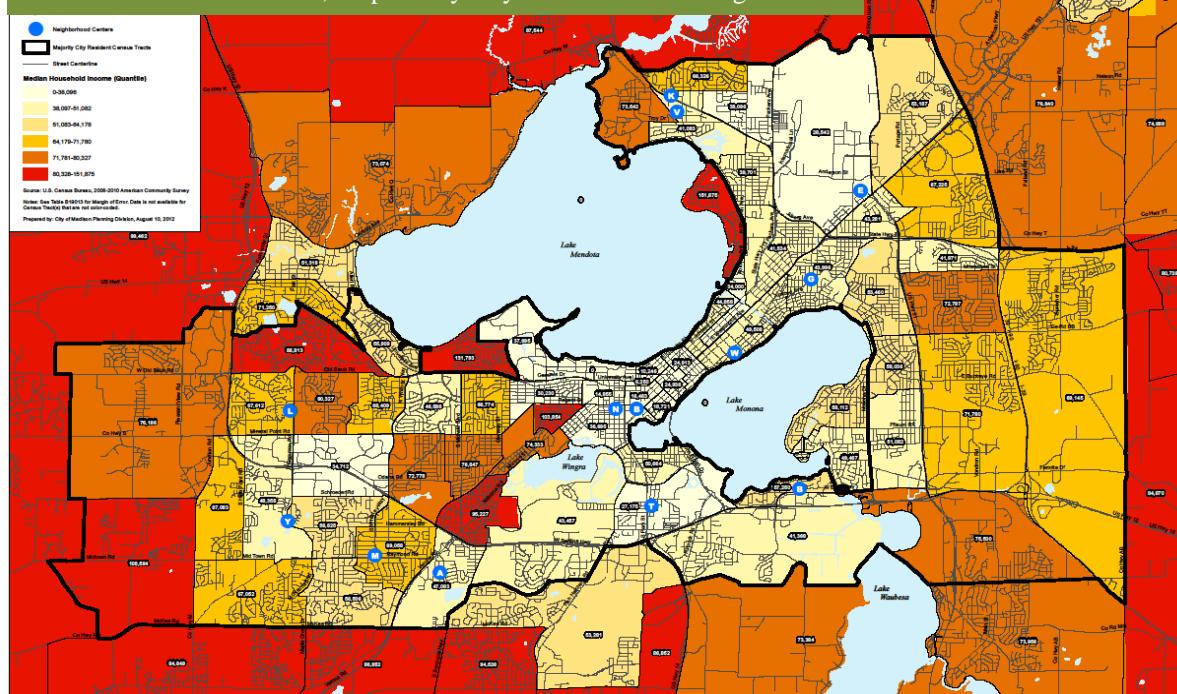
Source: U.S. Census Bureau

	1990	2000	2010 (1 Year Est.)
Per Capita Income	\$ 20,160	\$ 23,498	\$ 29,169
Median Family Income	\$ 40,799	\$ 59,840	\$ 72,851
Median Household Income	\$ 29,420	\$ 41,941	\$ 50,508
% Individuals Below Poverty Line	15.0%	15.0%	18.7%
% Families Below Poverty Line	6.6%	5.8%	9.2%

Figure 2-12 shows Median Household Income by Census Tract. This map reinforces the data indicating relatively low incomes in the City as compared to the County as a whole. The red tracts are those with household incomes exceeding \$80,000. While only three tracts within the City fall into this category, most of the nearby tracts outside the City are in this category.

**Figure 2-12 Median Household Income by Census Tract**

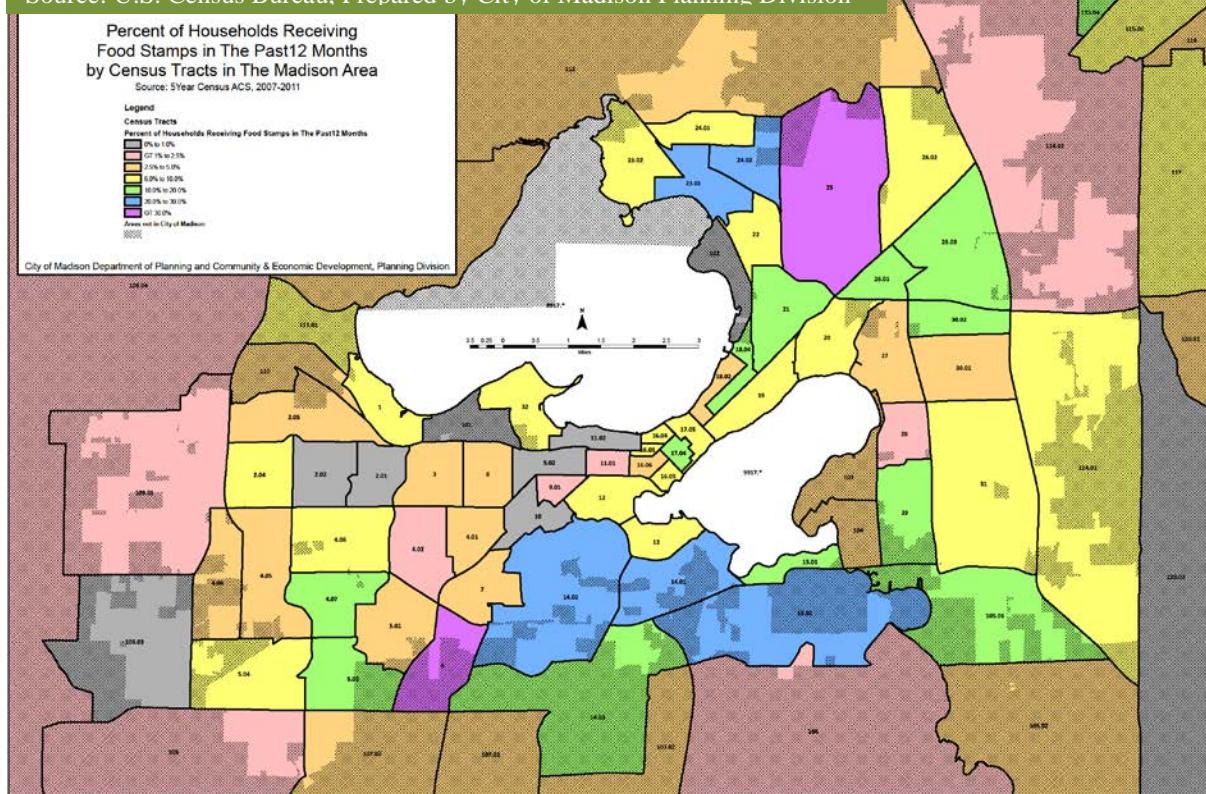
Source U.S. Census Bureau, Prepared by City of Madison Planning Division



The tracts with the lowest household incomes are those around Downtown Madison, especially near the University. This reflects the large student population of these tracts rather than true poverty. This distinction is verified by also considering the use of food stamps, which is a better indicator of poverty than just income as it reflects eligibility for public assistance to meet basic daily needs. Figure 2-13 shows the percentage of residents receiving Food Stamps or SNAP (Supplemental Nutritional Assistance) benefits in the past 12 months, as reported by the Census Bureau. While 7.6% of residents receive such benefits city-wide, there are five tracts, shown in blue, with more than 20% of residents receiving such benefits (14.01, 14.02, 15.02, 23.01, 24.02). And there are two tracts, shown in purple, with more than 30% of residents receiving these benefits (6, 25). These tracts are clustered on the south side and north side of the City.

**Figure 2-13 Percent Households Receiving Food Stamps in the Past 12 Months, by Census Tract**

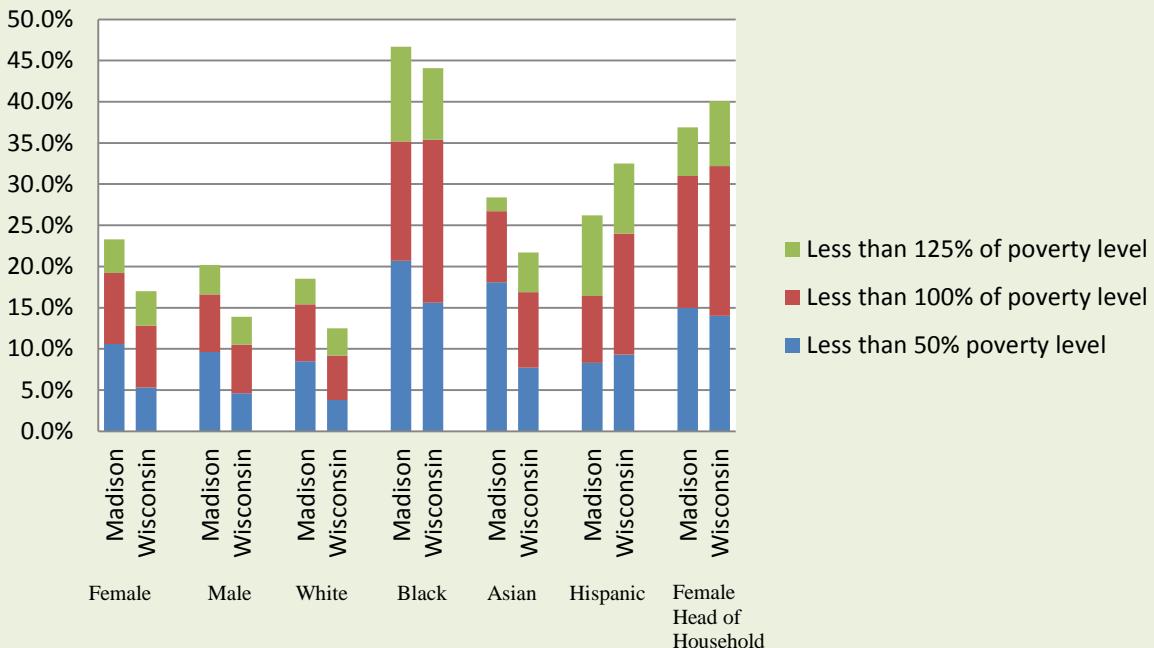
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



When comparing Figures 2-12 and 2-13 to the minority concentration maps (Figures 2-4 through 2-7) we can see some spatial correlation between race and poverty. The highest concentration of Food Stamps is found in the same tracts as the highest concentrations of African American and Latino residents.

Figure 2-14 compares the prevalence of poverty among various racial and gender groups. All groups except Hispanics and Female Headed Households are experiencing poverty at a higher rate in Madison than in the state as a whole. These data suggest that Madison's Hispanic and female head of household residents include a disproportionate number of high-earning individuals.

**Figure 2-14. Selected Characteristics of People at Specific Levels of Poverty**  
Source: Madison- ACS 2010 5 Year Est.; Wisconsin ACS 2010 1 Year Est.



## Access to Food

There has been increasing attention over the past decade to the related issues of health, diet, and access to healthy food. Residential patterns in the city can be compared to the location of full-service grocery stores. A student paper did exactly this in 2010. Figure 2-15 illustrates the distribution of grocery stores across the city in relation to the percentage of non-White residents in each census tract. It reveals areas of concern in the south portions of the city, especially near the Hwy 12 Beltline intersections with Verona Road (Allied Drive) and South Park Street, that are majority minority tracts and are more than a mile from a grocery store. The study also notes the location of community gardens. These same tracts do have community gardens in them, however this is only a seasonal opportunity that has the potential to address, in season, only a portion of residents' dietary needs.

## KEY FINDINGS

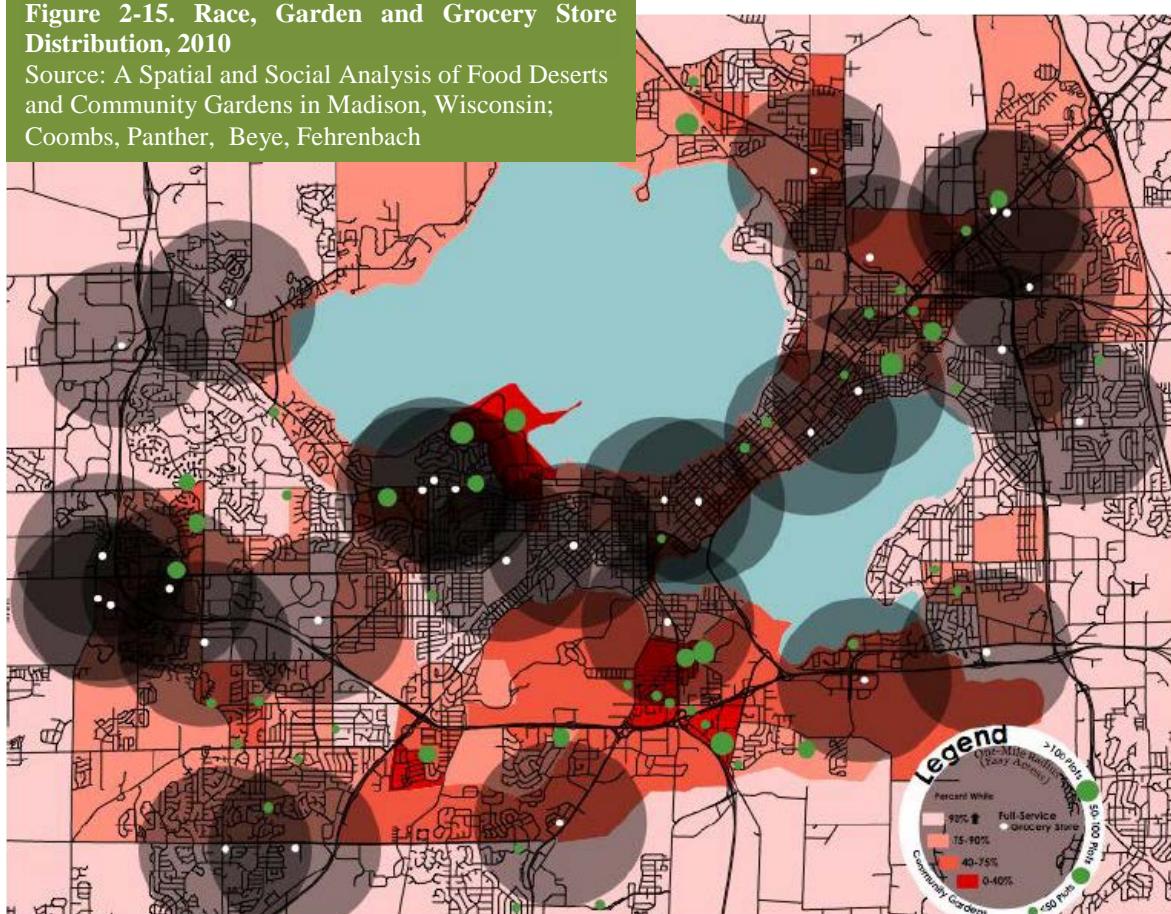
### Race and Food Access

There are several areas with high minority populations and poor access to grocery stores.

This is an indirect impediment to fair housing choice.

**Figure 2-15. Race, Garden and Grocery Store Distribution, 2010**

Source: A Spatial and Social Analysis of Food Deserts and Community Gardens in Madison, Wisconsin; Coombs, Panther, Beye, Fehrenbach

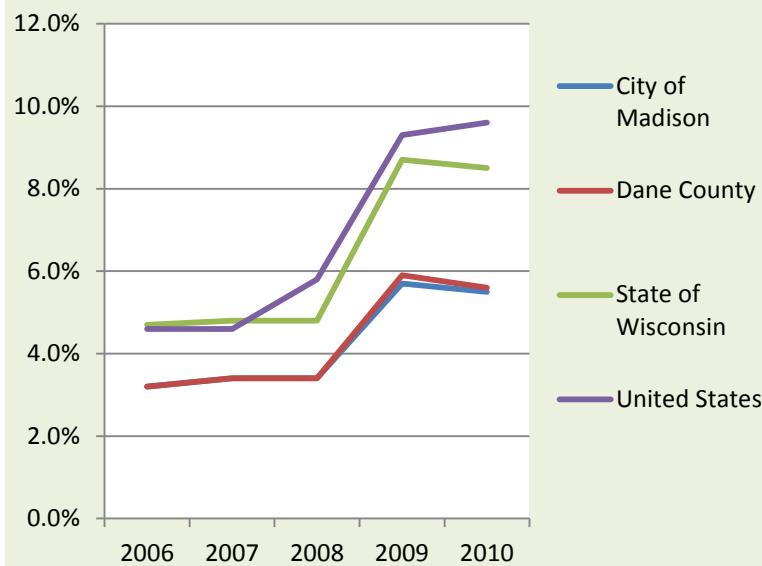


## Employment

It is important to consider the spatial characteristics of employment centers and transportation systems in the City. Concentrations of employment opportunity should be accessible via public transit from a reasonable set of affordable housing alternatives. This section describes employment conditions, generally, and the location of employment centers.

**Figure 2-16. Unemployment Rate**

Source: Wisconsin Workforce Development



The State of Wisconsin lost more than 137,000 jobs during the 2007-2009 recession. The City of Madison and Dane County both fared better than Wisconsin and the nation as a whole with regard to unemployment. Dane County seems to be recovering only slightly quicker than Madison, although Madison's unemployment rate is lower overall. It is also important to note that Madison has several large and fairly stable employers, with a diverse mix of skilled and unskilled positions.

Table 2-17 identifies the City's largest employers, and Figure 2-18 illustrates the location of most of those employers, and also the approximate location of various employment centers or clusters. While many of the City's largest employers are located in the downtown area, there are also employment clusters throughout the city, generally in locations with convenient highway access.

## KEY FINDINGS

### Employment and Transportation

The employment market is relatively strong in the city and county, and employment concentrations are distributed throughout the city, providing more opportunity to find a job and find housing near that job.

Average commute times are low and transit routes offer access to and from all areas of the city. However, transit-dependent residents tend to be disadvantaged by commute times three to five times that of driving. Because of the correlations between poverty, transit dependence, and race, this is a mild, indirect impediment to fair housing choice.

**Table 2-17. Madison's Largest Employers**

Source: Wisconsin Workforce and Labor Market Information System

Date: 4/2012

Employer (1,000+ employees)

University of Wisconsin- Madison

University of Wisconsin Hospitals & Clinics

Madison Metropolitan School District

American Family Mutual Insurance

City of Madison

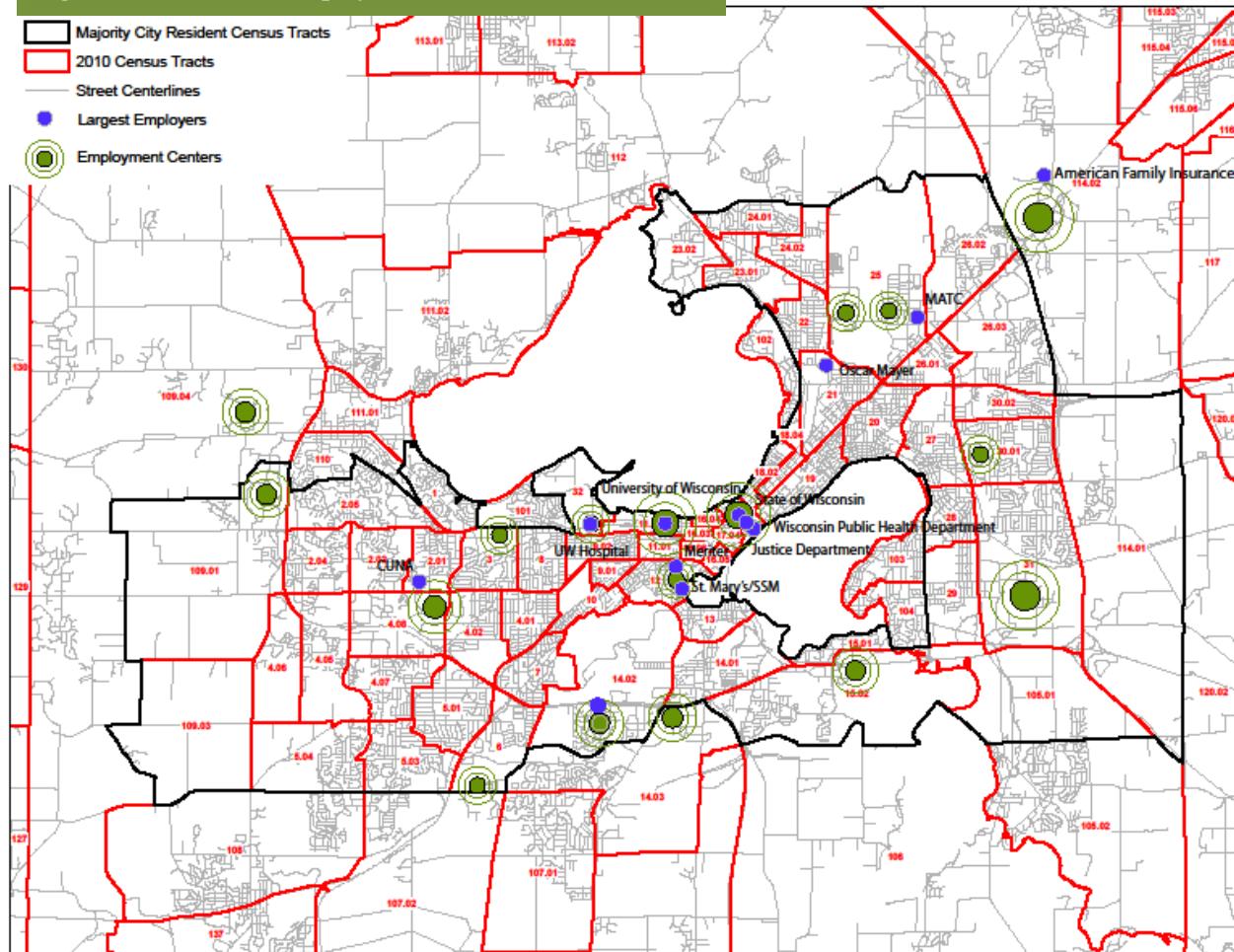
Department of Health Services

SSM Health Care of Wisconsin (St. Mary's)

Department of Corrections

Meriter Hospital Inc

Madison Area Technical College

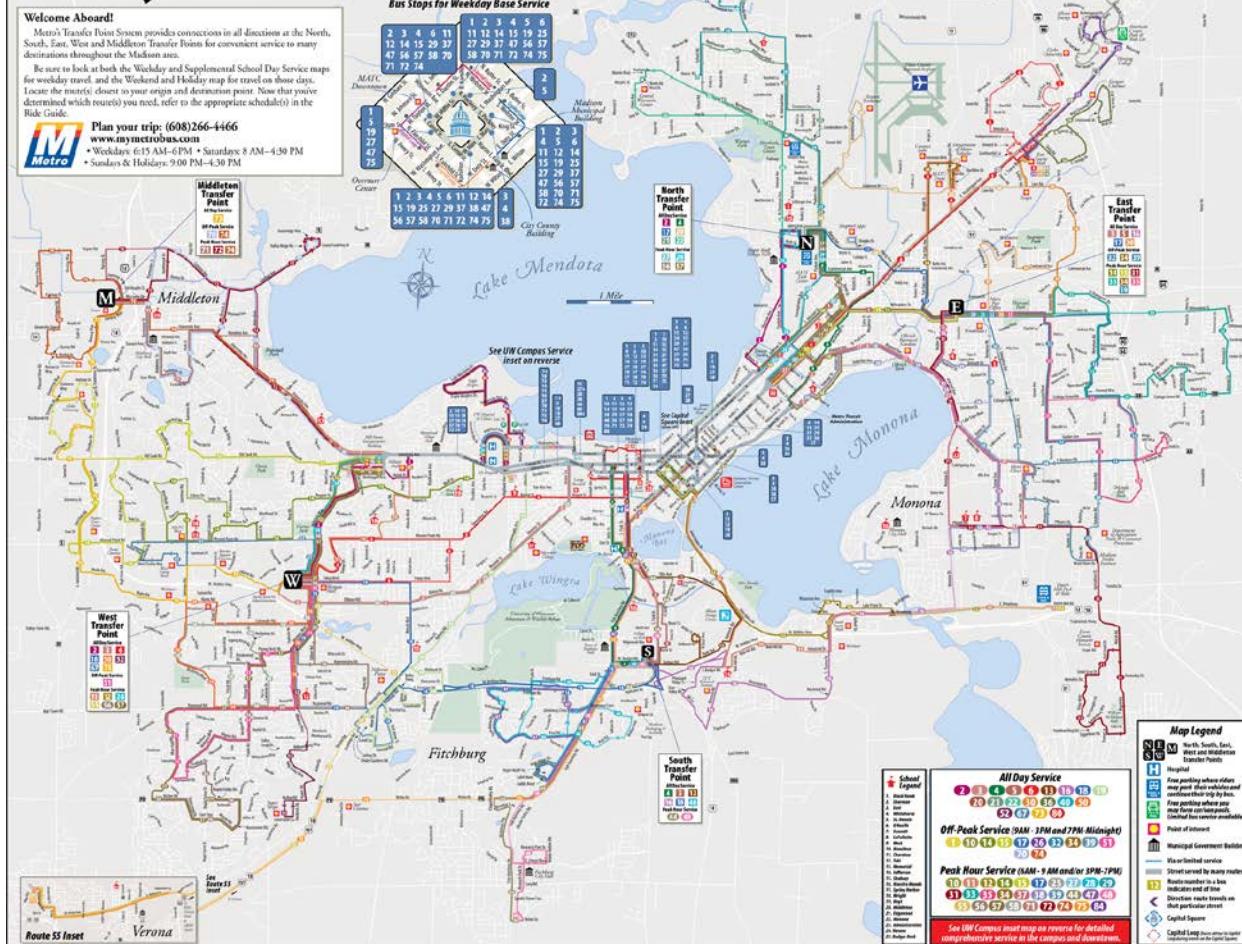
**Figure 2-18. Madison Employment Concentrations**

Metro's routing and service schedule provide good coverage, connecting residents and employment centers throughout the City. Service is generally stronger in areas with lower median incomes, indicating an active effort to match transit supply and demand. However, as noted in the following section, commuting times via Metro Transit can be quite long between some points, especially as compared to the personal vehicle alternative.

## Figure 2-19. Current Metro Transit Routes

Source: Metro Transit

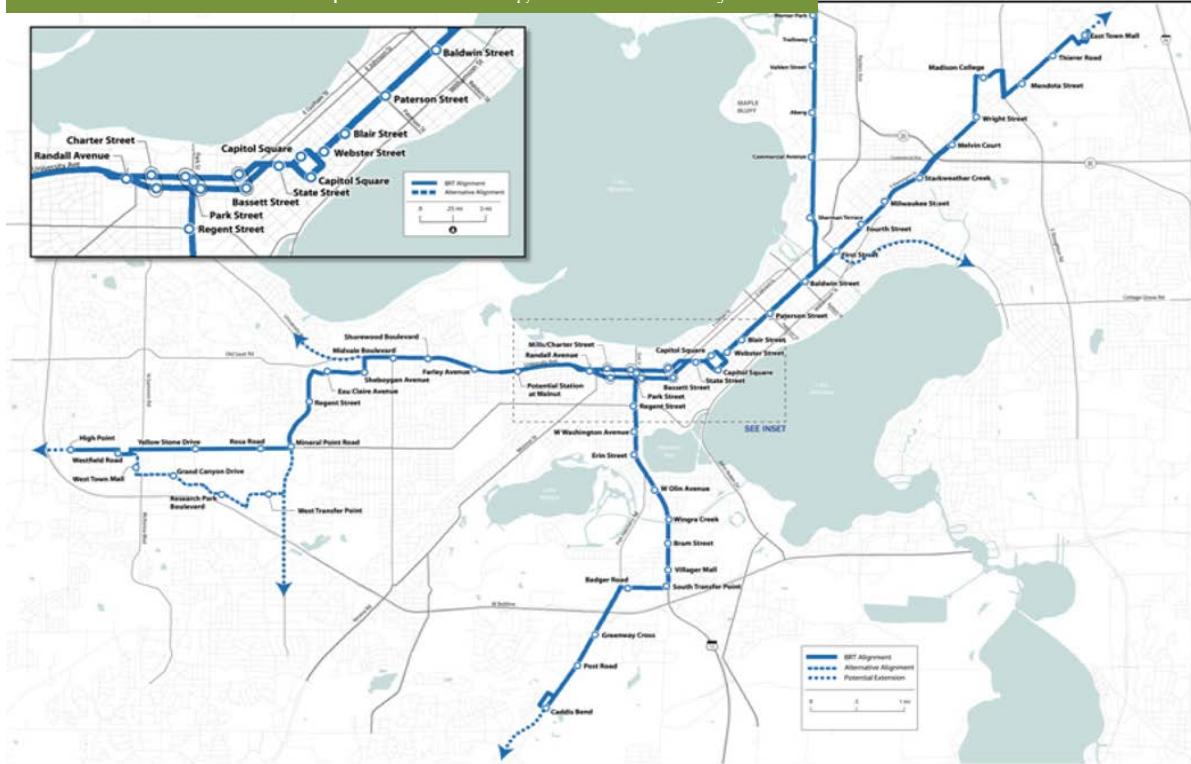
## ***Weekday Service***



The most recent planning effort to enhance the City's transit system is the Bus Rapid Transit (BRT) Study completed by the Madison Area Transportation Planning Board in April 2013. The study proposes improved service on designated collector routes, using bigger vehicles, enhanced bus stops, and roadway improvements to give priority to the BRT buses (see Figure 2-20).

**Figure 2-20. Proposed BRT Routes**

Source: Madison Area Transportation Planning Board BRT Study

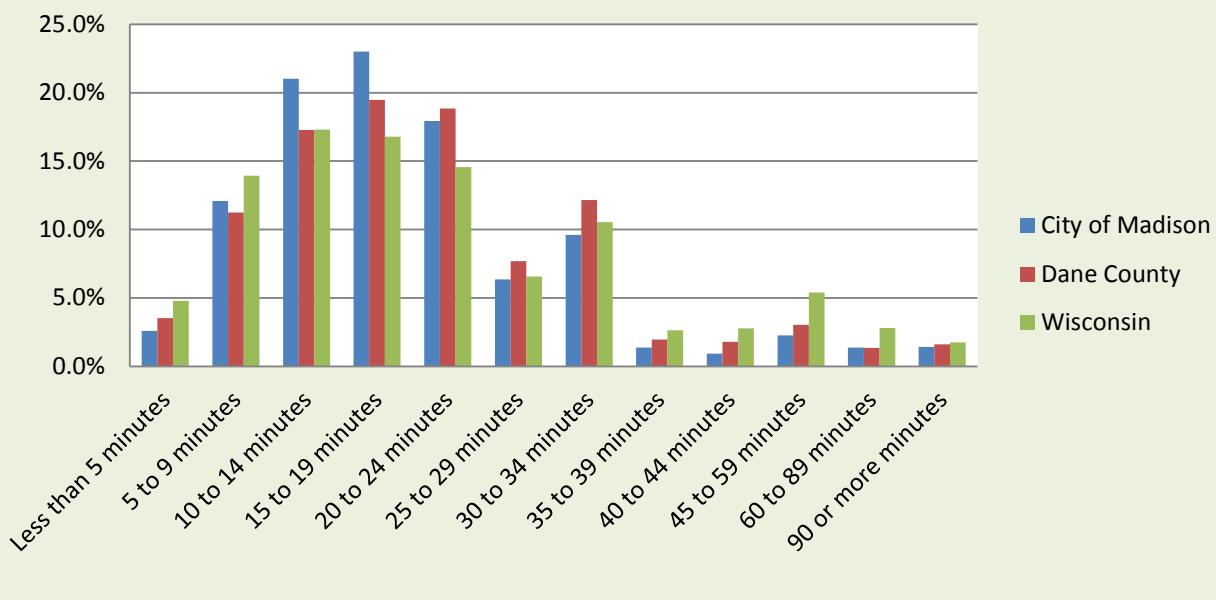


## Commuting

Figure 2-21 shows that, in general, Madison city residents have a commute that is shorter than the commutes typical to both the County and the State. This is consistent with the fact that there are many employment opportunities distributed throughout the City. Most can reach work within 30 minutes.

**Figure 2-21. Travel Time to Work**

Source: ACS 2010 One-Year Est.



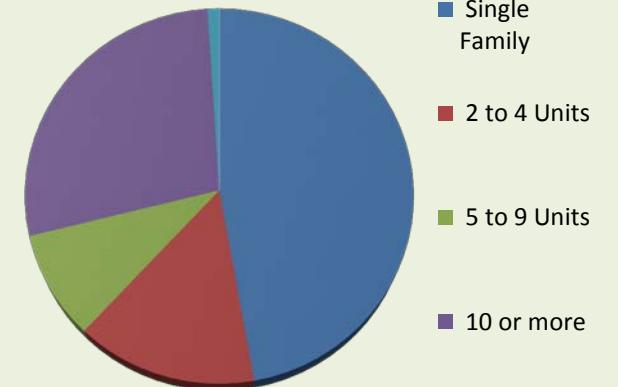
It should be noted, however, that few transit-dependent residents are likely able to reach work within 30 minutes. A random sample of various trips within the City, mapped using Google Maps, confirms that transit trips require about three to five times the time required to drive door to door. For example, a trip from South Park Street (Tract 14.01) to Meriter Hospital (Tract 12) takes about 5 minutes to drive, and about 15 minutes by bus. Or a trip from South Park Street to the Pflaum Road area east of Stoughton Road can take 12 minutes by car, but 60-90 minutes by bus and walking, depending on how much walking someone is willing to do.

## Housing Stock

In general, housing in the City of Madison is equally split between single-family homes and multi-family buildings. Almost 28% of housing within the City is multi-family with 10 or more units. The housing stock in Madison is fairly mixed in terms of age with 43.9% of housing built before 1970 and 56.1% built after 1970. This reflects a history of strong population growth and home construction over the past 40 years.

**Figure 2-22. Unit Type**

Source: ACS 2010 One-Year Est.



## KEY FINDINGS

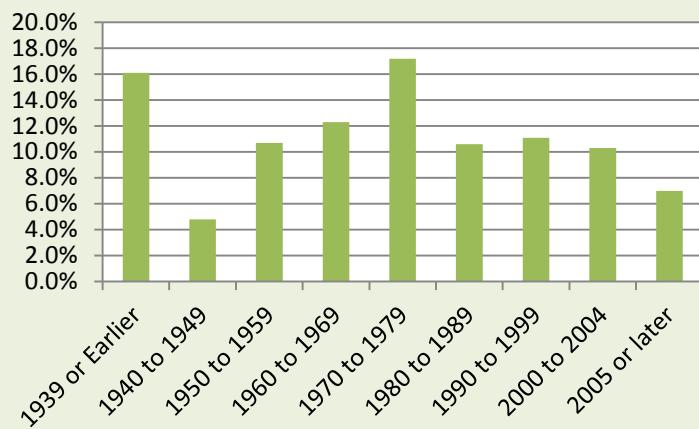
### Housing Stock

Housing stock in the City is roughly half single-family and half multi-family, including over 25% of units in buildings with 10 or more units. The relatively low home ownership rate is comparable to similar and larger cities across the country. The large student population contributes to the lower home ownership rate and predominance of short-term (less than five years) occupancy in housing units. The large renter population is supported by robust renter assistance programs and relatively stronger landlord knowledge.

There are no apparent impediments to fair housing choice in the type or age of housing units in the city.

**Figure 2-23. Year Unit Built**

Source: ACS 2010 One-Year Est.



Most residents in Madison have not lived in their home for very long. Over 60% of the 2010 population had moved into their current home since 2005 (see Table 2-24). A related statistic is the home ownership rate – renters outnumber home-owners based on recent estimates (see Table 2-25), which is common for communities of similar or greater size across the country, especially those with large universities. The roughly 42,000 UW-Madison students make up about 18% of the Madison population, and it can be safely assumed that all but a small percentage of these enrolled students are renters who moved into their units within the past few years.

**Table 2-24. Year Moved into Unit**  
Source: ACS 2012 One-Year Est.

	Number	Percent
1969 or earlier	3,175	3.1%
1970 to 1979	4,482	4.4%
1980 to 1989	6,585	6.5%
1990 to 1999	11,906	11.8%
2000 to 2004	13,901	13.8%
2005 or later	60,854	<b><u>60.3%</u></b>
<b>TOTAL</b>	<b>100,903</b>	---

Relatively low home ownership rates and short housing tenure may be a source of concern for some, especially in the effort to ensure strong, stable neighborhoods. However, this data also suggests a robust rental market in which renters have many options and which supports a variety of third-party organizations that provide training and support for both renters and property managers. Indeed, Chapter VI of this report describes a wealth of public and non-profit entities that support housing needs in Madison. In addition, there are private groups such as the Apartment Association of South Central Wisconsin that offer training and other resources for landlords and property managers. Together, these various entities support a rental market in which landlords are relatively well-informed about their rights and responsibilities. This generally leads to fewer fair housing violations.

**Table 2-25. Occupancy (2010)**  
Source: U.S. Census Bureau

	Number	Percent
Owner Occupied	50,555	49.3%
Renter Occupied	51,961	50.7%
Vacant	6,327	5.8%
Homeowner Vacancy Rate		2.2%
Rental Vacancy Rate		6.1%

## Housing Vacancy

Another important metric to track the health of a housing market is the vacancy rate. A five percent vacancy rate is typically considered ideal, as it provides a good balance between the interests of renters and owners. Table 2-26 includes homeowner and rental vacancy rates in 2010, as measured by the US Census. Based on this data, the homeowner vacancy rate was a surprisingly low 2.2%, possibly reflecting the relatively few new housing starts over the prior 2-3 years. This number indicates a less-than-desirable market for buyers, meaning less choice.

The 2010 rental vacancy rate was apparently 6.1%, according to the Census. Madison Gas & Electric also collects and reports vacancy data based on the status of electricity and gas service and payments to units. Their data, shown below in Figure 2-23, indicates a clear trend of lower and lower vacancy rates, and generally lower rates than reported by the Census. They show an annual average vacancy rate of 3.8% in 2010, and a rate of 2.4% in 2012. This data suggests a rental market that favors property owners, reduces housing choices, and increases the likelihood of discrimination due to the ease of finding renters.

## KEY FINDINGS

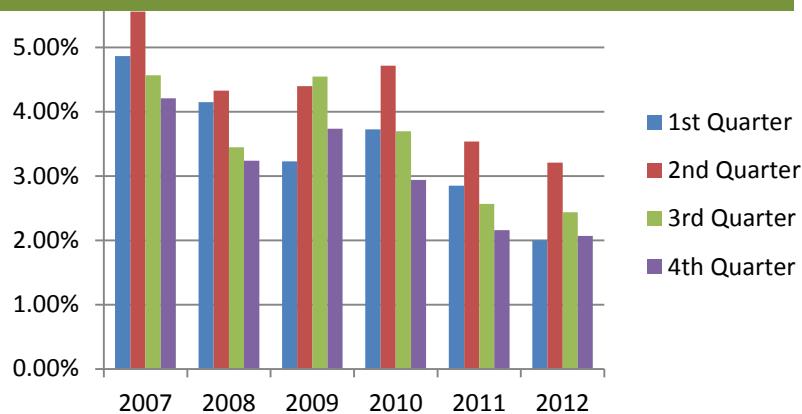
### Housing Vacancy

Vacancy rates for both owners and renters have decreased in recent years. This suggests limitations to housing choice for buyers and renters, and an increase in the likelihood of discrimination, especially against renters.

**The low vacancy rate in the entire housing market, and especially the rental market, is an important, indirect impediment to fair housing choice.**

**Figure 2-26. Madison Area Rental Vacancy Rates (%)**

Source: Madison Gas & Electric

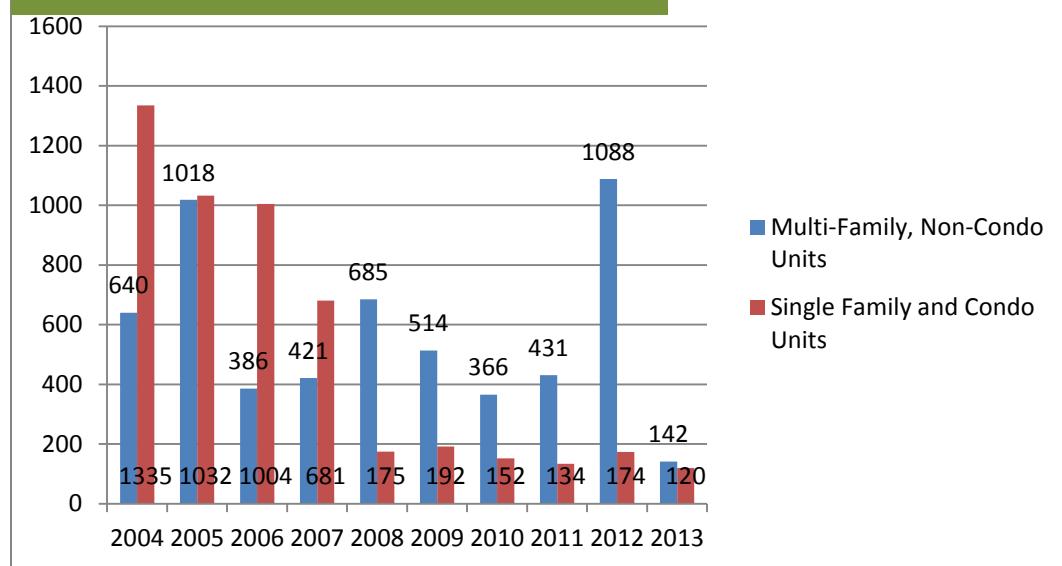


Based on City permit records (see Figure 2-27), new multi-family, non-condo units (i.e. rental units) approved by the City have been relatively steady at 400-600 units per year over the past decade, excepting spikes in 2005 and 2012 above 1,000 units. However, single family permits dropped precipitously in 2008, below 200 units per year, and have not yet recovered. This compares to a growth in households of

roughly 1,350 per year 2000-2010, and 1,600 per year 2010-2012 (based on a US Census population estimate). The City permit data indicates that total new units approved averaged about 1,160 per year 2004-2012, but only 780 per year 2008-2012.

**Figure 2-27. Approved Units, 2004 to 2013**

Source: DPCED



The rental units approved in 2012 are hitting the market in 2013 and should help to increase the vacancy rate. However, continued new construction is needed to catch up with population growth. After the market stabilizes closer to 5% vacancy, there will likely be demand for a *net* increase (after demolitions are subtracted) of about 600 single family and 600 multifamily units per year, on average. Until this happens, more units are required each year to catch up. Data for the first six months of 2013 indicate approval of only 142 new rental units, suggesting the need to monitor closely the market response to the gap between supply and demand.

It should also be noted that there is concern about the effect on housing affordability of 2012's spike in rental units, as many of these are downtown and most are expected to be priced at the high end of the market.

## Housing Affordability

### Fair Market Rents

Each year HUD releases Fair Market Rents (FMR) for metropolitan areas. FMRs are primarily used to determine payment standard amounts for the Housing Choice voucher program (Section 8); however, they can also be an interesting proxy for the rental market. As indicated in Table 2-28, Madison rents are higher than other metro areas in the state, but lower than in Minneapolis/St. Paul and the Chicago area. Note that the “average” rent indicated in the table is the average of the five preceding rent amounts by unit size, not the average rent for the City. It does not account for the number of units in each category.

### KEY FINDINGS

#### Housing Affordability

Both HUD’s Fair Market Rent data and ACS data show that rental prices in the City are comparable to other metro areas and the rest of the county, respectively.

However, ACS data also shows that a majority of renters and a plurality of owners exceed what is considered affordable in terms of percentage of income spent on housing. **Affordability problems are an indirect impediment to fair housing choice, as they disproportionately impact minority populations.**

**Table 2-28. Fair Market Rents**

Source: HUD FY 2013 Fair Market Rent Documentation System

Metro	Eff.	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Average
Appleton, WI	\$405	\$530	\$681	\$1,003	\$1,062	\$736
Rockford, IL	\$466	\$533	\$717	\$978	\$1,111	\$761
Milwaukee-Waukesha, WI	\$535	\$659	\$828	\$1,056	\$1,142	\$844
Kenosha County, WI	\$523	\$624	\$801	\$1,163	\$1,219	\$866
<b>Madison, WI</b>	<b>\$614</b>	<b>\$734</b>	<b>\$889</b>	<b>\$1,226</b>	<b>\$1,366</b>	<b>\$966</b>
Minneapolis-St. Paul, MN	\$592	\$736	\$920	\$1,296	\$1,529	\$1,015
Chicago-Joliet-Naperville, IL	\$717	\$815	\$966	\$1,231	\$1,436	\$1,033

### Gross Rent

The 2010 1-Year ACS Estimates show that the vast majority of rents in the City are between \$500 and \$1,500, and approximately 36% of rents fall between \$750 and \$1000. This is on par with data for all of Dane County. Only 7.7% of gross rents in the city are under \$500. The median rent for Madison of \$848 is only slightly higher than the county overall (\$841).

Considering owner-occupied housing units, this housing stock in Madison had a median value of \$218,200, which is 5.6% lower than the Dane County median of \$231,200, but nearly 30% higher than the state average of \$169,700. Forty-two percent (42%) of Madison’s housing stock is valued under \$200,000, compared to 36% of Dane County’s housing stock.

**Table 2-29. Gross Rent**

Source: ACS 2010 1-Year Est.

	City of Madison Percent	Dane County Percent
Less than \$200	0.8%	0.7%
\$200 to \$299	1.6%	1.6%
\$300 to \$499	5.3%	5.1%
\$500 to \$749	25.1%	26.8%
\$750 to \$999	<b>36.2%</b>	<b>35.9%</b>
\$1,000 to \$1,499	22.9%	23.1%
\$1,500 or more	8.2%	6.7%
No Cash Rent	578	1363
Median Rent	<b>\$848</b>	<b>\$841</b>

## Cost Burden

In general, housing is considered ‘affordable’ if housing costs do not exceed 30% of the household’s monthly income. According to the American Community Survey 2010 1-Year Estimates, a substantial majority of Madison’s residents are unable to find housing that meets the ‘affordable’ threshold. Specifically, as illustrated in Table 2-30, 56.7% of renters and 34.6% of home-owners are not meeting the affordability threshold.

**Table 2-30. Selected Housing Costs as Percentage of Income**

Source: ACS 2010 One-Year Est.

Selected Monthly Owner Costs as a Percentage of Household Income	Percent	Gross Rent as a Percentage of Household Income	Percent
		Less than 15%	8.7%
Less than 20%	32.1%	15.0% to 19.9%	11.9%
20% to 24.9%	18.7%	20% to 24.9%	11.6%
25% to 29.9%	14.7%	25% to 29.9%	11.1%
<b>30% to 34.9%</b>	<b>9.1%</b>	<b>30% to 34.9%</b>	<b>9.6%</b>
<b>35% or more</b>	<b>25.5%</b>	<b>35% or more</b>	<b>47.1%</b>
Not computed	68	Not computed	2143

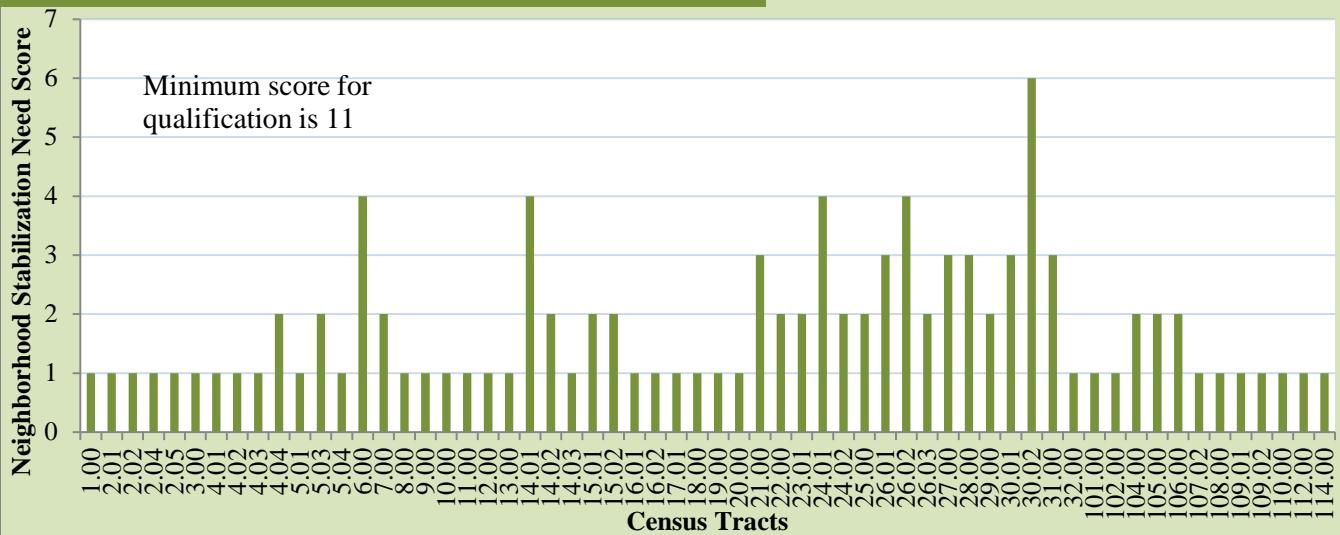
This finding is consistent with the prior review of actual rental and ownership costs (as represented by home values), which are higher in Madison than in most other parts of the state.

## Foreclosures

One indicator of an affordability problem in the housing market is foreclosures. The housing market collapse that began in 2007 and peaked around 2009 caused record levels of foreclosures across the country, though Wisconsin was not among the most vulnerable states and the Madison area was relatively resilient through the crisis. Federal recovery efforts included several rounds of major funding to help stabilize communities with vacant foreclosed properties. Known as the Neighborhood Stabilization Program and distributed in three successive rounds of funding, this recovery effort included the scoring of every census tract in the country to determine eligibility for program funds. Figure 2-27 indicates the score for each tract in Madison in the third round of funding, NSP 3. Based on HUD’s methodology, the most vulnerable census tracts in the city were 6, 14.01, 24.01, 26.02, and 30.02. However, putting this finding into perspective, these scores were on a 20-point scale, the cutoff for funding in this last round of the program was a score of 11, and only one Madison census tract had a score higher than four (30.02 had a score of 6). There were no Madison tracts within the 20% of tracts statewide found to be eligible for NSP 3. Foreclosure prevention funds are provided by The Wisconsin Department of Administration, Division of Housing (DOH) through Housing Cost Reduction Initiative (HCRI) to Dane County Housing Authority (DCHA). These funds are awarded to eligible households within City of Madison and the surrounding county to prevent foreclosure activity.

**Figure 2-31 NSP (NSP3) Risk Score**

Source: 2010 HUD Neighborhood Stabilization Program



## Lending Policies and Practices

The United States has a history of discriminatory practices in the owner-occupied housing market. There have been patterns of conventional lending institutions refusing to extend credit to low-income communities, especially communities of color. This practice, known as redlining, made these communities vulnerable to exploitation by less reputable, higher cost lenders that increased the incidence of fraud and foreclosures.

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and is implemented by the Federal Reserve Board's Regulation. This regulation provides the public loan data that can be used to assist in determining whether financial institutions are serving the housing needs of their communities; helping public officials in distributing public-sector investments; and in identifying possible discriminatory lending patterns. This regulation applies to certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions. Institutions that meet certain minimum thresholds must disclose data regarding the disposition of applications for mortgage and home improvement loans in addition to data regarding loan originations and purchases. They are required to identify the race, sex, and income of loan applications, as well as the physical location of the subject property in census geography.

## KEY FINDINGS

### Lending Policies and Practices

The HMDA data show a significant disproportion in the number of minority applications submitted, and also in the number denied. Black households are least likely to pursue a loan as compared to other races and ethnicities, and Hispanic households are most likely to have loan applications denied.

These different outcomes by race and ethnicity are an impediment to fair housing choice. It is unclear whether these outcomes are the result of bias and discrimination (direct impediment) or simply lesser comfort, knowledge and credit worthiness (indirect impediment).

For the purpose of this analysis, HMDA data was reviewed to identify and evaluate lending practices in relation to income, race, and geographical location. While large amounts of data are available and extensive analyses are possible, for the purpose of this analysis it is important to identify trends that may be affecting the City's ability to provide fair housing to all its residents. This analysis focuses on loans for 1-4 unit residences. Table 2-32 and Tables 2-33, 2-34, and 2-35 on the following pages provide a summary of lending practices for 2009 in the City of Madison. HMDA data for the City of Madison can be viewed by accessing the following web sites: [www.cityofmadison.com/cdbg](http://www.cityofmadison.com/cdbg) or <http://www.ffiec.gov/hmda/>

In 2009, according to the HMDA data, 53,577 mortgage applications were made for the purchase, refinancing or improvement of a 1-to-4 unit or manufactured home. Most of these loans were refinance loans, and are less indicative of the ability of residents to secure housing fairly. The table below summarizes the key findings of the three larger tables that follow – it indicates the racial breakdown of loan applications, first for all loans, but then for conventional loans and FHA, FSA/RHS & VA loans, and it compares those percentages to the racial makeup of City households.

Table 2-32. Applications by Race/Ethnicity	All loans	Conventional	FHA, FSA/RHS & VA	Percent of City householders
Source: 2009 HMDA Data				
White households	86.8%	85.8%	89.7%	84%
Asian households	2.3%	3.8%	1.7%	6.2%
Hispanic households	1.1%	1.6%	1.7%	4.4%
Black households	0.7%	0.5%	1.9%	5.8%
American Indian / Alaska Native households	0.2%	0.2%	0.2%	0.4%
Hawaiian / Pacific Islander households	0.1%	0.1%	0.1%	0.02%

The HMDA data reflect a disproportionate lack of engagement in the home ownership market by minority residents. Members of minority populations are far less likely to pursue a home loan than white households, as indicated by the summary table of application rates above. The HMDA data also reveal that applications by Black residents are rejected at rates of 14% and 17% for conventional and FHA etc. loans, and applications by Hispanic residents are rejected at rates of 26% and 30%. These numbers compare to 10% and 9% of applications by Whites. It should be noted that the sample sizes for the minority applicants is small, and that this limits the validity of the sample. However, the dramatically higher rejection rates for Hispanic residents is likely a statistically significant difference as compared to outcomes for Whites. Although this number corresponds with documented discriminatory trends nationally, it is difficult to discern which denials are based on credit worthiness and which are biased, without more detailed data comparing denial rate of race for similarly credit-worthy applicants. It tells us, at minimum, that Hispanics have fewer housing choices due to fewer attempts and lesser success securing home loans.

**Table 2-33. Summary of Mortgage Application Data for 1-to-4 Family and Manufactured Home Dwellings, All Loans, by Race and Ethnicity**

Source: HMDA 2009 Data

	Total Applications		Originated		Approved Not Accepted		Denied		Withdrawn/Incomplete	
	Number	%	Number	% of category	Number	% of category	Number	% of category	Number	% of category
<b>Loan Type</b>										
Conventional	6,432	12.0%	5,010	77.9%	334	5.2%	581	9.0%	507	7.9%
FHA, FSA/RHS & VA	2,121	4.0%	1,646	77.6%	73	3.4%	235	11.1%	167	7.9%
Refinancing	42,687	79.7%	31,368	73.5%	2,324	5.4%	4,410	10.3%	4,585	10.7%
Home Improvement	2,337	4.4%	1,624	69.5%	174	7.4%	357	15.3%	182	7.8%
<b>Totals</b>	<b>53,577</b>	<b>100.0%</b>	<b>39,648</b>	<b>74.0%</b>	<b>2,905</b>	<b>5.4%</b>	<b>5,583</b>	<b>10.4%</b>	<b>5,441</b>	<b>10.2%</b>
<b>Applicant Race/Ethnicity, all Loan types</b>										
American Indian/Alaska Native	104	0.2%	69	66.3%	7	6.7%	16	15.4%	12	11.5%
Hawaiian/Pacific Islander	44	0.1%	26	59.1%	1	2.3%	6	13.6%	11	25.0%
Asian	1,222	2.3%	806	66.0%	125	10.2%	146	11.9%	145	11.9%
Black	355	0.7%	200	56.3%	16	4.5%	73	20.6%	66	18.6%
Hispanic	584	1.1%	320	54.8%	27	4.6%	135	23.1%	102	17.5%
White	46,482	86.8%	35,130	75.6%	2,366	5.1%	4,648	10.0%	4,338	9.3%
<b>Racial Composition of Census Tract where Property is Located</b>										
Less than 10% Minority	4,057	7.6%	3,162	77.9%	232	5.7%	367	9.0%	296	7.3%
10-19%	1,392	2.6%	1,104	79.3%	53	3.8%	110	7.9%	125	9.0%
20-49%	717	1.3%	557	77.7%	28	3.9%	63	8.8%	69	9.6%
50-79%	45	0.1%	37	82.2%	-	0.0%	6	13.3%	2	4.4%
<b>Income Composition of Census Tract where Property is Located</b>										
Low Income	36	0.1%	29	80.6%	2	5.6%	3	8.3%	2	5.6%
Moderate Income	678	1.3%	528	77.9%	25	3.7%	61	9.0%	64	9.4%
Middle Income	3,829	7.1%	2,987	78.0%	177	4.6%	360	9.4%	305	8.0%

**Table 2-34. Summary of Mortgage Application Data for 1-to-4 Family and Manufactured Home Dwellings, Conventional Loans Only, By Race and Ethnicity**

Source: HMDA 2009 Data

	Total Applications		Originated		Approved Not Accepted		Denied		Withdrawn/Incomplete	
	Number	% of category	Number	% of category	Number	% of category	Number	% of category	Number	% of category
<b>Loan Type</b>										
Conventional	6,432	12.0 %	5,010	77.9%	334	5.2%	581	9.0%	507	7.9%
<b>Applicant Race; Conventional Loans</b>										
American Indian/Alaska Native Hawaiian/Pacific Islander	16	0.2%	12	75.0%	1	6.3%	2	12.5%	1	6.3%
Asian	6	0.1%	5	83.0%	-	0.0%	-	0.0%	1	16.7%
Black	246	3.8%	189	76.8%	18	7.3%	21	8.5%	18	7.3%
Hispanic	29	0.5%	23	79.3%	-	0.0%	4	13.8%	2	6.9%
White	100	1.6%	63	63.0%	3	3.0%	26	26.0%	8	8.0%
	5,517	85.8%	4,338	78.6%	274	5.0%	496	9.0%	409	7.4%
<b>Racial Composition of Census Tract where Property is Located</b>										
Less than 10% Minority	4,057	63.1%	3,162	77.9%	232	5.7%	367	9.0%	296	7.3%
10-19%	1,392	21.6%	1,104	79.3%	53	3.8%	110	7.9%	125	9.0%
20-49%	717	11.1%	557	77.7%	28	3.9%	63	8.8%	69	9.6%
50-79%	45	0.7%	37	82.2%	-	0.0%	6	13.3%	2	4.4%
<b>Income Composition of Census Tract where Property is Located</b>										
Low Income	36	0.6%	29	80.6%	2	5.6%	3	8.3%	2	5.6%
Moderate Income	678	10.5%	528	77.9%	25	3.7%	61	9.0%	64	9.4%
Middle Income	3,829	59.5%	2,987	78.0%	177	4.6%	360	9.4%	305	8.0%
Upper Income	1,668	25.9%	1,316	78.9%	109	6.5%	122	7.3%	121	7.3%

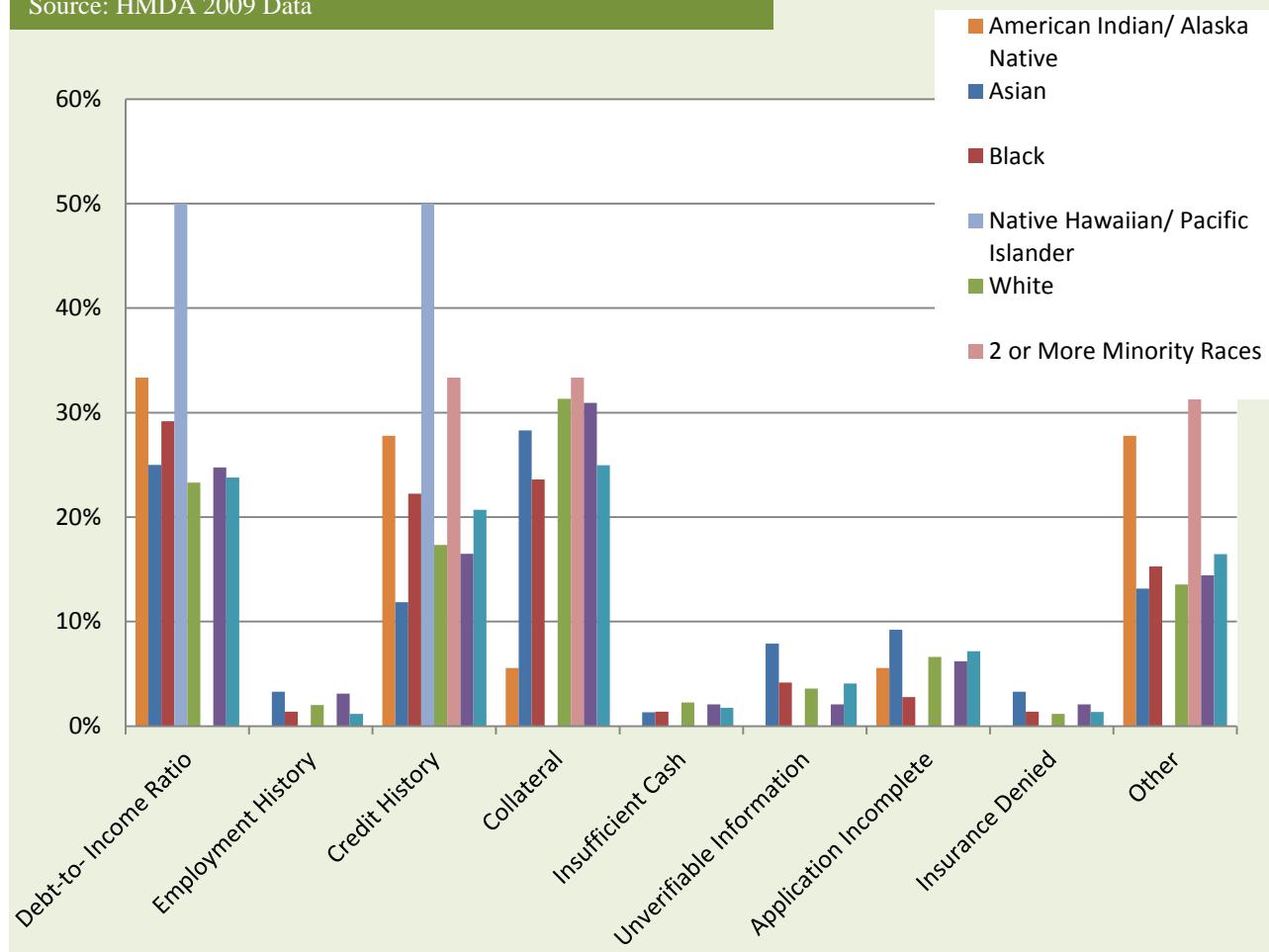
**Table 2-35. Summary of Mortgage Application Data for 1-to-4 Family and Manufactured Home Dwellings,  
FHA, FSA/RHS & VA Loans Only, By Race and Ethnicity**

Source: HMDA 2009 Data

	Total Applications		Originated		Approved Not Accepted		Denied		Withdrawn/ Incomplete	
	Number	% of category	Number	% of category	Number	% of category	Number	% of category	Number	% of category
<b>Loan Type</b>										
FHA, FSA/RHS & VA	2,121	4.0%	1,646	77.6%	73	3.4%	235	11.1%	167	7.9%
<b>Applicant Race/Ethnicity; FHA, FSA/RHS, VA</b>										
American Indian/Alaska Native Hawaiian/Pacific Islander	5	0.2%	4	80.0%	1	20.0%	-	0.0%	-	0.0%
Asian	2	0.1%	1	50.0%	-	0.0%	-	0.0%	1	50.0%
Black	35	1.7%	23	65.7%	3	8.6%	7	20.0%	2	5.7%
Hispanic	41	1.9%	28	68.3%	-	0.0%	7	17.0%	6	14.6%
White	37	1.7%	20	54.1%	1	2.7%	11	29.7%	5	13.5%
	1902	89.7%	1,488	78.2%	65	3.4%	207	10.9%	142	7.5%
<b>Racial Composition of Census Tract where Property is Located</b>										
Less than 10% Minority	1,340	63.2%	1,061	79.2%	45	3.4%	135	10.1%	99	7.4%
10-19%	434	20.5%	331	76.3%	12	2.8%	54	12.4%	37	8.5%
20-49%	216	10.2%	167	77.3%	8	3.7%	21	9.7%	20	9.3%
50-79%	38	1.8%	26	68.4%	4	10.5%	6	15.8%	2	5.3%
<b>Income Composition of Census Tract where Property is Located</b>										
Low Income	21	1.0%	15	71.4%	4	19.0%	2	9.5%	-	0.0%
Moderate Income	371	17.5%	282	76.0%	9	2.4%	46	12.4%	34	9.2%
Middle Income	1,362	64.2%	1,066	78.3%	43	3.2%	138	10.1%	115	8.4%
Upper Income	274	12.9%	222	81.0%	13	4.7%	30	10.9%	9	3.3%

**Figure 2-36. Reason for Loan Denial**

Source: HMDA 2009 Data



### III. Fair Housing Profile

#### Fair Housing Programs and Activities

This section provides a brief overview of the current fair housing funding, programs and activities including public programs administered by the City of Madison and the efforts of private entities that support or affect fair housing choice.

#### Public Groups and their Role in Fair Housing

Group	Development	Sale	Management	Preservation
<b>FEDERAL</b>				
HUD		X	X	X
FHA		X		
Fannie Mae		X		
Freddie Mac		X		
Health and Human Services			X	
Internal Revenue Service	X	X	X	
<b>STATE</b>				
DOA (NSP, HCRI)	X	X		
WHEDA	X	X		
<b>MUNICIPALITY</b>				
Madison CDA	X		X	
Madison Planning and Development	X			X
<b>STATEWIDE GROUPS</b>				
Wisconsin Partnership for Housing Development	X	X	X	
<b>LOCAL GROUPS</b>				
Community Action Coalition of Southern Wisconsin			X	
Common Wealth Development	X	X	X	
Future Madison Housing Fund	X		X	
Goodwill Industries	X		X	
Habitat of Humanity of Dane County	X			
Housing Initiatives	X		X	
Independent Living	X		X	
Madison Area CLT	X	X		
Madison Development Corporation	X		X	
Movin' Out	X	X	X	
Operation Fresh Start	X	X		
Porchlight, Inc.	X		X	
Project Home	X		X	X
St. Vincent de Paul			X	
The Salvation Army			X	
Tellurian UCAN	X		X	
Urban League of Greater Madison		X		
YWCA			X	

## Federal Funding Sources Received in Madison

The City of Madison administers several federal, state and local funding sources for the benefit of fair housing. Priorities for these funds are outlined in the one-year Consolidated Plan Management Process (CPMP) Action Plan, submitted by the City to HUD annually. The 2012 CPMP Action Plan outlined goals, objectives, outcomes, and estimated funding for approximately \$7.4 million in anticipated funding. The following is a brief description of these funding sources.

- ***Community Development Block Grant (CDBG)- Entitlement***

The Community Development Block Grant (CDBG) program is administered by the Department of Housing and Urban Development. Grants are awarded to entitlement communities for a variety of community development activities that develop “viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income individuals and families.

In Madison, a CDBG Committee establishes policies and makes funding recommendations to the Mayor and Common Council. The Committee, which is made up of 11 members including three alders, three low to moderate income individuals, and one minority representative, serves as a citizen participation resource for the City’s community development projects and programs.

The use and allocation of CDBG funds is determined through the five-year Consolidated Plan.

- ***HOME Investment Partnership Program (HOME)***

The HOME program provides grants to states and cities to fund a range of activities that develop, buy or rehabilitate affordable housing. HOME funds are often used in partnership with non-profits.

- ***Emergency Solutions Grant (ESG)***

Emergency Solutions Grants, awarded by HUD, are to be utilized in partnership with non-profits to operate shelters and transitional housing and provide homelessness prevention and rapid re-housing services.

- ***Neighborhood Stabilization Program (NSP)***

NSP, awarded by HUD, provided assistance to acquire and redevelop foreclosed properties that might otherwise fall into disrepair and be a liability for the rest of the neighborhood, while also providing affordable owner-occupied and rental housing for low-income people. Demolition of blighted properties, landbanking and redevelopment were also a permitted activity, though not one that the City of Madison prioritized

- ***Supportive Housing Program (SHP)***

Supportive Housing Program funds are authorized by the McKinney-Vento Homeless Assistance Act of 1987 and granted by HUD to local governments, states, other governmental entities and non-profits. These funds are to be utilized to allow homeless persons to live as independently as possible. Assistance supported by these funds aims to help homeless persons achieve residential stability, increase skill levels and incomes, and obtain greater self-determination.

- ***Housing Organization and Direct Assistance Program (WI DOH HODAP) or Housing Cost Reduction Initiative***

The Wisconsin Department of Administration, Division of Housing (DOH) makes HOME Homebuyer and Rehabilitation (HHR) and Housing Cost Reduction Initiative (HCRI) program funds available for a range of activities that build, buy, and/or rehabilitate affordable housing for low income homeowners, homebuyers and renters. The program is designed to provide direct financial assistance to reduce the housing costs of low- and moderate-income households.

## City-Administered Programs

The City of Madison administers various programs aimed at ensuring fair and equitable housing for the City's residents. Support is provided for these programs through both municipal funding and the above mentioned federal and state sources.

### **FEDERALLY FUNDED PROGRAMS**

#### ▪ ***Deferred Rehab Loan***

Administering Agency: Economic Development Division

Funding Source(s): HOME, CDBG

Beneficiaries: LMI homebuyers

The Madison American Dream Downpayment Initiative provides qualified first-time homebuyers, displaced homemakers, and single parents with a long-term deferred loan to assist with purchasing a home located within the City of Madison. The program offers loan assistance ranging from a minimum of \$1,000 to a maximum amount of 6% of the purchase price not exceeding \$10,000, based on need. The assistance is used to cover the down payment on a home and eligible closing costs. Program is administered by the City of Madison Community Development Authority.

#### • ***American Dream Downpayment Initiative (ADDI)***

Administering Agency: Community Development Division

Funding Source(s): HOME

Beneficiaries: LMI homebuyers

The Madison American Dream Downpayment Initiative provides qualified first-time homebuyers, displaced homemakers, and single parents with a long-term deferred loan to assist with purchasing a home located within the City of Madison. The program offers loan assistance ranging from a minimum of \$1,000 to a maximum amount of 6% of the purchase price not exceeding \$10,000, based on need. Eligibility extends to those with income restricted to 80% of AMI. The assistance is used to cover the down payment on a home and eligible closing costs. The down payment assistance is a second mortgage loan which will become due and payable to the City of Madison when the property is sold, transferred or ceases to be the primary residence of the homebuyer. The Madison American Dream loan will be allowed as a third mortgage in the case of Inclusionary Zoning Units or when used in conjunction with other Community Development Office funds where the total limit of assistance does not exceed the limit specified in the annual Program Framework. The loan repayment includes the initial loan amount plus a proportional share of appreciation based on the percentage of assistance provided. ADDI averages 32 loans per year.

#### ▪ ***Emergency Solutions Grant (ESG)***

Administering Agency: Community Development Division

Funding Source(s): ESG

Beneficiaries: Homeless or near-homeless individuals

Services include purchase of furnishings, utility subsidies, case management and special programming for homeless or near-homeless households.

#### • ***GREEN MADISON***

Administering Agency: Community Development Division

Funding Source(s): Federal Department of Energy Funds

Beneficiaries: No income or geography restrictions

Green Madison provides energy related rehabilitation assistance by providing cash incentive (up to \$2,500) or installment loan through a lending partner of up to \$15,000. This program averages about 180 projects per year.

The program provides loans to households to help them cover downpayment and closing costs.

- ***Scattered Site Fund***

Administering Agency: Community Development Division

Funding Source(s): ESG

Beneficiaries: LMI Individuals

The Scattered Site CLA Fund is supported by the Emergency Solutions Grant (ESG) and provides loans to non-profit agencies to rehab units for transitional housing.

- ***Housing Development Fund (Reserve Fund, includes AHTF)***

The fund supports activities to expand homeownership opportunities and strengthen current neighborhoods through encouragement of affordable owner-occupied housing, home buying, and expansion of ownership/tenure options. Provides deferred loans to non-profits or CHDOs to help acquire, rehab, or build affordable rental, lease-to-own, or homeowner housing for low- and moderate-income people within the City of Madison. The Housing Development Fund is supported by CDBG, HOME, City of Madison and ESG funds.

## **LOCALLY FUNDED PROGRAMS**

- ***HOME-BUY***

Administering Agency: Economic Development Division

Funding Source(s): WI DOH-HODAP

Beneficiaries: LMI homebuyers

The program provides loans to households to help them cover downpayment and closing costs.

- ***Housing Cost Reduction Initiative (HCRI)***

Administering Agency: DOA

Funding Source(s): WI DOA

Beneficiaries: LMI homebuyers

The Housing Cost Reduction Initiative is a program administered by the WI DOA. The state set aside funds to provide housing assistance to low- and moderate income (LMI) households seeking to own or rent a decent, safe and affordable housing.

- ***Public Housing Capital Fund***

The Community Development Authority (CDA) awards Public Housing Capital Fund monies annually to Public Housing Agencies (PHA) for the development, financing, modernization and management improvements of public housing developments. The funds cannot be used for luxury improvements, direct social services, costs funded through other programs and other ineligible activities.

- ***Affordable Housing Trust Fund (Sec. 4.22 MGO)***

The Affordable Housing Trust Fund is supported by City of Madison funding and is a permanent endowment and continually renewable source of revenue to help meet the housing needs of low- and very low- income households. The Fund provides loans and grants to housing developers (profit and non-profit) for acquisition, capital and soft costs associated with new affordable housing. Projects funded by the Fund must be equitably dispersed throughout the City. This program is administered by the Community Development Division

## Non-Profit Agencies

Many affordable housing providers, housing counseling service providers and fair housing counseling and enforcement activities are administered by local, regional and statewide non-profits serving the Madison area.

- **Common Wealth Development**

[www.cwd.org](http://www.cwd.org)

Common Wealth Development is a Madison-based non-profit working to “preserve the vitality of Madison’s neighborhoods” through art, business, community, housing and youth-focused projects. Specifically, Common Wealth provides affordable rental housing opportunities to low- and moderate-income household through affordable rent apartments and a lease-purchase program.

- **Community Action Coalition for South Central Wisconsin, Inc.**

<http://www.cacscw.org/>

The Community Action Coalition (CAC) provides services in Dane, Jefferson and Waukesha for those needing housing assistance. CAC specifically works with the homeless or nearly-homeless individuals and families, those with HIV/AIDS, and recent immigrants. Services include assistance locating and securing housing, housing consultation, information and referral, case management, landlord/tenant mediation and budget consultation. CAC also administers a supportive housing program for homeless persons with a disability.

- **Fair Housing Center of Greater Madison**

<http://www.fairhousingwisconsin.com/>

The Fair Housing Center of Greater Madison (FHCGM) is a satellite office of the Metropolitan Milwaukee Fair Housing Council. This organization is a private non-profit that provides a full-service fair housing program. Programs and services include:

- Enforcement- intake of fair housing complaints, case management, counseling, investigative services, referrals, systemic investigations
- Outreach and Education- presentations, fair housing training, fair housing technical assistance, Fair Housing Keys newsletter, educational materials
- Fair Lending- predatory/fair lending complaints, case management, counseling, Strategies to Overcome Predatory Practices (STOPP) initiative, monitoring of financial institutions, technical assistance
- Inclusive Communities- technical assistance on inclusionary housing, access to pro-integrative housing, research and analysis of fair and affordable housing opportunities and impediments.

- **Habitat for Humanity**

<http://habitatdane.org/>

Habitat for Humanity works with families in need to build and maintain new homes. Homeowners must help build their homes and attain educational courses regarding homeownership. In exchange, Habitat provides volunteer labor and a 0% interest mortgage. Habitat homes are sold to partner families at no profit, financed with affordable, no-interest loans. The homeowners' monthly mortgage payments are used to build more Habitat houses.

- **Housing Initiatives**

<http://housinginit.org/>

Housing Initiatives works to provide permanent housing for homeless persons affected by severe and persistent mental illness. Their programs include The Shelter-Plus-Care Program which provides permanent housing for clients who are homeless under the HUD definition, have been diagnosed with severe mental illness and are unable to live independently without supportive services and are receiving permanent and ongoing case management services to facilitate care for their illness. The Section 8

Program through the HUD-VASH program and Housing Development Program also assist in finding housing for person with mental illness.

- ***Independent Living, Inc.***

<http://www.independentlivinginc.org/>

Independent Living is a non-profit based in Madison that supports independent living for adults with a disability. Independent Living provides several in-home services including home safety modification, "Home Share", homelessness prevention, "Home Chore", and financial management. In addition, Independent Living also operates four independent and assisted living housing developments.

- ***Madison Area Community Land Trust***

<http://www.affordablehome.org/>

The Madison Area Community Land Trust's goal is to promote affordable housing for first time home buyers at or below 80% of the local/regional median income. Under the Community Land Trust's model, homeowners purchase their house, but the land is leased from the Trust. When the homeowner sells their home, 75% of the appreciated value stays with the house so it is more affordable for the next buyer.

- ***Madison Development Corporation***

<http://www.mdcorp.org/>

The Madison Development Corporation is a non-profit corporation that assists in providing affordable housing for Madison and Dane County residents.

- ***Meridian Group Inc.***

<http://meridiangroupinc.net/index.asp>

Meridian Group Inc. produces, structures, finances and manages apartment communities. Meridian offers assistance to help seniors and persons with disabilities to locate housing catered to their needs. Meridian also supports Section 8 and 42 housing programs and structures financing with the help of HUD programs and other state and federal grants.

- ***Movin' Out***

<http://www.movin-out.org>

Movin' Out works to increase the stock of integrated, affordable housing for people with disabilities. Services include education and resources, housing counseling, homeownership subsidies, and accessibility planning. Movin' Out also develops or acquires rental property and rehabs them to include individualized accessibility modifications, and works with partners to set aside units for individuals with disabilities in new developments. In addition, Movin' Out offers a tailored trust for families to ensure that individuals can remain in their home when their care-takers pass away.

- ***Porchlight, Inc.***

<http://www.porchlightinc.org/>

Porchlight, Inc. provides emergency shelter, food, employment services, counseling, and affordable transitional and permanent housing to homeless people in the Dane County area. In addition to services, Porchlight is also the largest supplier of low-cost housing, operating emergency shelters and housing for adults with serious mental illnesses.

- ***Project Home, Inc.***

<http://www.projecthomewi.org/>

Project Home's mission is to "improve the quality and affordability of housing for low-to-moderate income residents in Dane and Green Counties...through services that improve comfort, safety and reduce energy bills." Programs include weatherization, major and minor home repair, and lead

abatement. Project Home also operates an affordable housing complex and an independent living complex for HIV positive individuals and families.

- **Tenant Resource Center**

[www.tenantresourcecenter.org](http://www.tenantresourcecenter.org)

The Tenant Resource Center provides mediation, workshops, eviction and foreclosure prevention, and information on emergency housing.

- **Tellurian UCAN, Inc.**

[www.tellurian.org](http://www.tellurian.org)

In addition to addiction services, Tellurian UCAN also provides housing services for adults and families including a Supported Housing Program, a Transitional Housing Program, group homes, and the Start on Success program. The Start on Success program provides housing to families with children who have a history of chronic homelessness.

- **Urban League of Greater Madison**

<http://www.ulgm.org/>

The Urban League of Greater Madison operates several programs across the live/learn/work spectrum, including the Single Family Home Ownership Program. This program purchase and remodels homes in Madison for larger, low-income families to lease with an option to purchase.

## Public Policy Impacts on Fair Housing Choice

City government has direct effects on housing choice through program funding and administration, publicly-owned housing, and fair housing ordinances. Indirectly, policies that regulate land use, building codes, member composition of important boards and commissions, and unintentional bias in public processes can all negatively affect fair housing choice.

### Zoning and Site Selection

There are several potential areas of a City's zoning code that could act to impede fair housing. Specifically, by placing requirements that necessitate the size of residential units and lots can affect the ability for the City to provide affordable housing units. These areas must be carefully balanced to affirmatively further fair housing while still maintaining the character of the surrounding neighborhood and promoting the goals of the City's comprehensive plan. The City of Madison's Zoning Code (Chapter 28 MGO) was analyzed base on the following topics identified in HUD's Fair Housing Guide:

- Opportunity to develop various housing types and densities
- Definition of family and restriction on number of unrelated persons
- Group home regulations
- Opportunity to develop alternative designs
- Treatment of mobile and manufactured homes
- Lot size requirements
- Accessibility

The City recently rewrote the zoning code (effective January 2, 2013) to reflect best zoning and planning practices. Modifications to the previous zoning code that positively impacted fair housing choice include:

- Reduction in minimum lot sizes in residential districts
- Narrower front yard setbacks
- Incorporate life cycle housing
- Bicycle parking requirements detached from automobile parking requirements
- Creates overlay zones for Transit-Oriented Development and Accessory Dwelling Units
- Allow an increased number of units as a permitted or conditional use in certain districts depending on lot size
- Reduction in the amount of required parking and implementation of maximum parking standards for all uses
- Accessibility accommodations as permitted setback encroachments

The City's zoning code provides for a variety of housing types and group living arrangements in many of the residential districts. Table 5-1 shows the permitted and conditional uses in residential districts. One potential issue of concern is that Community Living Arrangements are permitted, per this ordinance, to have up to and in some cases more than 15 residents. Facilities with that many residents are less consistent with the intent of "community living" and could potentially be found in violation of the "Olmstead Mandate" requiring settings that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.

### KEY FINDINGS

#### Zoning and Site Selection

Land use and development regulations play a role in promoting, restricting, providing, and/or permitting fair housing choice. The City updated it's zoning ordinance, effective January 2013, The changes were generally positive with respect to fair housing, offering more flexibility for the development of a wider variety of housing choices.

The one potential impediment to fair housing choice identified is the language permitting Community Living Arrangements for 15 or more residents. This could allow disabled residents to become more segregated in the community.

In addition to the residential districts described above, the Zoning Code also defines special districts for planned developments (including mobile home parks) and overlay zones (see Appendix D). District definitions are as follows:

- SR-C1 Suburban Residential - Consistent District 1
- SR-C2 Suburban Residential - Consistent District 2
- SR-C3 Suburban Residential - Consistent District 3
- SR-V1 Suburban Residential - Varied District 1
- SR-V2 Suburban Residential - Varied District 2
- TR-C1 Traditional Residential - Consistent District 1
- TR-C2 Traditional Residential - Consistent District 2
- TR-C3 Traditional Residential - Consistent District 3
- TR-C4 Traditional Residential - Consistent District 4
- TR-V1 Traditional Residential - Varied District 1
- TR-V2 Traditional Residential - Varied District 2
- TR-U1 Traditional Residential - Urban District 1
- TR-U2 Traditional Residential - Urban District 2
- TR-R Traditional Residential - Rustic District
- TR-P Traditional Residential - Planned District

**Table 3-1. Allowed Uses in Residential Districts<sup>3</sup>**

Source: Madison Zoning Code (Chapter 28 MGO)

Use	District														
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P
Multi-family building complex					C						C	C	C		C
Multi-family dwelling (4 units)				P	P					P	P	P	P		P
Multi-family dwelling (5-8 units)			C	P						C	P	P			P
Multi-family dwelling (>8 units)				C						C	C	C			P
Single family attached dwelling (3-8 units)				C	P						C	P	P		P
Single-family attached dwelling (>8 units)					C						C	C			P
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	C	P	C	P		P
Three-family dwelling (3 unit)				P	P						P	P	P		P
Two-family dwelling (twin)			P	P	P					C	P	C			P
Two-family dwelling (2 unit)			P	P	P					C	P	C			P
Adult family home	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C
Assisted living-facility			C	C						C	C	C	C		
Cohousing community	C	C	C	C	C	C	C	C	C	C	C	C	C	P/ C	P/ C
Community living arrangement (up to 8 residents)	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C
Community living arrangement (9-15 residents)	C	C	C	C	C	C	C	C	C	C	C	C	C	P/ C	P/ C
Community living arrangement (>15 residents)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Congregate care facility			C	C						C	C	C	C		
Dormitory					C							C	C		
Hostel				P/ C	P/ C	P/ C				P/ C	P/ C	P/ C	P/ C		
Housing cooperative				P/ C	P/ C	P/ C									
Lodging house, fraternity or sorority										C	C				

<sup>3</sup> P- Permitted; C- Conditional

Skilled nursing facility				C	C				C	C	C	C	C	
Accessory dwelling unit	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Caretaker's dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dependency living arrangement	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mission house	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Along with the availability of housing types, the restrictions of how a family is defined also affects fair housing choice. The City of Madison's definition of "family" is very broad, covering most types of family units as well as roomers and caretakers. The definition also has special provisions for people with disabilities persons and their living arrangements. "Family" is defined in the Madison Zoning Code as:

An individual, or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than four (4) roomers, except that the term "family" shall not include more than one roomer in residential districts, except where such dwelling unit is owner-occupied ("owner-occupied" is defined by a number of situations, which can be found in Chapter 28).

In any residential district, a family may consist of two unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.

In any district, a family also may consist of up to four (4) unrelated persons who have disabilities (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), are living as a single housekeeping unit because of their disability, and require assistance from a caregiver. Up to two (2) personal attendants who provide services for family members or roomers who, because of a disability (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship.

There are many terms used in a zoning code that can act as impediments, if poorly defined. A review of Madison's zoning code terms and definitions (see Appendix D), revealed no such impediments.

## Neighborhood Planning, Transit Service, and the Employment-Housing-Transportation Linkage

### • *Neighborhood Planning*

The Neighborhood Planning program develops City- or neighborhood-initiated neighborhood plans utilizing CDBG funding. These plans are developed by the City's Neighborhood Planning, Preservation and Design Section. This office aids in neighborhood planning, neighborhood association recognition and development, neighborhood investment, and navigating City processes. The services are offered to any neighborhood association or group or individual in the City of Madison. In addition, the Neighborhood Planning Section actively provides leadership training and grant funding to engage residents and physically improve neighborhoods.

Neighborhood plans are prepared with resident input and adopted by reference as an advisory component of the City comprehensive plan. Interviews with city staff and direct knowledge of City planning history indicate a resistance to new multifamily and/or affordable housing in some neighborhoods. This trend is at the neighborhood level, and has the effect of maintaining and enhancing the current concentration of lower-income and minority residents in certain parts of the City, despite city-wide policies regarding the inclusion of varied housing types and affordable housing in neighborhoods.

### • *City of Madison Comprehensive Plan*

The City of Madison's Comprehensive Plan (last reviewed in 2010-2011) outlines the overarching goals and policies in regards to neighborhood revitalization, municipal services, and employment-housing-transportation linkages. Certain sections of the Plan address these three topics in detail, but the theme of creating an equitable community runs throughout. An emphasis on creating viable and vibrant communities, providing effective and efficient services to all, and promoting the live-work-play linkage serve as the basis for the plan. Specific policies include:

- Work with employers and businesses to site their businesses near residential dwellings that could be a source of housing for their employees.
- Promote workforce housing and walk to work programs that contribute to a level of integration at the neighborhood level.
- Promote the development and operation of multi-modal transportation so that housing can be built or expanded along predictable transit zones.
- Enforce citizen's rights regarding equal opportunities and fair housing.
- Encourage housing designs that serve people with disabilities.
- Promote a variety of programs and services to help stabilize housing for other lower income or special needs groups.

## KEY FINDINGS

### Neighborhood Planning, Municipal Transit Services, and the Employment-Housing-Transportation Linkage

The City has a current comprehensive plan and is proactive about working with neighborhoods to develop neighborhood plans. As described here and in Chapter II, Metro Transit's current routing system can result in long commutes. While City planning policies are generally supportive of fair housing needs, but neighborhood plans and actions are sometimes opposed to the development of varied housing types.

**When considered in conjunction with the limitations of the Metro Transit routing system, policies and decisions that fail to provide varied housing types throughout the City are an impediment to fair housing choice, because a disproportionately high percentage of minority residents have lesser ability to find housing near their place of employment.**

- ***Metro Transit***

The Metro transit service offers fixed-route, paratransit, and special event transportation choices. All Metro services work to accommodate residents regardless of ability, socioeconomic status or location. Fixed route buses kneel to accommodate passengers with limited mobility, and provide wheelchair securement areas at the front of all buses. Paratransit service is offered on a demand-response, advance reservation basis for persons who are unable to use the standard routes. Users of the paratransit system must be certified as eligible to receive the service with regard to ADA guidelines. The paratransit routes operate within three-quarters of a mile of fixed-routes and offer door-to-door or curb-to-curb service, depending on passenger needs. If passengers who are elderly or have a disability live or are traveling outside Metro's service area, the Adult Community Services Division of the Dane County Department of Human Services provides accessible routed group ride and demand-response services.

In addition to accommodating people with disabilities, Metro offers low income bus passes for eligible riders. These passes are good for 31 days and can be purchased at a discounted fare rate at the Metro Transit office, Dane County Job Center, and the City of Madison Treasurer's Office. Passes are available for those filling out a self-certification form that their income is at or below 150% of national poverty guidelines (with an eligibility card renewable every six months). A limited number of passes are available each month.

As noted in Chapter II, the structure of the Metro Transit hub and transfer routing system can result in very long commutes between certain parts of the City.

## Public Housing Authority Units and Tenant Selection Procedures

The Madison Community Development Authority owns and operates low-rent public housing in 40 locations throughout the City of Madison, consisting of 745 units of public housing, 115 for multi-family housing and 24 Section 8 Project Based Voucher Housing units. See Figure 3-2. The total value of this property is approximately \$48.6 million.

In 2011, the CDA rehabbed 71 units of family housing at the Truax Park Apartments with federal low-income housing tax credits awarded by the Wisconsin Housing and Economic Development Authority. These apartments feature 23 two-bedroom units and 1 five-bedroom unit. All units are ADA accessible.

The tenant selection and admission process is governed by the CDA's Admissions And Continued Occupancy Policy For The Public Housing Program, approved May 9, 2013. This comprehensive policy strongly supports fair housing choice – it included detailed policy regarding many of the protected classes.

One issue of concern with the City's public housing is the geographic concentration of units, as illustrated by the yellow dots in Figure 3-2. While there are scattered site units in the south and west regions of the city, there are relatively fewer such options as compared to the large projects, and this may result in a limitation for public housing tenants (or eligible applicants) that may prefer to be close to a relative, school, or job but are unable to find an available unit in their neighborhood. This concentration of units is especially problematic for residents dependent on transit. As described in Chapter II, commute times

## KEY FINDINGS

### Public Housing Authority Units and Tenant Selection Procedures

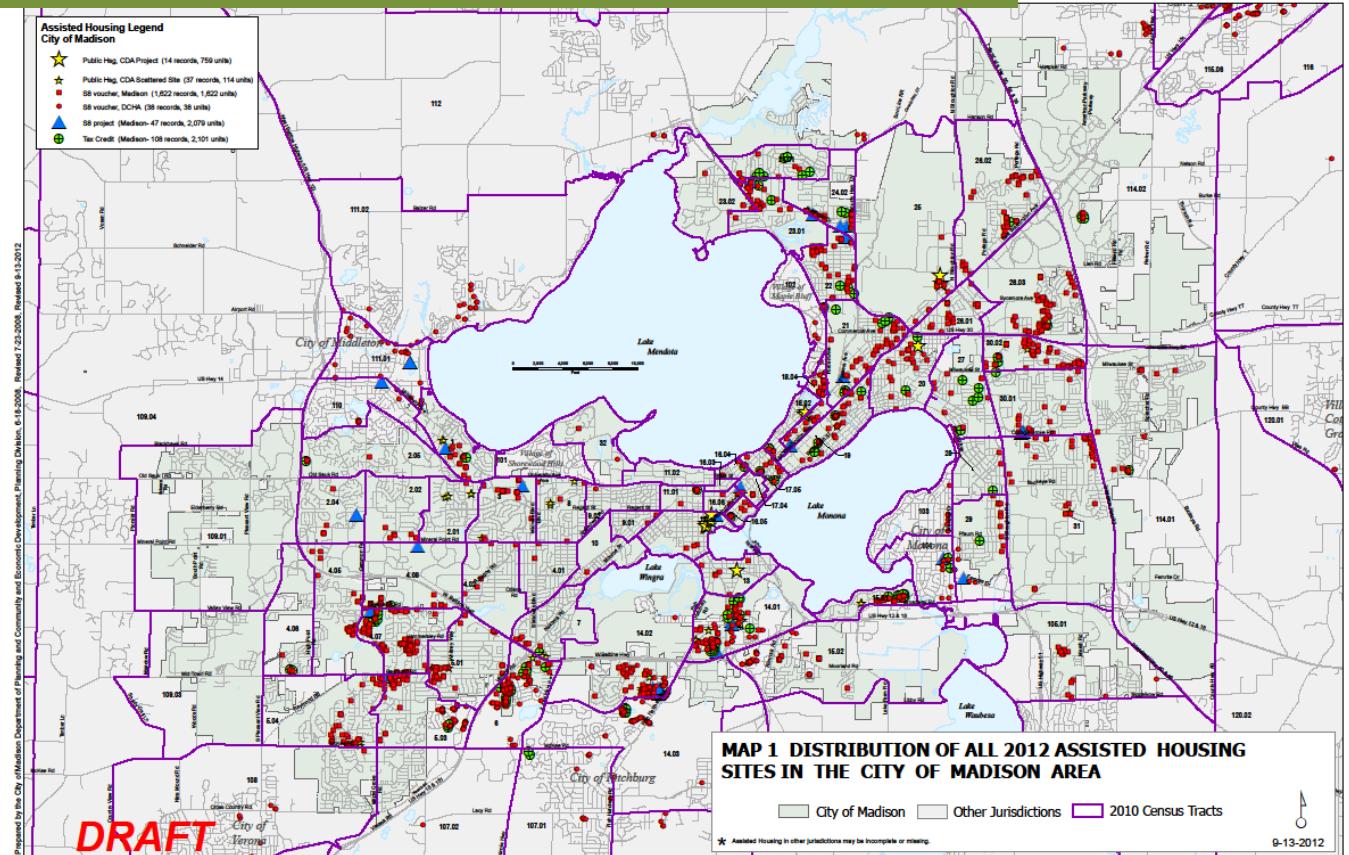
The Madison Community Development Authority supports 884 low income households with city-owned housing,

There do not appear to be any impediments to fair housing choice in the tenant selection process or supply of subsidized housing; however the City should consider efforts to more widely distribute these units throughout the city, including the supply of ADA accessible units.

from South Park Street to employment centers at the east and west ends of the City can increase from 20 minutes by car to 45-90 minutes by bus and walking.

**Figure 3-2: Assisted and Public Housing Map**

Source: City of Madison Department of Planning & Community & Economic Development



## Section 8 Vouchers and Associated Programs

The Madison Community Development Authority pays a portion of the rent for approximately 1,600 households through the Section 8 program, totaling over \$11 million per year. Approximately 500 Madison landlords participate in the Section 8 program. See Figure 3-2 for project locations. Participation in this program has increased since 2005, when CDA staff engaged in outreach efforts with the Apartment Association of South Central Wisconsin to educate housing providers on the advantages of working with the Section 8 program. This effort was recognized by resolution by the City of Madison Common Council

In addition the CDA has established the Section 8 Homeownership Program, The Family Unification Voucher Program, The Veterans Affairs Supportive Housing Program, and the Family Self Sufficiency Program, all of which help to break down impediments to fair housing.

WHEDA (Wisconsin Housing and Economic Development) provides a housing choice program called the Section 8 Voucher Program. Eligible families pay between 30-40% of their adjusted income for rent. The balance is subsidized by the U.S. Department of Housing and Urban Development (HUD). Resident portions of the rent are re-evaluated at least once a year. Eligibility is determined by the number of members in a household, a family's gross income and criminal background checks.

Section 8 also provides that certain units owned or substantially controlled by the Public Housing Authority (PHA) be eligible for purchase by voucher families participating in the homeownership option.

Section 8 Family Self-Sufficiency Program offers families with Section 8 Vouchers the opportunity to join a 5 year, voluntary program to help them become financially independent. The goal is to help struggling families find good jobs that earn them enough money to eliminate the need for public assistance by educating, providing job training, counseling and other forms of social assistance. Eligibility for this program is a family income of 50% below the County median income.

Family Reunification vouchers are issued to families with a lack of decent and safe housing due to separation or threat of imminent separation.

The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program combines Housing Choice Voucher (HCV) rental assistance, to support homeless Veterans who are participating in services at Veteran Affairs medical centers. Eligible veterans must need case management services in order to obtain and sustain independent community housing, have a serious mental illness, substance use disorder history, or a physical disability. In order to maintain housing candidate must participate in supportive services or treatment needed for recovery.

### Informational Programs

The EOD provides free community education and technical assistance with regard to rights and responsibilities to employers, job seekers, employees, case manager, advocates, and the general public.

## KEY FINDINGS

### Section 8 Vouchers

The Madison Community Development Authority supports 1,600 households through the Section 8 Voucher program. HUD has recognized the CDA's dispersion of vouchers as being very good.

There do not appear to be any impediments to fair housing choice in the tenant selection process or supply of subsidized housing, though current programs and policies should be maintained.

The EOD has been providing the series of workshops for many years. In 2012 the EOD offered each of the workshops to the general public with a different topic scheduled each month. They also offer to cater the workshops to specific companies or organizations to fit their needs and schedules. The EOD provides the powerpoint presentations to any who request them and also have a bilingual staff available to present in both English and Spanish when needed.

A disproportionate number of clusters of Public Housing projects are located in tracts 14.01 and 12, which are lower income census tracts (in part because of the presence of that housing). Scattered public housing sites – typically CDA-owned single-family homes – are dispersed throughout the west side of the city, with relatively few located on the east side of Madison.

### Informational Programs

Welcoming Diversity  
Fair Employment Practices  
Preventing Harassment in the Workplace  
Hate Crimes  
Housing Discrimination  
Public Accommodations  
How to Avoid Retail Racial Profiling  
Youth at Work  
Arrest Records and Conviction Records  
Protected Classes  
Genetic Information Non-Discrimination Act  
Equal Opportunity Division Services  
Gender Identity  
Credit History

### Sale of Subsidized Housing and Possible Displacement

The City of Madison adheres to HUD regulations regarding displacement, including providing relocation assistance as provided in the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. These apply not only to subsidized housing, but any acquisition of housing using federal funds, including non-profit developers using HOME, CDBG and other federal sources. The CDBG office has a policy to minimize displacement, only participating in changes to occupied projects deemed absolutely necessary. An anti-displacement policy is included in the Action Plan and 5- Year Plan.

### Property Tax Policies

Figure 3-3 shows that full value property tax rates in the City of Madison have generally been increasing over the last 5 years. “Gross full value rate” is the total general property tax divided by the full value. This rate is preferred to the general property tax local rate for making comparisons between tax districts because all taxable general property is valued at the same level. However, it must be taken into consideration that this is an average rate, and that surplus funds may have been applied to reduce the rate. “Effective full value rate” is general property tax less state property tax credit (not including lottery credit) divided by the full value. The effective rate is an average rate. Figure 3-4 shows 2010 mill rates for cities in Dane County. The rate for most of Madison, those parts that are within the Madison school district, is in the middle of the pack. But in Madison’s growth areas, which are often part of other school districts, the rates are the highest in the county.

While higher property taxes may affect the affordability of housing overall in relation to

## KEY FINDINGS

### Property Tax Policies

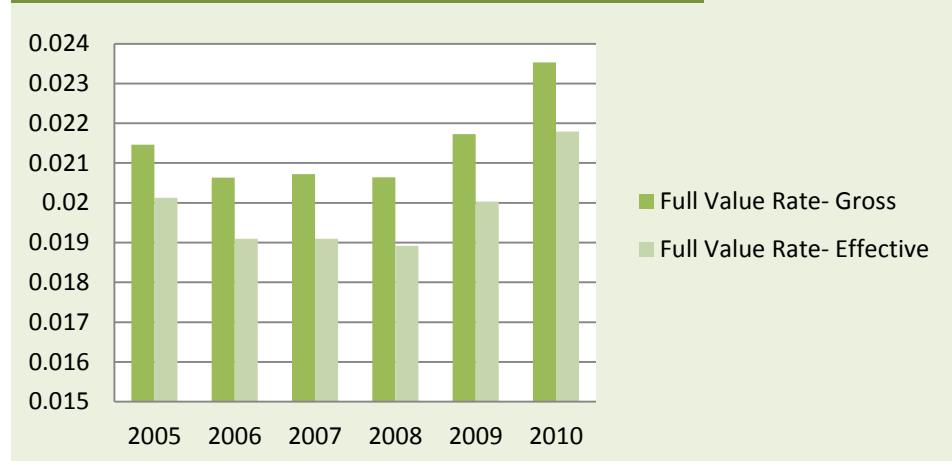
Property taxes affect the affordability of housing, with high property taxes limiting both ownership and rental choices. Madison property tax policy does not disproportionately affect any protected classes and is therefore not a direct impediment to fair housing.

The relatively high tax rates are an affordability impediment, and while affordability constraints can have a disproportionate effect on minority residents, the affordability impact of high taxes should be weighed against the various housing assistance services those taxes support. We do not consider tax policies to be an impediment to fair housing choice in Madison.

neighboring communities, Madison property tax policies are considered to be equitable amongst all homeowners. In addition, residents with a household income of \$24,680 or less (2011) are eligible for the Homestead Tax Credit, which eliminates the state property tax obligation for renters, homeowners, those who reside in mobile or manufactured homes, and those in nursing homes.

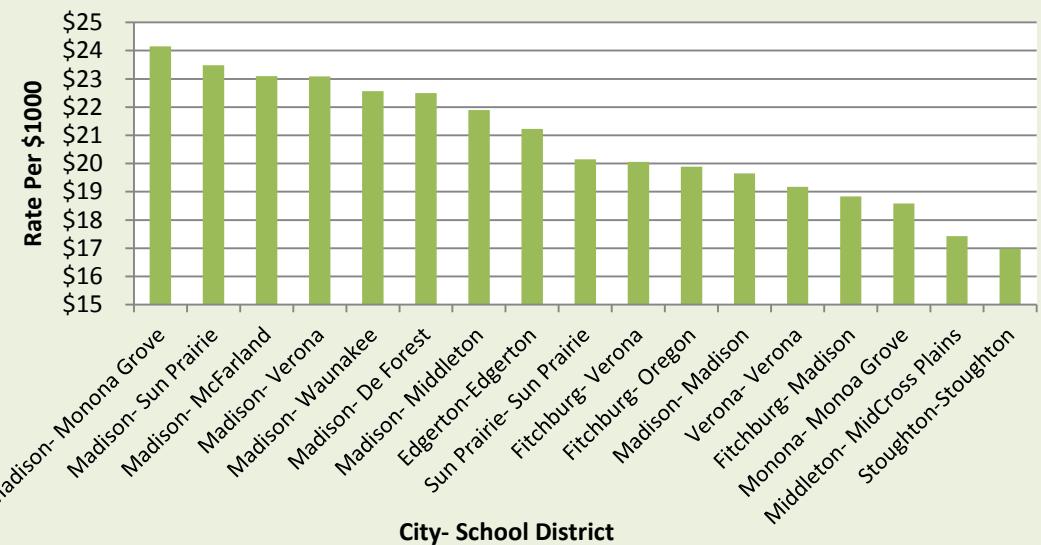
**Figure 3-3. Madison Property Tax Full Value Rate**

Source: Wisconsin Department of Revenue



**Figure 3-4 2010 Mill Rate Comparison- Dane County Cities**

Source: South Central Wisconsin MLS Corporation



### Relevant Boards & Commissions

The City has several committees that routinely make decisions that may affect fair housing choice in Madison. These include the Plan Commission, the Housing Committee, the Community Development Block Grant Committee, the Equal Opportunities Commission, the Commission on People with Disabilities and the Community Development Authority. These boards should be representing the interests of all Madison residents, and should be aware of and responsive to the needs of the City's protected classes.

One imperfect measure of these boards' ability to represent the interests of diverse residents is the racial and gender makeup of each board, as self-reported by members. Table 3-5 provides the available data for most of the key committees. As indicated, only one of the committees (EOC) includes an African American member, and there are no Hispanics on these committees. Women are also underrepresented, except on the CDA.

## KEY FINDINGS

### Relevant Boards and Commissions

The City of Madison has several boards and commissions that are involved in decisions affecting land use, housing, and development. These boards should be knowledgeable and represent the interest of all residents of Madison.

The analysis found that African Americans and Hispanics are underrepresented on CDA and Plan Commission, creating a higher risk for decisions that could result in impediments to fair housing choice. This is a minor and indirect impediment to fair housing choice.

**Table 3-5: Boards and Commissions by Race**

Source: City of Madison

	Plan Commission	CDBG Committee	EOC	CDA
Total number of members	12 positions 11 current members	11 positions 10 current members	13 positions 12 current members	7
Number of African-Americans	0	2	2	0
Number of Native Americans	0	0	1	0
Number of Asian Americans	0	1	1	0
Number of members who are non-white, not African-American, Asian or native American (ie, 'other or mixed')	0	0	0	0
Number of Hispanic/Latino of any race	0			1
Ethnicity Unknown	1	---	3	1
Race not disclosed	---	---	2	2
Number of females	3	3	3	4
Number of people with disabilities	0	1	1	1

### Plan Commission

It is the function and duty of the Plan Commission to make and adopt a master plan for the physical development of the municipality. The commission makes reports and recommendations to the Common Council related to the plan and physical development of the city and on the location and architectural design of public buildings and other public projects. The commission also reviews and makes recommendations on any sale or lease of land, rezoning requests, annexations of land, subdivision plats and ordinance text amendments. The Plan Commission has final approval authority on land divisions

(certified survey maps), conditional use requests and appeals of certain Urban Design Commission decisions.

#### ***Landlord & Tenant Issues Committee***

The City of Madison's Housing Commission was disbanded and split into two committees in 2011. The Landlord & Tenant Issues Committee became its own committee (Ordinance ORD-12-0076, File ID#25836, effective date 6-21-2012). This committee performs functions formerly exercised by the Rent Abatement Oversight Committee. The Housing Strategy Committee was established in 2012 to serve as a forum for discussion and communication about landlord-tenant issues. It shall establish as schedule for the Dept. of Planning & Community & Economic Development to prepare and submit a biennial housing report to the Mayor and the Common Council, will include the following:

- Current data on Madison and regional housing supply and trends
- Strategies for maintaining a broad range of housing choices for all households and income levels; and
- Strategies for maintaining and increasing affordable owner-occupied and rental housing in Madison and the region.

#### ***Housing Strategy Committee***

The Housing Strategy Committee (HSC) began meeting in May of 2013 and is staffed by the Housing Initiatives Specialist, a newly created and filled position with the City of Madison which focus on analyzing housing data and developing housing strategies in concert with its dedicated Committee and other related committees, e.g., CDBG, CDA, Plan Commission, etc.... The Housing Strategy Committee became its own committee (Ordinance ORD-12-0077, File ID#25837, effective date 6-21-2012). The committee serves as a forum for discussion and communication about a broad range of housing strategies for all households and income levels and maintain and increasing affordable owner-occupied and rental housing Madison and the region.

#### ***Community Development Block Grant (CDBG) Committee***

The duties of the CDBG Committee include: recommending policies, goals and objectives of the Community Development program which includes the development of affordable housing, creation of jobs for low income individuals, creation or support for neighborhood centers and gardens that serve as focal points for neighborhoods, assistance to homeless individuals to help them move towards self-sufficiency and support of neighborhood development activities; review of proposals for funding and recommend budget allocations based upon an assessment of the proposals, including evaluation of performance on other projects, compliance with City policies, goals, objectives, federal, state and City regulatory requirements and assessment of financial needs and commitments

#### ***Zoning Board of Appeals***

The Zoning Board of Appeals hears and decides appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the ordinance; hears and acts upon applications for variances from the terms provided in the ordinance in the manner prescribed by and subject to the standards established; hears and acts upon all other matters referred to it upon which it is required to act under the ordinance. NOTE: Mayor appoints the chair.

#### ***Board of Review***

Conducts public hearings and adjudicates contested city assessments; has the authority to subpoena witnesses and records; hear oral testimony from the Assessor and the taxpayer; and raise, lower or sustain assessments.

***Community Development Authority***

The Community Development Authority (CDA) is a public, corporate and political body that exercises public power, duties and functions conferred on housing, redevelopment and community development authorities.

***Affirmative Action Committee***

The Affirmative Action Committee reviews, approves and recommends the city-wide action plan as proposed by the Affirmative Action Director on a yearly basis. The committee advises affected or under-represented groups of their rights under the Affirmative Action Program. This committee makes recommendations to the mayor and Common Council on various matters related to Affirmative Action issues.

***Commission on People with Disabilities***

The Commission on People with Disabilities (CPD) recommends policy to the Mayor, Common Council, and Department of Civil Rights regarding matters that affect disabled people and their families. The CPD also solicits the suggestions of citizens and organized groups regarding access issues to facilities and services, in order to provide recommendations to all City departments.

## City of Madison Fair Housing Complaint Process

Fair housing complaints in Madison are handled by the The City of Madison's Equal Opportunity Division (EOD) of the Department of Civil Rights (DCR). Residents can also contact and get assistance in the complaint process from the Fair Housing Center of Greater Madison (an extension of the Metro Milwaukee Fair Housing Council). The City also lists the Tenant Resource Center as a resource, though the Tenant Resource Center generally refers people who wish to make fair housing complaints to the Fair Housing Center.

Online information about the complaint process is essential, especially due to the growing prevalence of smart phone use. The relevant brochures and forms are located under the Department of Civil Rights (<http://www.cityofmadison.com/dcr/fileComplaint.cfm>). Most of the forms and instructions are generalized for use with any type of discrimination complaint, which makes them harder to understand from the perspective of the fair housing complainant. There is currently no apparent link from the CDA/Housing Operations (<http://www.cityofmadison.com/formshousing/index.htm>) to the DCR complaint materials, though there is a link to the HUD complaint process.

Google searches for common terms and phrases do not currently lead a searcher to the City's housing discrimination complaint resources. "Madison housing complaint" leads to the "Report a Problem" page, which does not include housing discrimination as a reportable problem. "Madison housing discrimination" leads to a PDF report about housing discrimination, or the private Tenant Resource Center. "Madison fair housing" leads to the private Fair Housing Council. Both the Tenant Resource Center and the Fair Housing Council are good sources of information and counsel, but it is very difficult to learn about the City's resources and complaint options directly via the City website (as of August 2013).

Once initiated, the complaint process with EOD begins with the filing of a short complaint form. An investigator then arranges an early mediation meeting to seek a settlement. If a settlement isn't reached, the investigation is completed, resulting in a determination of "Probable Cause" or "No Probable Cause". If probable cause is found, the parties will be asked if they would like to undergo the conciliation process and settle without need for a hearing. If this is not agreed upon, the case will proceed to a hearing on the merits.

Parties have an opportunity to be heard before the hearing examiner. Both parties may choose to be represented by an attorney or advocate or may represent themselves. All evidence must be presented at the hearing. The examiner will make a decision (called Recommended Findings of Fact, Conclusion of Law and Order) on whether or not discrimination occurred and will include a remedy or reason why no discrimination was found. Decisions may be appealed to the Equal Opportunities Commission, but no new evidence will be considered. Either party may appeal the Commission's decision to circuit court.

## KEY FINDINGS

### City Complaint Process

The complaint process within the City of Madison seems to be handled well and clearly once initiated, however the City's web-based materials and site structure are too cumbersome to navigate.

Difficulty figuring out how to file a complaint is likely suppressing some complaints and limiting enforcement of fair housing laws. This is an indirect impediment to fair housing choice in the city.

Division web page

Division web

## State of Wisconsin and Federal Fair Housing Complaint Process

The State of Wisconsin Department of Workforce Development, Equal Rights Division accepts complaints from or on behalf of a person alleging discrimination within 1 year of the discriminatory action. The process begins with the filing of a four page complaint form. A hearing is held, and the decision may be appealed to the Labor and Industry Review Commission (LIRC), which decision may be appealed to court. Procedure for these appeals differ. A civil action may be filed, taking the complaint directly to court. A civil action may include damages, including punitive damages, court costs and reasonable attorney fees. Complaint forms are readily accessible on the agency website.

The U.S. Department of Housing and Urban Development housing discrimination complaint process can be an 8 step process, beginning with a filing a short complaint. The complaint is reviewed by a fair housing specialist to determine if the alleged acts violate the Fair Housing Act. If there is evidence of a possible violation of the Act, the specialist will assist the complainant in filing an official housing discrimination complaint. HUD investigates the complaints at no cost to the complainant. The investigation will collect relevant documents or conduct on site visits, as appropriate. The Fair Housing Act requires parties to be brought together to attempt conciliation on every complaint, if the parties sign an agreement the case is closed. A “No Cause Determination” may be issued by HUD if no reasonable cause that housing discrimination has occurred or is about to occur and closes the case. If the investigation yields reasonable cause that discrimination has occurred and the law has been violated, HUD will issue a charge. A HUD Administration Law Judge (AJI) will hear the case, unless the party elects to have the case heard in federal civil court. Complaint forms are readily accessible on the agency website.

## Documented Fair Housing Complaints and Discrimination Suits

As previously mentioned, there are four layers of fair housing protections in place within the City of Madison: the City, the County, the State of Wisconsin, and the federal fair housing laws. While the protected classes for each layer of law differs slightly, a victim of fair housing discrimination can file a discrimination suit with any (or all) of the applicable layers of government.

### Fair Housing Suits Filed with the City of Madison

In the period 2010-2012 there were a total of 45 housing-related discrimination complaints documented by the City of Madison. Table 3- 6 categorizes the 45 complaints according to the protected class status of the complainant. Race or color was cited as a factor in nearly half (22 and 18 respectively) of the 45 complaints, followed in frequency by disability. Conviction record was a frequent source of complaints prior to its invalidation as a protected class by State Act 108 in 2012, which rendered certain local fair housing laws unenforceable. The disposition of these 45 cases include 15 that were “withdrawn,” four that were “settled,” 16 that were found to have “No Probable Cause,” two that were “dismissed,” and five that were still “pending.”

**Table 3-6: Complaints to the City of Madison**

Source: City of Madison

Year	2010	2011	2012	Total	Percent
Total	13	19	13	45	
<b>Type</b>					
Race	5	6	11	22	20.75%
Color	5	5	8	18	16.98%
Conviction Record	4	9	0	13	12.26%
Disability	3	5	4	12	11.32%

Age	2	1	6	9	8.49%
Sex	2	2	2	6	5.66%
National Origin	2	2	1	5	4.72%
Marital Status	1	0	3	4	3.77%
Source of Income	1	1	2	4	3.77%
Familial Status	1	0	2	3	2.83%
Victim of Domestic Abuse	0	2	1	3	2.83%
Political Beliefs	0	1	1	2	1.89%
Arrest Record	2	0	0	2	1.89%
Citizenship	0	1	0	1	0.94%
Gender Identity	1	0	0	1	0.94%
Sexual Orientation	1	0	0	1	0.94%
Credit History	0	0	0	0	0.00%
Less than Honorable Discharge	0	0	0	0	0.00%
Physical Appearance	0	0	0	0	0.00%
Religion	0	0	0	0	0.00%
Student Status	0	0	0	0	0.00%
	30	35	41	106	100.00%

### **Fair Housing Complaints Filed with HUD**

For the 5-year period 2008 to 2012, there were a total of 29 cases filed with the federal Department of Housing and Urban Development (HUD) for the City of Madison, an average of about six per year. Of these 29 cases, 15 were based on disability and 11 on Race. The disposition of those 29 cases included 14 that were “Withdrawn after Resolution,” 6 found “No Cause,” 3 that were “Withdrawn without Resolution,” 3 that were “Settled,” 2 that are still “Open” and 1 that was dropped because the “Complainant Failed to Cooperate.”

**Table 3-7 Complaints Received by HUD 2008-2012**

Source:HUD

Basis	Number of Cases		Percentage of Cases
	Cases	Percentage of Cases	
Disability	15		47%
Race	11		38%
Sex	3		10%
Familial Status	3		10%
Total	32		

### **Determination of Unlawful Segregation**

Large-scale examples of segregated housing do not appear to exist in Madison. No other determinations of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973 or where the Secretary has issued a charge under the Fair Housing act regarding assisted housing have been made in the City of Madison.

## IV. Community Input

Both focus group discussions and a community survey were used to collect data regarding perceived and realized impediments to fair housing choice in the City of Madison.

### Focus Group Results

More than 25 different housing advocates and professionals gathered for a series of 3 focus groups to identify impediments to fair housing choice, issues regarding fair housing, and recommendations for increasing fair housing in the City of Madison. The individuals represented several groups. Participants included:

Kori Schneider Peragine	Fair Housing Council
Kristin Burki	DHS- Domestic Abuse Intervention Services
Kristina Dux	Community Action Coalition
Rachel Krinsky	The Road Home
Perry Ecton	Habitat for Humanity
Kati Schell	YWCA
Laurel Bastian	Fair Housing Council
Elena Golden	Goodwill
Brenda Konkel	Tenant Resource Center
Julie Spears	City of Madison- CDBG Office
Mary Charnitz	City of Madison- CDBG Office
Pam Rood	City of Madison- CDBG Office
Teresa Cothrone	City of Madison- CDBG Office
Michael Miller	City of Madison- CDBG Office
Augie Olvera	City of Madison- Housing Dept.
George Hank	City of Madison- Building Inspection Dept.
Terri Goldbin	City of Madison- Economic Development Dept.
Linette Rhodes	City of Madison- CDBG Office
Sue Wallenger	City of Madison- CDBG Office
Jule Stroick	City of Madison- Planning Dept.
Sid Boersma	Coldwell Banker Success
Ellen Bernards	GreenPath Debt Solutions
Shelley Reynolds	Homestead Title Company
Jaimes Johnson	UW Credit Union

The discussion at these meetings is summarized below and organized by topic, including possible impediments to fair housing choice. There were several impediment themes which were common throughout all of the focus groups including low vacancy rates and high rents, Not In MyBackYard attitudes (NIMBY-ism), unwillingness of those discriminated to file a complaint, and inadequate landlord education. Most of these issues are impediments to safe housing in some way, but only a portion are impediments to fair housing choice due to a disproportionate impact on members of a protected class. Those considered to be true impediments to fair housing choice in the City of Madison are italicized.

While a reflection only of the opinions of the participants, they are the informed opinions of people who work in and understand housing issues in the City and region. These comments and observations therefore serve as the foundation for many of the recommended action items to improve fair housing choice in the City.

## Administrative Issues

- Federal funding is decreasing
- Eviction system breaks down at times (e.g. someone is in jail on day of court hearing but was not let out for the hearing and is considered a “no show” resulting in eviction)
- Local landlords are being bought out by management agencies
- Most people won’t complain about discrimination once they are in housing, because they want to stay there and don’t want to go through the process again
- When people are in a housing crisis they don’t complain about discrimination, they just move on.
- WHEDA application (Low Income Housing Tax Credit) scoring is an impediment
- WHEDA has cut back on homebuyer education, but this need remains, especially for Spanish-speaking residents
- Lack of landlord knowledge. Can lead to unintentional discrimination when they think they are rejecting an applicant for a valid reason (i.e. arrest record from 6 years ago is not a valid reason to deny an applicant)
- *The Wisconsin Circuit Court Access (WCCA) database (also known as CCAP) can be an unnecessary barrier to housing – landlords use it, but some don’t understand that certain items in the database are innocuous. Some cases are dismissed but they stay on the system and raise a red flag to the uninformed.*
- Affordable housing is based on fair market value, which is high, so even affordable rents are high

## Regulatory Issues

- Requirements of HUD funding add costs to the projects, increasing rents (database requirement, procurement, affordability monitoring). Most people don’t want to deal with paperwork.
- City’s land use restrictions add to the time and cost of development
- Maximum occupancy rules can be used to deny applicants with large families
- Classes identified as “protected” will continue to be under attack at the State level because of political climate
- Aggressive policing of parks and other public spaces puts pressure on homeless residents

## Quality Issues

- Housing stock needs repairs, though making repairs can lead to increased rates.
- Madison seems to have quality low income housing as compared to surrounding areas.
- Affordable still needs to be livable. Now it is not even a choice because everything is expensive and people still need a place to live, regardless of quality

## Spatial Issues

- *Building in areas where low-income housing is accepted and land is inexpensive further segregates housing stock.*
- Most low-income housing is not located near job centers.
- *WHEDA has continued to focus on building in high poverty areas rather than high opportunity areas – they should build where the jobs are.*
- Hispanic and Hmong families seem to be renting/buying together, self-segregating. This is especially true of undocumented residents – undocumented Hispanics feel safer living among other Hispanics.
- *Difficult to develop affordable housing stock in many areas because of NIMBY attitude. Madison has strong neighborhood associations that do not want to see low-income residents in their neighborhoods.*

## Affordability/Financial Issues

- Many people are overextended with regard to credit. Much of this is due to lack of financial education. Financial education should start at an earlier age, rather than when someone is ready to purchase.
- Income segregates housing stock
- It is difficult to find housing stock that is affordable for those between low and moderate income.
- Rent in Madison is high for Dane County and Wisconsin.
- Difficult to get financing for condos
- Rent is increasing each year
- Foreclosures are increasing
- Those with bad credit are being charged more

## Accessibility Issues

- There is currently a short wait list for accessible units; more accessible units available than needed. Habitat for Humanity gets few applications for their houses designed for accessibility.
- *Finding housing is hindered by lack of accessibility to technology and personal vehicles.*
- 51% of statewide complaints to Tenant Resource Center were from accessibility/reasonable accommodations issues

## Supply Issues

- *The rental vacancy rate is really low as documented by MG&E (3.5% in second quarter of 2011). This is keeping rents high for even low quality apartments, and making it easier for landlords to discriminate, both legally and illegally.*
- Expect demand for accessible units available to increase as population ages.
- *Large family units are hard to find.*
- Current low vacancy rates
- IZ unit prices dropped dramatically and are not selling
- Section 8 holders are able to find more housing choices now than in the past
- There are more accessible units than needed because of HUD laws and City ordinances
- *Because of foreclosures, owners are now becoming renters thereby increasing demand for available units*
- Increase in homelessness will happen in next several years because of budget cuts/program cuts happening now
- City, County and United Way have all decided not to develop any more shelters.
- Homelessness is expected to rise 5% nationwide
- The gradual elimination of “fleabag” motels offering weekly rentals is eliminating some of the transitional, stopgap housing supply, without which people are more likely to end up on the street. Replacing weekly rental units (typically of low quality) requires an increase in budget, but is necessary to decrease long-term homelessness, give kids consistency, and relieve health issues

## Discriminatory Issues

- Civil Rights Department identified race and disability as the largest discrimination issues.
- Cultural difference may become an issue as more people group together.
- *Perceptions that domestic violence victims are at fault for police calls; receive little sympathy*
- Section 8 and arrest and conviction records are the most discrimination complaints received by the local HUD office.
- *There is stigma involving race and family size*
- Realtors sometimes act as interpreters, this can be a conflict of interest

- Language barrier with the Hmong and Hispanic communities, both in housing processes and lending/payments.
- *Hispanic residents are often wary of the process and procedures to rent or buy housing, even if they are legal citizens, because a family member may be undocumented. This wariness has the effect of restricting housing choices.*
- A disproportionate share (50%) of Tenant Resource Center clients are African American
- *Families with children find it harder to rent housing – some landlords discriminate against teenagers.*
- Race affects the interpretation of events and the likelihood of complaints and eviction. A group of three African American people standing outside a house is much more likely to be considered a loitering problem than a group of three white people.

### Possible Actions suggested during the Focus Groups

- **Recommendation-** Ensure that someone is responsible for monitoring and implementing the AI report recommendations
- **Recommendation-** Increased collaboration between CDBG Office and Equal Opportunities Division
- **Recommendation-** Extend life of TIDs for 1 year and 75% of that can go to affordable housing [as permitted by [66.1105\(6\)\(g\)](#)]
- **Recommendation-** Use TIF funds to provide job training
- **Recommendation-** Need more case management/ support for persons with mental illness to help avoid certain issues that can trigger eviction
- **Recommendation-** Need landlord and renter/buyer education
- **Recommendation-** Revise the split of HUD funding, which currently allocates 51% directly to housing and only 15% to social service agencies.
- **Recommendation-** Smaller units, reputable developers may help reduce NIMBYism
- **Recommendation-** Develop more senior housing with some support services
- **Recommendation –** Replace “fleabag” motels with affordable housing in all parts of the city
- **Recommendation –** Redefine “affordable” to tie it to market wage rates instead of market housing costs
- **Recommendation –** Provide more services and education in Spanish
- **Recommendation –** Provide more information about translation services and their costs (they can be expensive)

## Survey Results

It is valuable in the analysis process to reach out to residents likely to have experienced their own impediments to fair housing choice. For this analysis we utilized a survey, available either in paper form or online, which asked respondents to report their experiences, if any, with difficulty securing housing. This survey was not intended to be a measurement of the incidence of illegal discrimination. It was, instead, a search for anecdotal feedback that might illustrate known impediments or identify for further study impediments not otherwise known.

The survey effort garnered 83 responses. A profile of those respondents reveals the sample population to be poorer, less employed, less educated, less white, less Latino, more people with disabilities, and more female than the population as a whole.

### Respondent profile:

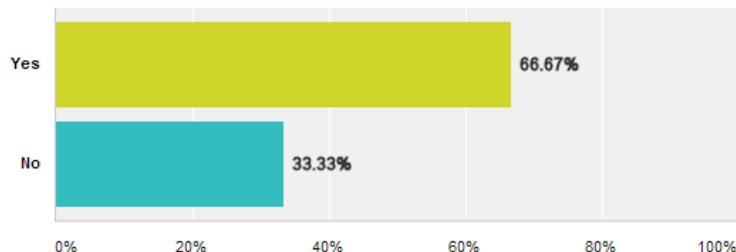
- 81% female
- Broad age distribution, including 24% age 18-24, and 18% age 56-60
- 57% reported annual household income of \$30,000 or less, and 68% \$50,000 or less (which is just under the 2010 median income)
- 65% white, 20% African American, 7% multiracial, 4% Latino
- 19% high school degree or less, 46% 4-year degree or more
- 20% unemployed
- 22% commute to work by bus or shuttle, and 3% by biking or walking; 30% reported a commute length of 30 minutes or more
- 20% reported a disability of some type, and of those, 40% reported receiving government money due to the disability

The survey asked a series of questions about experience with discrimination. A summary of responses follows. It should be reiterated that these findings are from too small a sample of the population to represent the experience of all Madison residents. Instead, these responses simply indicate the existence of various types of discrimination.

### Based on your experience or things you've heard, do you believe housing discrimination is an issue in Madison?

Answered: 81 Skipped: 2

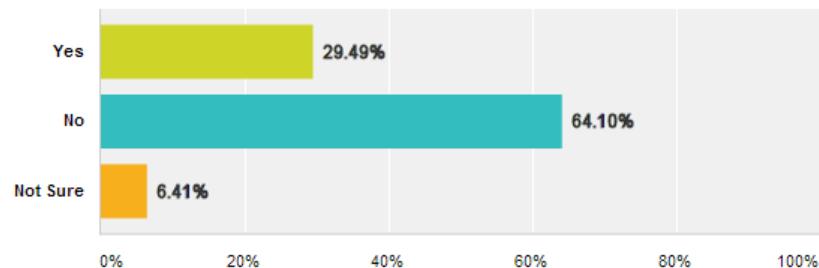
*Two-thirds of respondents consider housing discrimination to be a problem in Madison*



**Have you ever experienced housing discrimination? If "No", please skip ahead to question #9.**

Answered: 78 Skipped: 5

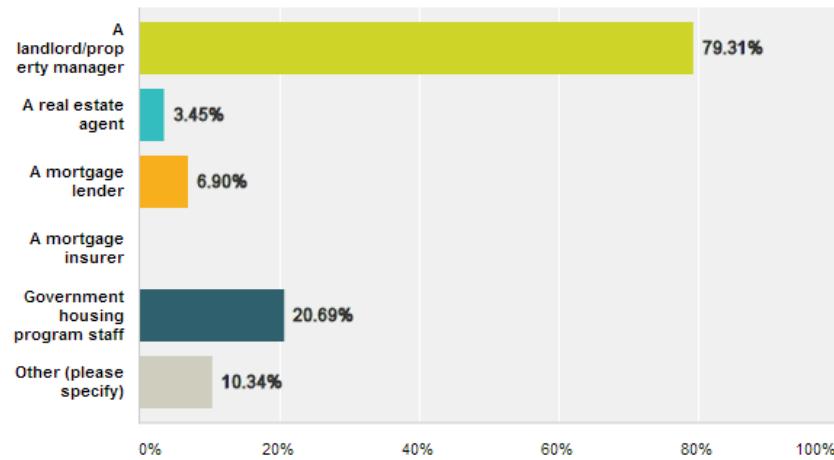
*However, only 30% had actually experienced housing discrimination*



**Who do you believe discriminated against you?**

Answered: 29 Skipped: 54

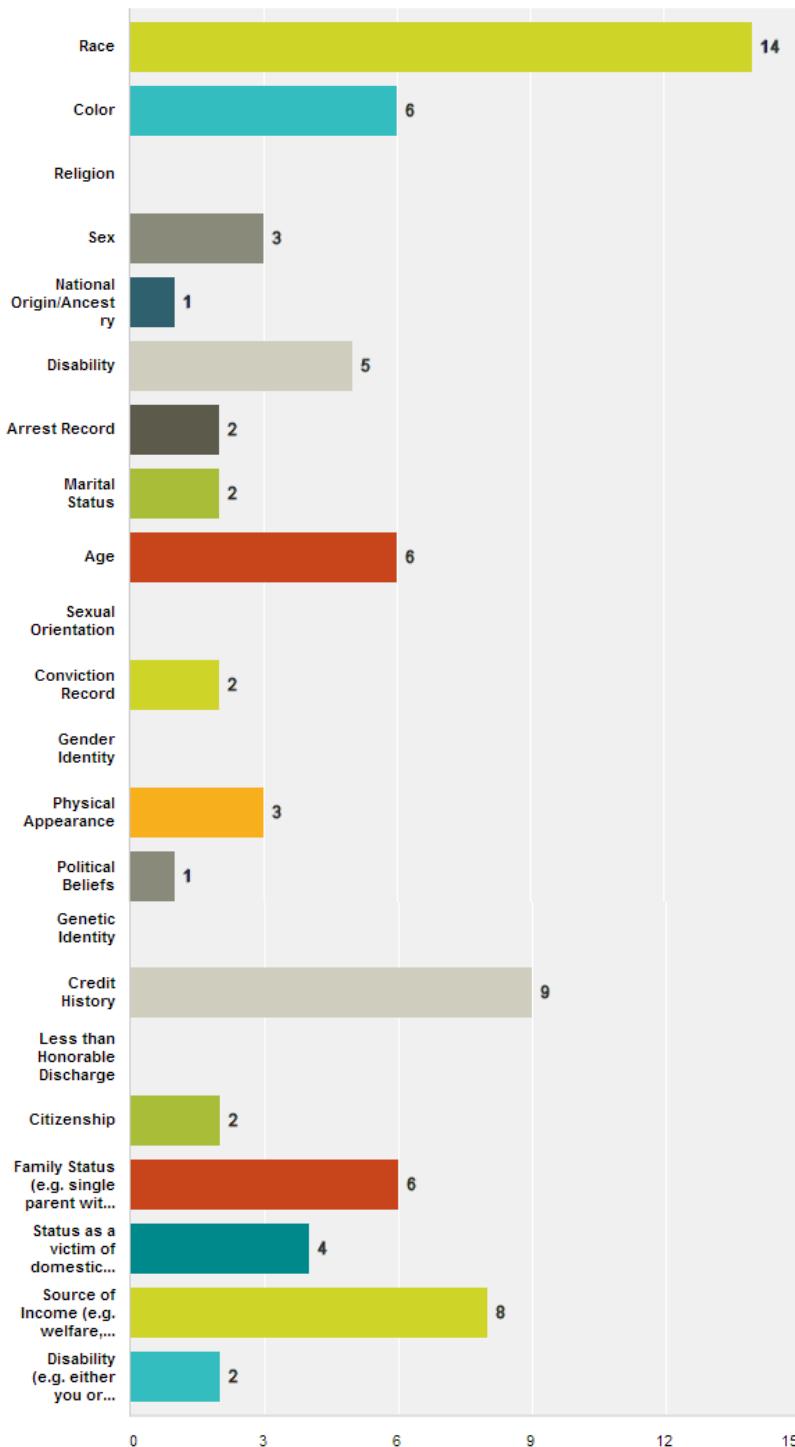
*Most (79%) of those who claimed experience with discrimination attributed it to a landlord or property owner. Twenty percent cited government housing program staff. A few respondents reported discrimination related to the home purchase process.*



**On what basis do you believe you were discriminated against? (check all that apply)**

Answered: 29 Skipped: 54

*Respondents reported a wide variety of causes for discrimination. Race and color were most common, followed by credit history, source of income, age, family status, and disability. None of the respondents in this small sample reported discrimination based on religion, sexual orientation, gender, genetic identity, or less than honorable discharge.*

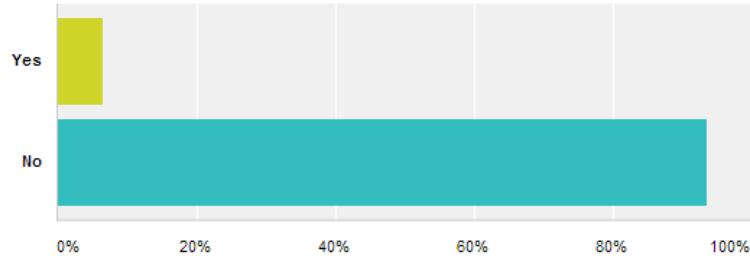


*When asked to describe how they were discriminated against, 22 respondents offered a range of responses. Some were non-specific or unclear as to the method of discrimination, and a few were not actually discrimination as described. Actual discrimination methods reported included steering by landlords away from certain units, a false claim of occupancy, unreasonably high rent price, outright refusals to rent, and eviction.*

**Have you ever been denied flexibility ("reasonable accommodation") in the rules, policies or practices at your residence that you need because of a disability (for example, permission to install grab bars, ramps, etc.)?**

Answered: 31 Skipped: 52

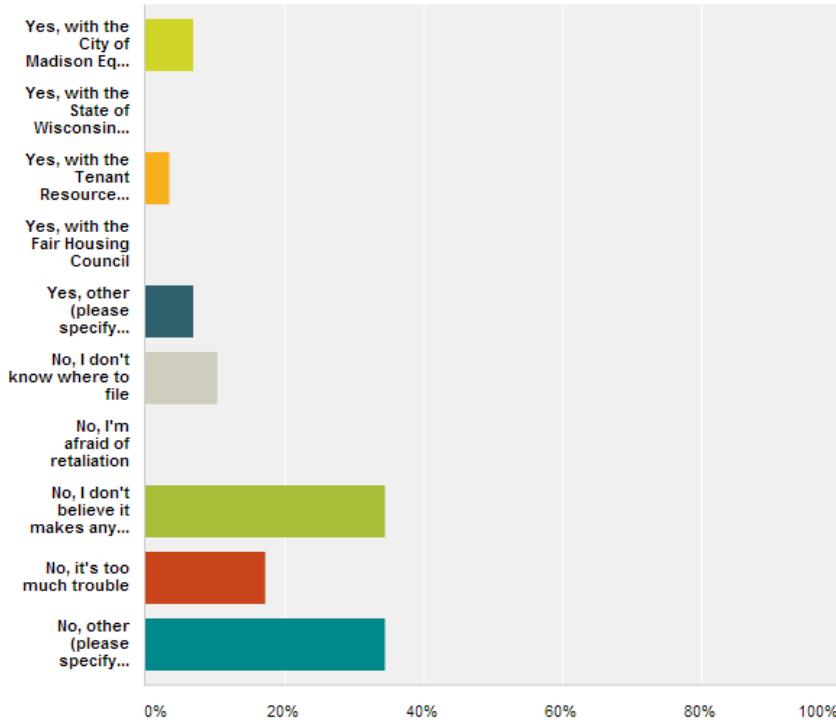
*Two respondents reported denial of reasonable accommodation for a disability.*



**If you believe you have been discriminated against, have you filed a complaint? If "Yes", with whom? If "No", why not?**

Answered: 29 Skipped: 54

*Only a few respondents reported that they have filed complaints. Most reported that they did not file because they didn't believe it would make a difference, or it was too much trouble to do so.*



## V. Identification of Impediments to Fair Housing Choice and Recommended Municipal Activities to Alleviate Impediments

The goal of this report is to identify impediments to fair housing choice in the City of Madison. Impediments include actions, omissions, or decisions that directly or indirectly restrict residents' choice of housing and disproportionately affect members of a protected class. This section identifies impediments created by both the public sector and the private sector, and recommends actions, typically by the City, to affirmatively further fair housing in Madison. Each type of impediment is categorized as primarily tied to private sector actions, or public sector actions. In a few cases both sectors are responsible.

All impediments identified here are considered to be indirect impediments, meaning that they are circumstances that have *the effect* of unfairly restricting housing choice for members of a protected class. Overtly illegal discrimination that constitutes a direct impediment to fair housing choice is almost certainly occurring in the City from time to time, however this study identified little evidence of such direct discrimination other than a few anecdotal cases, nor any noteworthy trends of such direct discrimination among those cases. This is a positive finding. It is also worth noting a few other positive findings of this study:

- Madison is a leader in the establishment of protected classes, notably the receipt of rental assistance as a characteristic that cannot be discriminated against
- Madison has a strong network of public and non-profit housing support organizations
- A large rental market and proactive work by the City and non-profits have created an environment where complaints about bad and ignorant landlords are perceptibly less common than in other communities across Wisconsin
- The supply of handicap-accessible housing units is strong (though spatial distribution should be monitored)
- The public transit system is strong (though there are always opportunities for improvement)

### 1. Supply Impediments (Private Sector)

#### 1.1 Inadequate Supply of Rental Housing (Indirect Impediment)

Based on stakeholder interviews and analysis of available data, the most important impediment to fair housing choice at this time is the low supply of rental units. While 5% vacancy is generally considered an appropriate balance between the interests of renters and the interests of landlords, the rate dropped to about 2.5% in late 2012. This enables landlords to be selective when choosing renters, and increases the likelihood of illegal discrimination. It gets harder to recognize or prove illegal discrimination when there are multiple applicants pursuing units.

Permit approvals for new rental units jumped sharply in 2012, but sustained new construction will be necessary to bring the vacancy rate back up to a safe level.

##### Recommended Actions:

- 1.1.1** The City should establish policies that seek to establish and maintain a 5% city-wide rental vacancy rate. This target should be noted in the comprehensive plan and the vacancy rate should be noted in planning staff reviews of proposed new rental units.
- 1.1.2** The City should encourage building and development designs that accommodate and allow either rental or condominium use, or both at the same time, to improve flexibility in response to market shifts.
- 1.1.3** The City should consider various programs and incentives to encourage new rental unit development. Consider programs implemented by the City of Vancouver, including required

replacement of demolished units, incentives and ideas to encourage accessory dwelling units, and incentives to protect units for rental use for 60 years.

### **1.2 Inadequate Supply of Larger Rental Units (Indirect Impediment)**

Based on stakeholder feedback there is unmet demand for large rental units affecting the ability of larger families to find housing. This is having a disproportionate effect on Hispanic residents due to the prevalence of larger families, making it an indirect impediment to fair housing choice.

Recommended Actions:

**1.2.1** The City should encourage the inclusion of a wider variety of unit sizes in new multifamily developments, including three and four bedroom options. Incentives should be considered as an option to encourage such units, such as a density bonus or cash contribution to compensate for the loss of smaller units.

## **2. Affordability Impediments (Private Sector)**

### **2.1 Inadequate Supply of Affordable Housing (Indirect Impediment)**

Affordability is not, by itself, a fair housing issue, because income is not a protected class. However, due to the strong correlation between income and race, such that minority residents make up a disproportionate part of the City's low-income population, the limited supply of affordable units has the effect of restricting housing choice for minority residents. This is an indirect impediment to fair housing.

Recommended Actions:

**2.1.1** The City should continue to encourage the inclusion of affordable units in development and redevelopment plans in all parts of the City.

**2.1.2** The City should implement policies and programs to mitigate the replacement of affordable market-rate housing by high-end market rate housing, possibly including incentives for rehabilitation.

**2.1.3** The City should encourage and facilitate the development of non-traditional housing types and ownership structures to increase affordable options in both new and existing neighborhoods, including co-housing, cooperative housing and accessory dwelling units.

## **3. Financial Impediments (Private Sector)**

### **3.1 Lack of Loans to Minorities (Indirect Impediment)**

The HDMA data show that minorities, especially African Americans and Latinos, are less likely to originate a conventional loan and more likely to be denied. If they secure a loan, it is more likely to be a non-conventional loan. The inability to secure a mortgage, refinance, or home improvement loan is clearly a barrier to housing choice. This is an indirect impediment that the City should work to eliminate.

Recommended Actions:

**3.1.1** The City and the Homebuyers Roundtable should collaborate to provide more credit and home-buying education to citizens, especially minority residents. Training should address how condominiums work, and all training should be offered in both English and Spanish.

**3.1.2** The City and the Homebuyers Roundtable should provide education and information for local lenders on predatory lending practices and common pitfalls for new buyers, to ensure that efforts to reduce the racial disparities in loan origination do not have the unintended consequence of increased rates of default and foreclosure among minority borrowers.

**3.1.3** The City could address the apparent lesser interest in home ownership among minority residents by doing more to improve the success of minority homebuyers post-purchase. The City could offer workshops and training on the physical aspects of maintaining a home, energy conservation, budgeting, rehabilitation programs, home improvement loans, refinancing, money management and foreclosure prevention.

## 4. Spatial Impediments (Public and Private Sector)

### 4.1 Affordable Housing Projects Directed Toward Low Income Neighborhoods (Indirect Impediment)

Multiple factors have tended to result in the development of affordable housing units in low income neighborhoods, including the perception that that is where the units should be, stronger resistance from neighbors in other neighborhoods, and the relatively lower cost of land in those neighborhoods. It would be a greater benefit to low-income residents if proximity to concentrations of jobs and employers were a priority criteria in the siting of such units.

#### Recommended Actions:

**4.1.1** Plan Commission and Council members should resist the influence of strong neighborhood groups if and when those groups seek to block affordable housing projects in existing neighborhoods. The new zoning ordinance should be used to streamline the approval process when appropriate.

**4.1.2** City planning staff should collaborate with the CDA, WHEDA, and other funding entities to direct new affordable units to neighborhoods that do not already have concentrations of affordable units.

**4.1.3** The City should develop a Comprehensive Housing Strategy to define and facilitate thoughtful housing development. This may include the identification of High Opportunity Zones and Low Opportunity Zones where new affordable units (market rate or subsidized) are either specifically encouraged or specifically discouraged.

**4.1.4** The City should consider the creation of a tiered development review permit system that ties the permit cost to the price point of the proposed units (rental or owned).

### 4.2 Transit Commuting Times Excessive from some Areas (Indirect Impediment)

The relative difficulty reaching some parts of the City by bus in a timely manner is an impediment because it limits where a transit-dependent resident can choose to live.

#### Recommended Actions:

**4.2.1** The City should continue to evaluate changes to the transit routing system, including the potential for development of express modes such as bus rapid transit.

**4.2.2** The City should direct new affordable units toward key transit corridors, to put more residents close to transit lines.

### 4.3 Poor Grocery Store Access in Some Minority Neighborhoods (Indirect Impediment)

There are areas on the south side of the city where minority residents are more concentrated and that are not within walking distance of a grocery store. This is an indirect impediment to fair housing choice, as it may be disproportionately limiting the ability of racial/ethnic minority residents to maintain healthy diets.

#### Recommended Actions:

**4.3.1** The City should support development and/or services that enable daily access to fresh food in all neighborhoods.

## 5. Administrative Impediments (Public Sector)

### 5.1 Limited Use of Fair Housing Complaint Procedures (Indirect Impediment)

The low numbers of complaints and feedback through the community survey suggest that residents don't bother to file complaints because they don't know how and/or they don't think it will make a difference. Once initiated, the City's process for handling complaints is actually quite easy and practical, with its focus on early mediation. However, it is difficult to figure out how to file a housing discrimination complaint using the City's website.

#### Recommended Actions:

- 5.1.1** The City should evaluate and simplify the presentation of materials associated with fair housing complaints, from the perspective of a complainant. Emphasize the ease of the complaint process and the City's focus on quick, practical solutions.
- 5.1.2** The City should optimize the organization of fair housing materials on the City's website to ensure that a search for "housing discrimination Madison" or similar quickly leads to the City's information and materials. Add a link from the Building Inspection Department's Housing Complaint page for the benefit of people who land there when searching for fair housing information.
- 5.1.3** The Building Inspection Department and the Department of Civil Rights should have coordinated training so that they know each other and recognize all types of housing-related complaints and violations, and can smoothly guide and refer complainants to the appropriate office and staff person.
- 5.1.4** The City should expand the "Report a Problem" system to include housing discrimination as a type of problem.

### 5.2 Uncertain Implementation Strategy and Responsibility (Indirect Impediment)

An extended vacancy in the Community Development Division (CDD) Director position and a prolonged and continued vacancy (over a year) in the supervisor position of the Community Development Block Grant (CDBG) Office have created organizational deficiencies which, if unaddressed, would raise concern about the ability to address impediments identified in this report.

#### Recommended Actions:

- 5.2.1** The Director of Planning & Community & Economic Development should clearly identify and define staff roles and responsibilities for monitoring and implementing fair housing issues and initiatives. The lead role may be a CDBG Grants Supervisor, but other roles in various City agencies should also be defined and charged with implementation.
- 5.2.2** City staff should improve coordination and collaboration between the CDBG office (or other entity designated with responsibility for fair housing), the CDA, and the Department of Civil Rights, including clear identification of the roles for each agency in the effort to Affirmatively Further Fair Housing.
- 5.2.3** The City should consider streamlining all housing-related funding programs to put them under the management of one City department. Or, at minimum, collaboration and communication should be prioritized and information about the various policies, programs and housing resources should be presented in a more streamlined manner, such that the departmental structure supporting those programs is invisible and irrelevant to the end user.

### 5.3 Zoning Code Permits Concentration of Disabled Residents (Indirect Impediment)

The zoning ordinance allows Community Living Arrangements to have more than 15 residents, in some cases. This could result in an illegal segregation of these residents and could become an impediment to fair housing choice.

**Recommended Actions:**

**5.3.1** Planning and Civil Rights staff should monitor the development of larger group home establishments and consider revisions to the zoning ordinance to prevent violation of the “Olmstead Mandate”.

## Appendix A: City of Madison Fair Housing Funding Recipients (2012)

Administering Agency	Program	Funding Source	Beneficiary	Activity
CDBG Office	ESG Services	WI ESG	Homeless households	Purchase of furnishings, utility subsidies, case management and special programming for homeless or near-homeless households.
CDBG Office	Futures Fund	CDBG	Non-profit agencies serving lower income households	Facilitates agencies in addressing short-lived revitalization opportunities.
City CDBG Office	Housing Development Fund (Home Ownership)	CDBG, CDBG-PI, HOME, HOME-PI, City Match, ESG, City Match-PI	LMI homebuyers within target neighborhoods	Loans to non-profits or CHDOs to help acquire and/or rehab units for resale or for lease-to-own to income-eligible households. Some of these funds may be shifted to specific rental housing projects which meet the terms of the rental component of the Housing Development Fund.
City CDBG Office	Housing Trust Fund	City	LMI homebuyers and renters citywide	Provides loans to housing developers for acquisition, construction or rehab of housing units for lower income households under certain guidelines.
City CDBG Office	American Dream Downpayment Initiative	HOME	LMI homebuyers citywide	Provides downpayment and closing costs.
City CDBG Office	Housing Development Fund (Rental)	CDBG, CDBG-PI, HOME, HOME-PI, City Match, ESG, City Match-PI	LMI renters	Provides deferred loans to non-profits seeking to acquire, rehab or build affordable housing for low- and moderate-income people within the City of Madison.
City CDBG Office	ESG Rehab Project Reserve Fund	ESG	Homeless households	Loans to non-profit agencies to rehab units for transitional housing.

Administering Agency	Program	Funding Source	Beneficiary	Activity
City CDBG Office	Scattered Site CLA Fund	Scattered Site Fund	LMI rental households	Provides deferred loans to non-profits seeking to acquire, rehab or build affordable housing for low- and moderate-income people within the City of Madison.
City CDBG Office	Economic Development Fund		LMI individuals	Fund mid-year initiatives or currently funded projects that address job creation objectives.
City Community & Economic Development	Deferred Rehab Loan	CDBG, HOME, HOME-PI	LMI owner-occupiers	Provides deferred payment rehab loans at 10% one-time interest to help owner bring house to code/energy standards.
City Economic Development	Home Buy	HCRI	LMI homebuyers	Loans to households to help them cover downpayment and closing costs.
City Planning Unit	Neighborhood Planning	CDBG	Residents and businesses in neighborhoods along the Northport/Warner corridor	Facilitate steering committee development of goals, objectives and project priorities.
Common Wealth Development	Affordable Rental Housing	HOME	LMI rental households	Acquire and rehabilitate 4 units of housing
Common Wealth Development	Neighborhood/Equity Fund	CDBG-PI	LMI individuals	Reinvest repayments from previously funded loans for businesses (or housing).
Community Action Coalition	Housing Counseling and Financial Services	City	LMI seekers of housing	Helps income eligible persons stabilize affordable housing.
Domestic Abuse Intervention Services	Housing Related Aid	City	Homeless households	Provides victims of domestic abuse motel vouchers or assistance to remain in their home or move to another unit to be safe from abuse.
Habitat for Humanity	Housing for Homebuyers	HOME	LMI homebuyers	Habitat homes are sold to partner families at no profit, financed with affordable, no-interest loans. The homeowners' monthly mortgage payments are used to build more Habitat houses.

Independent Living	Home Modification	CDBG	LMI Elderly and people with disabilities	The Home Safety Modification Program works with residents to help them remain safely in their home. Independent Living consults with the resident on product selection, equipment purchase and installation. Services range from simple modifications, such as grab bar selection, to construction of entrance ramps or widened door frames to increase accessibility.
Administering Agency	Program	Funding Source	Beneficiary	Activity
Independent Living	Home Share	CDBG	LMI homeowners	Matches residents with an individual who lives in the home to provide companionship and assistance. The Home Share Plus program provides residents with additional services including help with mobility challenges, hands-on personal care, and medication management. Companion relationships can begin on a trial basis.
Madison Area CLT	Acquisition Fund	HOME	LMI Homebuyers	This program funds land trust purchase of scattered site housing and resale to eligible buyer households.
Metropolitan Milwaukee Fair Housing Council	Fair Housing Testing	City	LMI individuals	Provides fair housing enforcement testing and education to reduce illegal activity and future discrimination.
Metropolitan Milwaukee Fair Housing Council	Owner/ Manager Housing Workshops	CDBG	Owners/managers of rental properties	Provide fair housing workshops for property owners and managers.
Movin' Out	Homeownership Program	HOME	LMI households having one person with a permanent physical, development or mental disability	This program helps current home owners plan accessibility, health, and safety modifications and provides funding to carry out the plan.
Movin' Out	Rental Housing Program	HOME	LMI renters with a permanent disability	Movin' Out develops or acquires rental properties, rehabs them to include individualized accessibility modifications, as needed, and reserves them for low-income tenants with disabilities receiving long-term support services.
Operation Fresh Start	Employment and Training through Rehab	HOME, CDBG-PI	LMI homebuyers; youth on work crews	Acquire lots for construction or existing rehab, and resale to income-eligible households.

Administering Agency	Program	Funding Source	Beneficiary	Activity
Porchlight, Inc.	PTO Maintenance Training and Utilities	ESG	Homeless households	Provides for training 6 homeless individuals to ready 15 transformational housing units for new program participants.
Porchlight, Inc.	Residence-Based Support Services	City	LMI households	Expand level of supportive services available to residents of a single room occupancy facility and other scattered site Porchlight facilities.
Porchlight, Inc.	Outreach Services	City	Homeless individuals	Provides outreach, referral and guidance to individuals who appear in need of housing or other support services.
Porchlight, Inc.	Hospitality House	City, ESG	Homeless individuals and those at risk of homelessness	Provides partial operating costs of information and referral center for homeless individuals and families.
Porchlight, Inc.	Eliminating Barriers to Housing	City	Homeless or near homeless households	Provides financial assistance
Project Home	Home Repair and Rehab	CDBG	LMI rental households	Provides loans to individuals to help purchase, live in, and manage smaller rental buildings that would provide affordable housing to income-eligible households.
Project Home	Resident Services	City	LMI Renters in Census Tract 6	Provides case management to individuals in Allied Drive to help stabilize their housing.
Salvation Army	Warming House	City, ESG	Homeless families	Provides partial cost of operation of the overflow emergency shelter for families with children.
Tellurian	Reach Out	City	Lower income individuals in State Street area	Provides outreach, referral and guidance to individuals on State Street who appear in need of housing or other support services.
Tenant Resource Center	Mediation	City	LMI renters and apartment owners/managers	Resolve housing disputes by mediating conflicts between renters and owners to reduce eviction and loss of housing.
YWCA of Madison	Second Chance	ESG	Homeless households	Provides workshops on tenant conduct and rights, and follow-up case management to families seeking more permanent housing.

## Appendix B: Zoning Code Term Definitions

Term definitions come from the City of Madison Zoning Code.

**Accessory Building or Use-** An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use;
2. Serves exclusively the principal building or principal use;
3. Is subordinate in floor area, extent or purpose to the principal building or principal use served or is a secondary dwelling unit;
4. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
5. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

An accessory building or use includes, but is not limited to, the following:

1. A children's playhouse, garden house or private greenhouse;
2. A garage, carport, compost bin, shed or building for storage incidental to a permitted use;
3. Incinerators incidental to a permitted use;
4. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
5. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
6. Off-street motor vehicle parking areas and loading facilities; and
7. Signs, as permitted and regulated in each district incorporated in this ordinance.
8. Keeping of chickens, as permitted and regulated in each district incorporated in this ordinance.
9. Secondary dwelling units.
10. Yard sales.

**Adult Day Care Facility-** An adult day care facility is a facility other than an adult family day care home in which for compensation or consideration, three (3) or more adults who have difficulty in functioning independently receive daytime group companionship and care.

**Adult Family Day Care Home-** An adult family day care home is a dwelling where, for compensation or consideration, a resident of the dwelling provides daytime group companionship and care for at least three (3) but not more than five (5) adults who have difficulty in functioning independently at a location other than the home of those receiving care or the home of their relatives.

**Adult Family Home-** An adult family home is a private residence, licensed, operated, certified or permitted under the authority of the Department of Health and Family Services of the State of Wisconsin, where care and maintenance above the level of room and board but not including nursing care, are provided for three (3) or four (4) developmentally disabled adults (or more if all adults are siblings) by a care provider whose primary domicile is the residence; or a place where three (3) or four (4) adults who are not related to the operator reside and receive care, treatment or service that is above the level of room and board and may include up to seven (7) hours per week of nursing care per resident. For the purpose of this definition, an adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.

**Building, Residential-** A residential building is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

1. Single-family detached dwellings;
2. Two-family detached dwellings;
3. Multiple-family dwellings (including apartment hotels);
4. Lodging houses; and
5. Fraternity and sorority houses.

For the purpose of this ordinance, any building containing any of the above uses together with other uses shall be considered a residential building.

**Bulk-** Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);
4. All open spaces allocated to buildings; and
5. Amount of lot area provided per dwelling unit or lodging room.

**Community Living Arrangements-** A community living arrangement is any facility, licensed or operated or permitted under the authority of the Department of Health and Family Services of the State of Wisconsin, where three (3) or more unrelated persons reside in which care, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as a primary function of such facility. For the purpose of this definition, a Community Living Arrangement may contain a second kitchen for the privacy of the staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes which are the primary domiciles of a foster parent and for four (4) or fewer children are not community living arrangements for purposes of this ordinance.

**Conditional Use-** A special exception to the expressly permitted uses of land in a zoning district.

**Convalescent Home and Nursing Home-** A convalescent home or a nursing home is a home for the aged, infirm, chronically ill or incurably ill in which five (5) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

**Dependency Living Arrangement-** is a living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area shall be from within the principal dwelling unit.

**Dwelling-** A dwelling is a building, or portion thereof, used exclusively for human habitation, including single-family, two-family and multiple-family dwellings, but not including hotels, motels or lodging houses.

**Dwelling Unit-** A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have two kitchen facilities provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

**Efficiency Unit-** An efficiency unit is a dwelling consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove shall not exceed ninety (90) square feet in area and shall not be used for sleeping purposes.

**Family-**

1. A family is an individual, or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than four (4) roomers, except that the term "family" shall not, in R1, R2, R2S, R2T, R2Y, R2Z, R3, R4A and R4L residence districts, include more than one roomer except where such dwelling unit is owner-occupied. In any residence district, a family may consist of two unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), are living as a single housekeeping unit because of their disability, and require assistance from a caregiver. Up to two (2) personal attendants who provide services for family members or roomers who, because of a disability (are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the American With Disabilities Act (ADA)), need assistance with activities of daily living shall be considered part of the "family". Such services may include personal care, housekeeping, meal preparation, laundry or companionship. (Am. by Ord. 9561, 8-11-88; ORD-06-00152, 11-23-06)

2. For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract interest in said dwelling unit. Provided, however, dwelling units occupied by owner-occupants holding less than 100% interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition in the following circumstances except as provided in Sec. 28.03(2)c.:

a. where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years; (Am. by Ord. 12,418, 7-23-99)

b. where 100% interest in the fee simple is held by the following:

i. a nonstock corporation which has been organized under Chapter 181 of the Wisconsin Statutes and which has qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, or by a partnership in which such nonstock corporation is the sole general partner, and the unit is leased to or managed by a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate provided, however, that all residents of the dwelling unit are members of the corporation and of the cooperative; or

ii. a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate, and which has qualified as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, provided that

all residents of the dwelling unit are members of the cooperative; or ZONING CODE Sec. 28.03(2) 28 - 8a Rev. 12/15/06

iii. a housing cooperative which has been organized under Chapter 185 of the Wisconsin Statutes to manage and control cooperative residential real estate provided, however, that all members of the cooperative are residents of the dwelling unit.

c. In R1, R2, R2S, R2T, R2Y and R2Z residence districts dwelling units owned and occupied as provided in Section 28.03(2)b.i, ii. or iii. shall be prohibited.

d. In R3, R4A and R4L residence districts dwelling units owned and occupied as provided in Section 28.03(2)b.i, ii. or iii. shall be allowed only as a conditional use.

3. Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

**Floor Area Ratio (F.A.R)-** The floor area ratio of the building or buildings on any zoning lot is the floor area of the building or buildings on the zoning lot divided by the area of such zoning lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the area of the zoning lot.

**Guest, Permanent-** A permanent guest is a person who occupies or has the right to occupy on a monthly or longer basis a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

**Hotel, Apartment-** An apartment hotel is a building in which at least ninety percent (90%) of the accommodations are dwelling units or are occupied by permanent guests.

**Lodging House-** lodging house is a residential building or portion thereof, containing lodging rooms which accommodate five (5) or more persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation on a monthly or longer basis.

**Lodging Room-** A lodging room is a room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this ordinance.

**Mission House-** A mission house is a nonprofit organization which provides lodging or meals, or both, without compensation, and may also offer or provide any church service.

**Mobile Home-** A mobile home is a trailer designed and constructed for dwelling purposes.

**Outpatient Housing Facility-** An outpatient housing facility is a building in which lodging accommodations are provided, with or without meals for compensation. At least seventy-five percent (75%) of such accommodations are occupied by persons receiving treatment as outpatients at a nearby hospital.

**Planned Development- Hospital Facility-** A planned development-hospital facility is a parcel or tract of land as required in the district regulations under single management and control and which is a site for one or more hospital or hospital-related buildings, not including convalescent homes and nursing homes or institutions for the aged or for children, and where yard and other requirements as required

by district regulations may be modified as regulated in the ordinance. The issuance of a permit for a planned development-hospital facility shall require approval as provided in this ordinance.

**Planned Residential Development- Dwelling-** A planned residential development-dwelling is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for two (2) or more principal residential buildings and where regulations governing yard requirements as required by district regulations may be modified as regulated in this ordinance. The issuance of a permit for planned residential development-dwelling shall require approval as provided in this ordinance.

**Planned Residential Development- Mobile Home Park-** A planned residential development-mobile home park is a parcel or tract of land having an area as required in the district regulations under common management, single ownership, and which is the site for mobile homes and where yard requirements as required by district regulations may be modified as regulated in this ordinance. The issuance of a permit for a planned residential development-mobile home park shall require approval as provided in this ordinance.

**Planned Residential Development- Student Housing Facility-** A planned residential development-student housing facility is a parcel or tract of land as required in the district regulations under common management, single ownership and control, and which is the site for one or more residential buildings for university students and where yard requirements as required by district regulations may be modified as regulated in this ordinance. The issuance of a permit for a planned residential development-student housing facility shall require approval as provided in this ordinance.

**Roomer-** roomer is a person living in a dwelling unit who is other than part of the family because of blood, marriage or legal adoption, and is other than a foster child.

**Rowhouse-** A rowhouse is a dwelling not more than three (3) stories in height, arranged to accommodate two (2) or more attached row dwelling units in which each dwelling unit is separated from the adjoining unit by a vertical occupancy separation of not less than one hour fire-resistive construction extending from the basement or lowest floor to the underside of the roof deck, and with no more than eight (8) such units attached in any one series.

**Secondary Dwelling Unit-** An attached or detached dwelling unit with a maximum size of six-hundred forty (640) square feet that is located on the same lot as a single-family dwelling and is identified on a subdivision plat approved after August 1, 2004.

**Special Exception-** An exception to the zoning code that allows uses or bulk requirements different than those expressly permitted in a zoning district and which is granted based on a case by case determination.

**Split Two-Family Dwelling-** This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin One- and Two-Family Dwelling Code (Sec. 101.60-66), which is attached on one side to another single-family residence. A minimum fire separation complying with ILHR Sec. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit. The two residences shall be located on individual lots. The Split Two-Family Dwelling is distinguished from the typical two-unit dwelling merely by having each unit located on an individual lot. This dwelling unit type may not be split into additional residences.

**Trailer-** A trailer is any structure which is or may be mounted upon wheels for moving about, and is propelled by its own power or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

## Appendix C: Equal Opportunities Ordinance (MGO 39.03)

### 39.03 EQUAL OPPORTUNITIES ORDINANCE.<sup>4</sup>

(1) Declaration of Policy. The practice of providing equal opportunities in housing, employment, public accommodations and City facilities to persons without regard to sex, race, religion, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partnership status, receipt of rental assistance, or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Discrimination against any of Madison's residents or visitors endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary to maintain the standards of living consistent with their abilities and talents. Therefore, as a proper function of City government the City of Madison has provided in Sec. 39.02 for affirmative action in City employment to safeguard against discrimination. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled. Denial of equal opportunity in public accommodations subjects those discriminated against to embarrassment and creates distress and unrest within the community. Provision for adequate safeguards against such discrimination is a proper and necessary function of City government. In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of Madison to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to gainful employment, housing, and the use of City facilities and public accommodations without regard to sex, race, religion, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partnership status, or status as a victim of domestic abuse, sexual assault, or stalking. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in its own employment, housing, and public accommodation practices and in the use of City facilities. By adopting Sec. 39.05 of these ordinances, the Common Council has attempted to make sure that City facilities and programs that receive City financial assistance are accessible to all persons, including persons with disabilities. The City will deal positively and constructively with all claims of discrimination filed against it through utilization of the procedures outlined in this ordinance. (Am. by Ord. 10,556, Adopted 12-15-92; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12)

(2) Definitions.

- (a) Age. The prohibition against discrimination because of age shall not apply to any person less than eighteen (18) years of age.
- (b) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)
- (c) Arrest record includes, but is not limited to, information indicating that a person has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to

<sup>4</sup> Sections of this ordinance not relevant to housing have been omitted.

(d) any law enforcement or military authority.

(d) Citizenship Status means the immigration status and/or citizenship of any person.

(e) City facilities includes all property owned and services rendered by the City for the welfare of its inhabitants.

(f) Commercial facilities means facilities that are intended for nonresidential use and whose operation will affect commerce use. The term “commercial facilities” does not include buildings or parts of buildings not open to and not reasonably expected to be open to the public, railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in 42 U.S.C. 12162 and covered under 42 U.S.C. 12181 et seq, railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under Sec.39.03(4) of the Madison General Ordinances, and types of facilities that are specifically exempted under Sec. 101.13(2) of the Wisconsin Statutes.

(g) Conviction record includes, but is not limited to, information indicating that a person has been convicted of a felony, misdemeanor or other offense, placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority. (Am. by Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00; Am. by ORD-12-00108, 9-13-12)

(h) Covered multifamily dwellings means

1. Buildings consisting of three (3) or more units if such buildings have one or more elevators; and
2. Ground floor portions of units in other buildings consisting of three (3) or more units.

(i) Credit history information provided in a consumer report as defined in 15 USC 1681a(d).

(j) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10) (k) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(l) Dependent means one who lives with a domestic partnership and is:

1. A biological child of a domestic partner; or
2. A dependent as defined under IRS regulations; or
3. A ward of a domestic partner as determined in a guardianship proceeding; or
4. A person adopted by a domestic partner.

(m) Disability means, with respect to a person,

1. A physical or mental impairment which substantially limits one or more of such person's major life activities; or
2. A record of having such an impairment; or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
4. The term also includes the term “handicap” as used in local, state and federal statutory, administrative or judicial case law.

(n) Domestic partner means those adults in a domestic partnership.

(o) Domestic partnership means two adults and their dependents, if any, which satisfy the following requirements:

1. They are in a relationship of mutual support, caring and commitment and intend to remain in such a relationship in the immediate future; and
2. They are not married (unless they are married to each other) or legally separated and, if either party has been a party to an action or proceeding for divorce or annulment, at least six (6) months have elapsed since the date of the judgment terminating the marriage; and
3. Neither domestic partner is currently registered in a domestic partnership with a different domestic partner and, if either partner has previously been registered as

a domestic partner in a domestic partnership, at least six (6) months have elapsed since the effective date of termination of that registration; and

4. Both are 18 years of age or older; and
5. Both are competent to contract; and
6. They are occupying the same dwelling unit as a single, nonprofit housekeeping unit, whose relationship is of permanent and distinct domestic character; and
7. They are not in a relationship that is merely temporary, social, political, commercial or economic in nature.

(p) Employees does not include any individual employed by her/his parents, spouse, or child.

(q) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(r) Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

(s) Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with

1. A parent or another person having sole or joint legal custody or physical placement, as defined in Wis. Stat. § 767.001, of such individual(s); or
2. The designee of such parent or other person having such custody or physical placement, with the written permission of such parent or other person; or
3. A foster parent or other person with whom a person under the age of 18 years is placed by court order.

The protections afforded against discrimination based on familial status shall apply to any person who is pregnant or is in the process of securing sole or joint legal custody or physical placement of any individual who has not attained the age of 18 years.

4. The domestic partner of a parent or another person having sole or joint legal custody or physical placement, as defined in Wis. Stat. § 767.001 of such individual(s).

(t) Gender identity is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth; 3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous. (Cr. by Ord. 12,686, 10-9-00)

(tt) Genetic identity means the genetic information unique to the individual, including information regarding:

1. such individual's genetic tests,
2. the genetic tests of family members of such individual,
3. the manifestation of a disease or disorder in family members of such individual, And
4. any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.
5. The term 'genetic identity' shall not include information about the sex or age of any individual.

(TT) The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes. The term 'genetic test' does not mean:

1. an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or
2. an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved; or
3. any genetic testing, to include DNA testing, conducted specifically for law enforcement agencies investigative purposes or for the purpose of determining paternity.

(u) Housing means any building, structure, or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied, as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in Section 66.0435 of the Wisconsin Statutes and a trailer as defined in Section 9.23 of the Madison General Ordinances and any land for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in Section 66.0435 of the Wisconsin Statutes and a trailer camp as defined in Section 9.23 of the Madison General Ordinances. Such definition of "housing" is qualified by the exceptions contained in Section 39.03(4)(a).

(v) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(w) Labor organization includes any collective bargaining unit composed of employees.

(x) Less than honorable discharge means any general, undesirable, clemency, bad conduct or dishonorable discharge from the military service.

(y) Marital status includes being married, separated, divorced, widowed, or single.

(z) Mutual support means that the domestic partners contribute mutually to the maintenance and support of the domestic partnership throughout its existence.

(aa) Person means one or more individuals, labor unions, partnerships, associations, corporations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers or other fiduciaries, and shall include the City of Madison, and the agent or agents of any of the foregoing.

(bb) Physical appearance means the outward appearance of any person, irrespective of sex, with regard to hairstyle, beards, manner of dress, weight, height, facial features, or other aspects of appearance. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed attire, if and when such requirement is uniformly applied for admittance to a public accommodation or to employees in a business establishment for a reasonable business purpose.

(cc) Political beliefs means one's opinion, manifested in speech or association, concerning the social, economic and governmental structure of society and its institutions. This ordinance shall cover all political beliefs, the consideration of which is not preempted by state or federal law.

(dd) Public place of accommodation or amusement includes those accommodations, facilities and services that a person holds out to be open to the common and general use, participation and enjoyment of the public for any purpose. The term "public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited

to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barber or cosmetologist, aesthetician, electrologist or manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods or services are available either free or for a consideration, except where such a broad interpretation would deny to any person rights guaranteed by the constitutions of Wisconsin and of the United States.

Public place of accommodation or amusement does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event at which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

1. Members of the organization or institution.
2. Guests named by members of the organization or institution.
3. Guests named by the organization or institution.

(ee) Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

1. The nature and cost of the action needed under this Ordinance;
2. The overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
3. The overall financial resources of the person who owns or operates the facility; the overall size of the business with respect to the number of its employees; the number, type and location of its facilities; and
4. The type of operation or operations of the person who owns or operates the facility, including the composition, structure, and functions of the workforce of such person; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question.

(ff) Receipt of rental assistance means receipt of rental assistance under Title 24 Code of Federal Regulations, Subtitle B, Chapter VII (commonly known as the Section 8 program), or any other rental assistance that is not considered household income. (Cr. by ORD-12-00108, 9-13-12)

(gg) Religion includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates inability to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. (Renum. by ORD-12-00108, 9-13-12)

(hh) "Sexual harassment" means unwelcome sexual advances; unwelcome requests for sexual favors; unwelcome physical contact of a sexual nature; or unwelcome verbal or physical conduct of a sexual nature which shall include, but not be limited to, deliberate or repeated unsolicited gestures, verbal or written comments, or display of sexually graphic materials which is not necessary for business purposes. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. (Renum. by ORD-12-00108, 9-13-12)

(ii) Sexual orientation is the sexual or loving attraction to another person or the complete absence thereof to any other person. This attraction can span a non-static continuum from same-sex attraction at one end to opposite-sex attraction to an absolute lack of attraction to any gender. (Am. by Ord. 12,686, 10-9-00; Renum. by ORD-12-00108, 9-13-12)

(jj) Source of income includes, but shall not be limited to, moneys received from public assistance, pension, and Supplementary Security Income (SSI). Source of income shall be limited to legally derived income. (Renum. & Am. by ORD-12-00108, 9-13-12)

(kk) Student means a person who is enrolled in a public or private high school, college, university, technical college, accredited trade school, or apprenticeship program. (Renum. by ORD-12-00108, 9-13-12)

(ll) Transfer does not apply to the transfer of property by will or gift. (Renum. by ORD-12-00108, 9-13-12)

(mm) Protected class membership means a group of natural persons, or a natural person, who may be categorized because of their ability to satisfy the definition of one or more of the following groups or classes: sex, race, religion, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student, domestic partner, or receipt of rental assistance. (Renum. & Am. by ORD-12-00108, 9-13-12)

(nn) Victim of domestic abuse, sexual assault or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stat. § 813.12(1)(am); sexual assault as defined in Wis. Stat. § 940.225, 948.02, or 9148.015; or stalking as defined in Wis. Stat. § 940.32 or of a crime prohibited by Wis. Stat. ch. 948. (Renum. by ORD-12-00108, 9-13-12)

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, 2-17-98; ORD-10-00096, 10-14-10)

(3) Reserved For Future Use. (Am. by Ord-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(4) Housing. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person having the right of ownership or possession or the right of transfer, sale, rental or lease of any housing, or the agent of any such person:

(a) To refuse to transfer, sell, rent or lease, to refuse to negotiate for the sale, lease, or rental or otherwise to make unavailable, deny or withhold from any person such housing because of such person's protected class membership or status as a victim of domestic abuse, sexual assault, or stalking. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section; (Am. by Ord. 13,708, 10-12-04; ORD-07-00016, 2-22-07; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12)

(b) To make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law or; (Am. by Ord. 10,605, 3-19-93)

(c) To falsely represent that a dwelling is not available for inspection, sale, or rental because of such person's protected class membership or status as a victim of domestic abuse, sexual assault, or stalking; or other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety and welfare. A person who has received written notice from the Madison Police Department that a drug nuisance under Wis. Stat. § 823.113, exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section. (Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10; ORD-12-00108, 9-13-12)

(d) To discriminate against any person because of such person's protected class membership or status as a victim of domestic abuse, sexual assault, or stalking; in the terms, conditions or privileges pertaining to the transfer, sale, rental or lease of any housing, or

in the furnishing of facilities or services in connection therewith, or in any other manner. Pursuant to Wis. Stat. § 66.0104(2), arrest record and conviction record are not considered protected classes for the purposes of this section.

1. A person who has received written notice from the Madison Police Department that a drug nuisance under Wis. Stat. § 823.113, exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this ordinance.
2. No Private Cause of Action. Except for claims by or on behalf of individuals protected from prohibited discrimination hereunder, the Common Council does not intend this Subdivision, 39.03(4)(d), to create a private right of action based upon a claim of personal injury or property damage arising from a landlord's good faith compliance with this Subdivision. This provision is not intended either to expand or to limit rights provided by local, state or federal equal opportunities laws. (Am. by Ord. 12,637, 7-7-00)

(Sec. 3.23(4)(d) Am. by Ord. 11,224, 4-13-95; Ord. 12,501, 11-19-99; Reconsidered & Adopted by Ord. 12,561, 4-7-00; Am. by ORD-12-00108, 9-13-12)

- (e) Nothing in this ordinance shall affect any person's decision to share occupancy of a lodging room, apartment or dwelling unit with another person or persons. For purposes of this subdivision, the terms lodging room, apartment, and dwelling unit have the meaning contained in Sec. 27.03 of these ordinances.
- (f) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)
- (g) For any person to post, print, broadcast or publish or cause to be posted, printed, broadcast or published, any notice or advertisement relating to the transfer, sale, rental or lease of any housing which expresses preference, limitation, specifications or discrimination as to any protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. (Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)
- (h) For any person, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking.

In establishing a discriminatory housing practice under this section, it is not necessary that there was in fact profit as long as profit was a factor for engaging in the blockbusting activity. (Sec. 3.23(4)(h) R. and (i) Renumbered to (h) by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

- (i) For any person to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation on account of the person's protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. (Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)
- (j) For any person or other entity whose business includes engaging in residential real estate

related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking. As used in this subdivision the term "residential real estate related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance
  - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
  - b. Secured by residential real estate.
2. The selling, brokering, or appraising of residential real property.

Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault or stalking.

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(k) In this subsection, prohibited discrimination includes discrimination because of the protected class membership, the fact that a person declines to disclose their Social Security Number when such disclosure is not compelled by state or federal law or status as a victim of domestic abuse, sexual assault, or stalking of:

1. The buyer, renter, or applicant; or
2. A person residing in or intending to reside in a dwelling after it is sold, rented, or made available.

(Am. and Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-07-00029, 3-15-07; ORD-10-00096, 10-14-10)

(l) For purposes of this subsection, discrimination includes:

1. A refusal to permit, at the expense of the person with a handicap/disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; provided:
  - a. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the conditions that existed before the modification, reasonable wear and tear excepted; but only if the modifications limit usability of the premises by future tenants. The landlord may not increase, for persons with a handicap/disability, any customarily required security deposit.
  - b. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; or
  - c. Landlords may require escrow accounts where it is necessary in order to insure, with reasonable certainty, that funds will be available to pay for the restorations at the end of the tenancy. The landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account over a reasonable period (not to exceed the length of the lease), a reasonable amount of money, not to exceed the cost of restorations. The interest in any such account shall

accrue to the benefit of the tenant. Failure by the landlord to utilize escrow funds for restoration of the premises within ninety days of the termination of the tenancy constitutes a forfeiture of the escrow fund, which shall revert to the tenant.

- d. A landlord may not require further restoration if the modifications satisfy either Uniform Federal Accessibility Standards or Wis. Admin. Code SPS 352.04. (Am. by ORD-12-00035, 3-28-12)
- e. No landlord may require the restoration of modifications made to public and common use portions of the premises if the modification was necessary to make those portions readily accessible to and usable by persons with handicaps/disabilities.

- 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a handicap/disability equal opportunity to use and enjoy a dwelling; or
- 3. In connection with the design and construction of covered multifamily dwellings as defined in 24 C.F.R. Sec. 100.201 for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
  - a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site;
  - b. With respect to dwellings with a building entrance on an accessible route:
    - i. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped/disabled persons with disabilities;
    - ii. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and
    - iii. All premises within such dwellings contain the following features of adaptive design:
      - A. An accessible route into and through the dwelling;
      - B. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
      - C. Reinforcements in bathroom walls to allow later installation of grab bars; and
      - D. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(Am. by ORD-06-00099, 8-2-06)

- 4. Paragraph 3. applies to covered multi-family dwellings, as defined in Subsec. (2)(g) of this ordinance, designed and constructed for first occupancy after thirty (30) months after the date of enactment of this ordinance.
- 5. Compliance with either the Uniform Federal Accessibility Standards, or Wis. Admin. Code § SPS 352.04, whichever standard provides the greater degree of accessibility, shall constitute compliance with paragraph 3. (Am. by ORD-12-00035, 3-28-12)

(Renumbered by Ord. 12,039, Adopted 2-17-98)

- (m) The prohibition in this section against protected class membership discrimination based on age and familial status does not apply to housing for older persons.
  - 1. As used in this subdivision, housing for older persons means housing
    - a. Provided under any state or federal program that is specifically designed

and operated to assist elderly persons (as defined in the state or federal program); or

b. Intended for, and solely occupied by, persons 62 years of age or older; or

c. Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons under this paragraph shall contain at least the following factors:

i. Significant facilities and services specifically designed to meet the physical or social needs of older persons, as those are defined in Sec. 101.22(1m)(u) Wis. Stats. (1991-92).

ii. All of the units are occupied by at least one person 55 years of age or older; provided that, if the qualifying tenant ceases to reside in the unit, the remaining occupants may not be required to vacate the unit, as long as at least 80% of all the units are occupied by at least one person 55 years of age or older.

iii. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

2. Housing shall not fail to meet the requirements for housing for older persons by reasons of:

a. Persons residing in such housing as of September 13, 1988, who did not meet the age requirements of Paragraph 1.b. or c. above, provided that new occupants of such housing meet the age requirements of Paragraph 1.b. or c.; or

b. Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of Paragraph 1.b. or c. above.

(Renumbered by Ord. 12,039, Adopted 2-17-98; ORD-10-00096, 10-14-10)

(n) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with handicaps/disabilities or to provide housing for older persons as such housing is defined above.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(o) It is the intention of the Common Council that this subsection be interpreted consistently with Title VIII of the Civil Rights Act of 1968 (42 USC Sec. 3601-3619) as amended, and with regulations applicable thereto (24 CFR Parts 100, 103, 109, 110, 115, and 121) except where the language of this subsection clearly requires a different interpretation.

(Renumbered by Ord. 12,039, Adopted 2-17-98)

(Sec. 3.23(4) Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98)

(5) Public Place of Accommodation or Amusement

*[omitted for brevity]*

(6) Access by Persons with Disabilities to Public Accommodations and Commercial Facilities.

*[omitted for brevity]*

(7) City Facilities.

*[omitted for brevity]*

(8) Employment Practices.

*[omitted for brevity]*

(9) It shall be an unfair discrimination practice and unlawful and hereby prohibited:

(a) For any person to aid, abet, incite, compel or coerce the doing of any act which violates this ordinance or obstructs or prevents any person from complying with the provisions of this ordinance; and for any person or employer, employment agency or labor organization, whether individually or in concert with others, to discharge, harass, intimidate, or otherwise discriminate against any person because he or she has opposed

any discriminatory practices under this ordinance or because he or she has made a complaint, testified or assisted in any proceeding under this ordinance.

(Am. by Ord. 10,556, Adopted 12-15-92)

(b) For any person to intimidate, threaten, harass, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance.

(c) For any person or entity subject to regulations under this ordinance to engage in any acts prohibited in Sec. 39.03 et seq of the Madison General Ordinances against any individual because of the person's association with any member of any protected class membership. (Cr. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-10-00096, 10-14-10)

(Renumbered and Am. by Ord. 12,039, Adopted 2-17-98; Am. by ORD-07-00029, 3-15-07)

(10) Equal Opportunities Commission and Equal Opportunities Division. The Mayor, subject to confirmation by the Common Council, shall appoint an Equal Opportunities Commission, consisting of thirteen (13) members, one of whom shall be designated President by the members of the Commission. At least one, and no more than two, such members shall be an Alderperson, who shall be a member only as long as she/he shall continue to hold office as Alderperson. Members shall be appointed from among the residents of the entire City, shall be representative of the rich diversity of our community and include as many protected class memberships as is possible and shall be persons committed to the principle of equal opportunities. They shall receive no compensation for their services. There shall also be an Equal Opportunities Division established within the Department of Civil Rights, headed by an Equal Opportunity Division Head as that position is established and set forth in Sec. 39.01(2), MGO. (Am. by Ord. 12,244, 11-3-98; Ord. 12,933, 12-11-01; ORD-05-00204, 1-3-06; ORD-06-00078, 6-30-06; ORD-07-00114, 9-22-07)

(a) Reserved For Future Use. (Am. by ORD-10-00096, 10-14-10)

(b) The Equal Opportunities Commission shall have the following powers and duties:

1. To study the existence, character, causes and extent of the denial of equal opportunity because of biases, prejudices, social or institutionalized passive and active forms of discrimination or harassment that occurs either in favor of or to the detriment of any protected class in the greater Madison community.

2. To informally recommend solutions to individual problems that may arise which involve the denial of equal opportunities because of protected class memberships.

(Am. by ORD-06-00099, 8-2-06; ORD-07-00029, 3-15-07)

3. To disseminate information and provide technical assistance, consultation, training programs and other techniques to educate the people of the City of Madison and to aid both private and public agencies to use their resources to promote equal opportunities for all persons.

4. To receive and initiate complaints alleging violation of this ordinance and to attempt to eliminate or remedy any violation by means of conciliation, persuasion, education, litigation, or any other means, to make the complainant whole again.

- a. In case agreement is reached, a conciliation agreement in writing shall be signed by the complainant and respondent and approved by the President of the Equal Opportunities Commission. The signed conciliation agreement shall have the effect of a Commission order.

- b. Except as provided in Wis. Stat. § 904.08, and in 24 CFR Sec. 103.330, nothing that is said or done in the course of conciliation proceedings may be made public or used as evidence in a subsequent administrative hearing or civil action under this ordinance, under Title VIII of the Civil

Rights Act of 1968, or under Wis. Stat. § 101.22 et seq, (1991-92), without the written consent of the parties.

- c. Any conciliation agreement is a public record and subject to inspection as provided in Wis. Stat. § 19.35, and Sec. 3.42 of these ordinances, unless the parties to the agreement request that the record be exempt from disclosure and the Equal Opportunities Division Head determines in accordance with the Wisconsin Public Records Laws that it would be clearly contrary to the public's interests to disclose such conciliation agreement. (Am. by ORD-06-00078, 6-30-06)

(Sec. 3.23(10)(b)4. Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98)

- 5. Notwithstanding the provisions of Sec. 39.03(10)(c)1. to the contrary, to test and investigate for the purpose of establishing violations of Section 39.03 of these ordinances and, if appropriate, to make, sign, and file complaints alleging violations thereof. (Cr. by Ord. 12,039, 2-17-98)
- 6. To render from time to time, but not less than once a year, written report of its activities and recommendations to the Mayor and the Common Council. (Renumbered by Ord. 12,039, 2-17-98)
- 7. To adopt such rules and regulations as may be necessary to carry out the purpose and provisions of this ordinance. (Renumbered by Ord. 12,039, 2-17-98)
- 8. To issue subpoenas pursuant to Wis. Stat. § 885.01 to assist in the execution of its duties. (Renumbered by Ord. 12,039, 2-17-98)
- 9. The Commission may, from time to time, designate Commissioners and/or Equal Opportunities Division staff to carry out its duties.

(Renumbered by Ord. 12,039, 2-17-98; Am. by ORD-06-00078, 6-30-06)

- (c) Except as provided in Sec. 39.03(10)(d), the Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination:

- 1. Limitations, Copies of Rules and Affirmative Defense.
  - a. The Commission shall not accept any complaint filed more than three hundred (300) days after the alleged discrimination occurred, except that complaints of housing discrimination may be filed up to one (1) year after the alleged discrimination occurred. The Commission shall not investigate any complaint unless it is in writing and verified by the complainant, and a copy of the complaint is sent to the person or persons complained of, hereinafter referred to as respondent.
  - b. Upon receipt of a verified complaint, both the complainant and the respondent shall be advised that copies of the Commission rules governing hearing procedures and the processing of complaints are available at the office of the Director of the Department of Civil Rights.
  - c. It shall be an affirmative defense to any alleged violation of any provision of this ordinance that compliance with any provision herein would constitute a violation of a State or Federal statute, regulation or executive order. Any person asserting such an affirmative defense shall maintain upon their premises a copy of the State or Federal statute, regulation or order they are relying upon to establish this affirmative defense and shall make the same available upon request to the Commission and to any person whom has been affected by such person's reliance upon such State or Federal statute, regulation or executive order.

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

- 2. Hearings.

- a. If the Commission finds probable cause to believe that any discrimination has been or is being committed, it shall immediately endeavor to eliminate the practice by conference, conciliation or persuasion. In case of failure so to eliminate the discrimination, the Commission shall issue and serve a written notice of hearing, specifying the nature of the discrimination which appears to have been committed, and requiring the respondent to answer the complaint in writing within ten (10) days after receipt of the notice of hearing and to appear at the hearing on the appointed date. The notice shall specify a time of hearing not less than thirty (30) days after service of the notice of hearing. The testimony at the hearing shall be recorded.
- b. If, after hearing, the Commission finds that the respondent has engaged in discrimination, it shall make written findings and order such action by the respondent as will redress the injury done to complainant in violation of this ordinance, bring respondent into compliance with its provisions and generally effectuate the purpose of this ordinance. Such remedies may include, but are not limited to, out of pocket expenses, economic and noneconomic damages including damages for emotional injuries and, in regard to discrimination in employment, both front and back pay. In regard to discrimination in public accommodations by the holder of an alcohol beverage license issued pursuant to Chapter 38 of these ordinances, the Commission shall relay its findings to the City Attorney who shall commence a proceeding pursuant to Sec. 38.10 of these ordinances. The Commission may not order punitive damages.

Back pay liability shall not accrue from a date more than two (2) years prior to the filing of a complaint with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against, shall operate to reduce back pay otherwise allowable. Amounts received by the person as unemployment benefits or welfare payments shall not reduce the back pay allowable, but shall be withheld from the person discriminated against and immediately paid to the unemployment reserve fund or, in the case of a welfare payment, to the welfare agency making such payment.

The amendments to this subparagraph b. shall apply to all proceedings pending on or commenced after the effective date of this ordinance, ID No. 22735 in furtherance of the remedial purposes of the Equal Opportunities Ordinance, 39.03 et seq. of the Madison General Ordinances. (Am. by Ord. 12,039, Adopted 2-17-98)

- c. The Commission shall serve a copy of its findings and order on the respondent.  
(Am. by Ord. 12,039, Adopted 2-17-98)
- d. If the Commission finds that the respondent has not engaged in discrimination as alleged in the complaint, it shall serve a copy of its findings on the complainant together with an order dismissing the complaint.
- e. The Commission shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.

(Sec. 3.23(10)(c)(2) Am. By Ord. 12,039, 2-17-98)

3. Judicial Enforcement of Orders.

- a. Whenever in the judgment of the Commission, the judicial enforcement of the ordinance is necessary, the Commission shall in writing request the City Attorney to enforce the ordinance in the name of the City of Madison.
  - b. Upon receipt of such request, the City Attorney shall have the power and duty to seek enforcement of the ordinance in a court of competent jurisdiction.
4. Judicial Review of Orders. Only those orders that explicitly state therein that they are final orders of the Equal Opportunities Commission shall be final administrative determinations for the purposes of appeal. Such orders shall be subject to certiorari review in court pursuant to the time limits and procedures set forth in Wis. Stat. § 68.13, which procedures are adopted and incorporated by reference. Such decisions are not reviewable under Sec. 9.49, MGO. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding, with said notice to be sent by first class mail to each party's last known address. (Am. by Ord. 12,039, Adopted 2-17-98)
5. Housing Discrimination Complaint Procedures. The following special procedures shall apply to complaints of housing discrimination:
  - a. If the Commission finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under Section 39.03(4) of these ordinances, the Commission shall make written findings and shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the complainant, and injunctive or other equitable relief.

(Sec. 3.23(10)(c)5. Am. by Ord. 12,039, Adopted 2-17-98)

- (d) The Equal Opportunities Commission shall use the following procedures in acting on complaints of discrimination filed against the City of Madison and the Community Development Authority.
  1. Upon the receipt of a written, verified complaint naming the City of Madison or the Community Development Authority as a respondent, a copy of such complaint shall be served on the City Attorney, the Mayor, and the City Clerk.
  2. If the Equal Rights Division of the Wisconsin Department of Workforce Development or the U.S. Department of Housing and Urban Development (HUD) has jurisdiction over the complaint, the Equal Opportunities Commission shall take no action, but shall refer the complaint to the Equal Rights Division or HUD for appropriate action as provided by law. If the U.S. Equal Employment Opportunity Commission or HUD has jurisdiction, a copy of the complaint shall be forwarded to that agency. The complainant shall be informed of all such referrals.
  3. If state and federal agencies are without jurisdiction, the Equal Opportunities Commission shall follow the procedure provided in Sec. 39.03(10)(c) of this ordinance.

(Am. by Ord. 10,556, Adopted 12-15-92; Ord. 12,322, 2-2-99)

(Sec. 3.23(10)(e) R. by ORD-06-00078, 6-30-06)

(Sec. 39.03(10) Am. by ORD-10-00096, 10-14-10)

(11) Clerk to Register Domestic Partnerships.

*[omitted for brevity]*

(12) Title. This ordinance shall be known as the Equal Opportunities Ordinance. (Renumbered by Ord. 12,039, Adopted 2-17-98)

(13) At any time after a complaint is filed, the Director of the Department of Civil Rights may request the City Attorney to file an appropriate action before any city or state administrative agency with jurisdiction over offenses or violations set forth in such complaint and /or may request that the City Attorney file a civil action in the circuit court for Dane County, seeking appropriate temporary relief against the respondent, pending final action by the Commission under this section. Such relief may include an order or decree restraining the respondent from performing an act tending to render ineffectual an order the Commission may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper. (Am. by ORD-10-00096, 10-14-10)

(Renumbered by Ord. 12,039, Adopted 2-17-98; Am. by ORD-06-00078, 6-30-06)

(14) Penalty.

(a) Any person violating any of the provisions of this section shall upon conviction be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

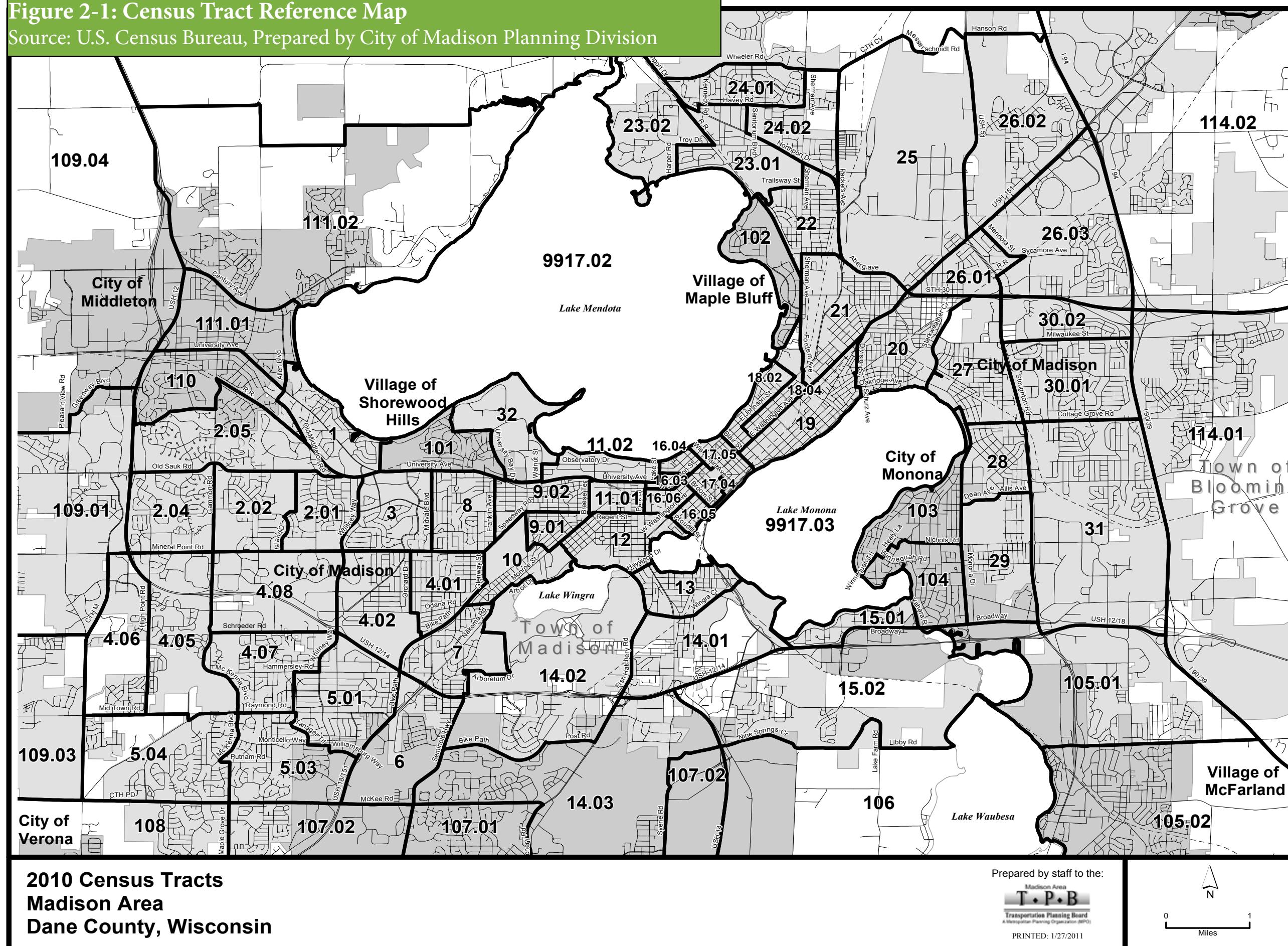
(b) Any person who shall fail or neglect to comply with any lawful order of the Equal Opportunities Commission issued pursuant to the provisions of this section shall be deemed guilty of a violation of this section, and every day or fraction thereof on which such person shall fail or neglect to comply with such order, shall be deemed a separate offense. (Am. by Ord. 11,183, Adopted 2-21-95; ORD-06-00078, 6-30-06; Renum. and Am. by ORD-10-00096, 10-14-10)

(Renumbered by Ord. 12,039, Adopted 2-17-98)

## Appendix D: Maps

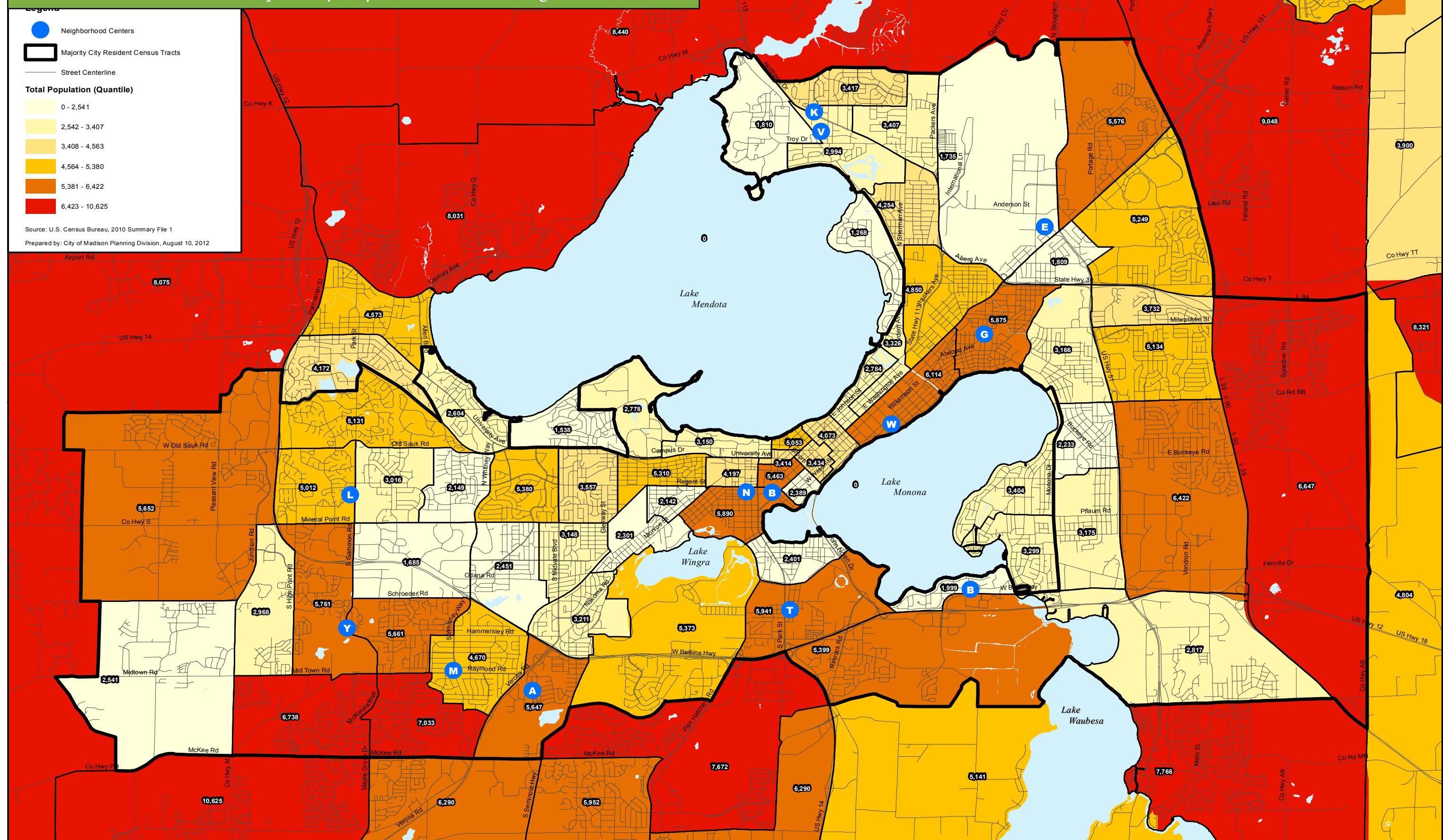
**Figure 2-1: Census Tract Reference Map**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



## Figure 2-2: Population Distribution by Census Tract

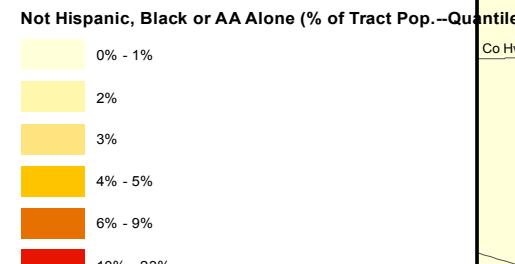
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



**Figure 2-4: Percentage of African American Population by Census Tract**

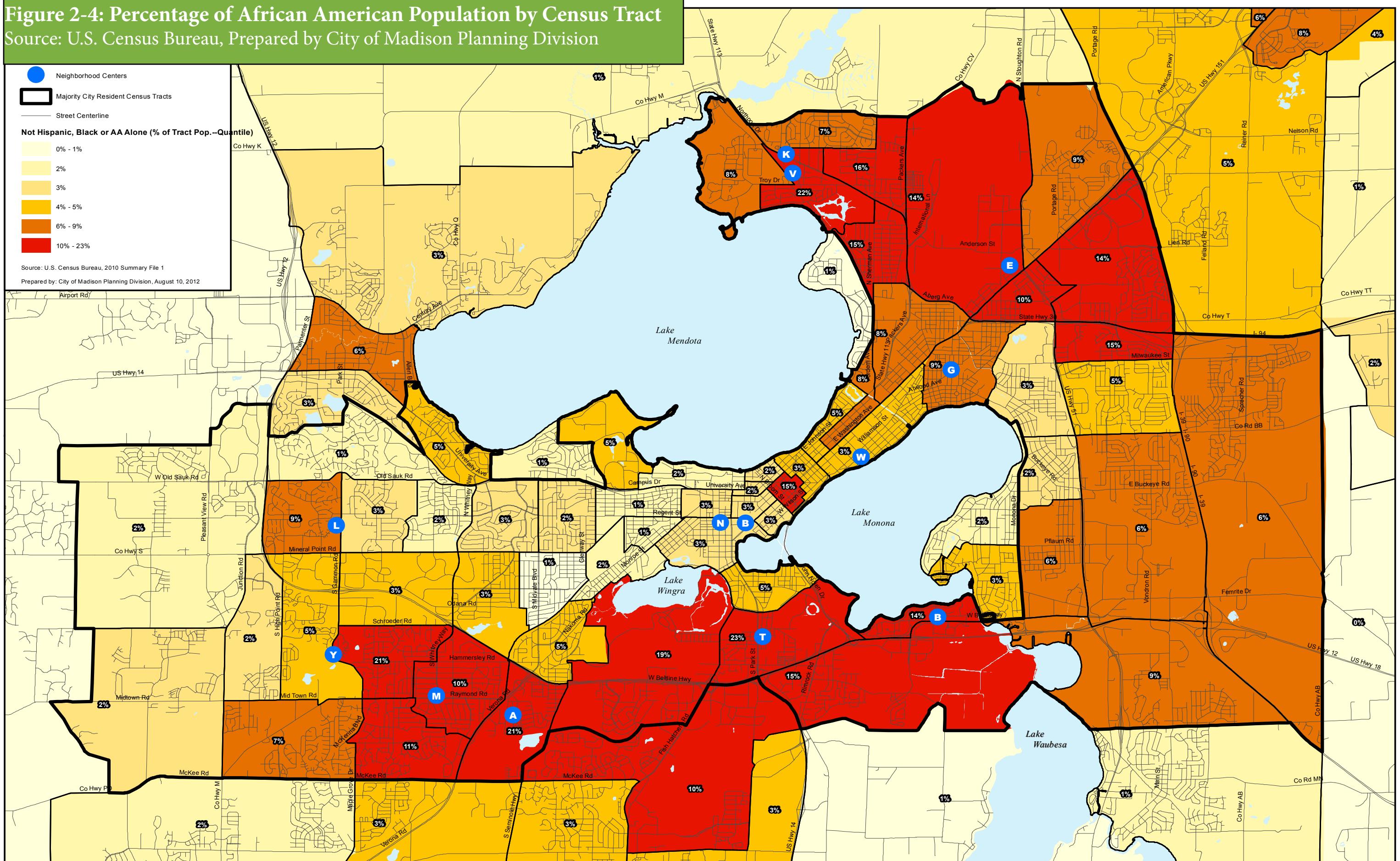
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

- Neighborhood Centers
- Majority City Resident Census Tracts
- Street Centerline



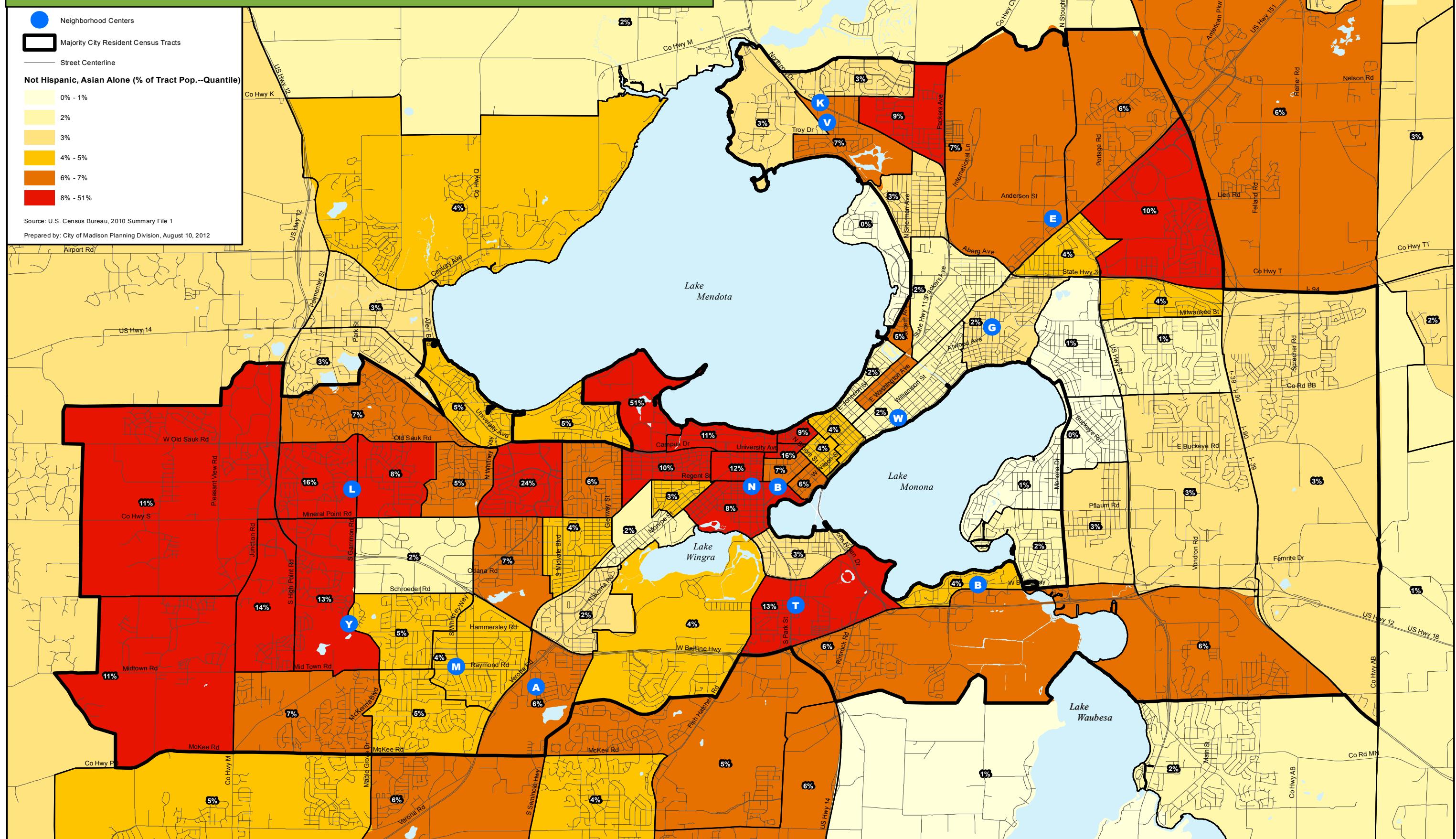
Source: U.S. Census Bureau, 2010 Summary File 1

Prepared by: City of Madison Planning Division, August 10, 2012



**Figure 2-5: Percentage of Asian Population by Census Tract**

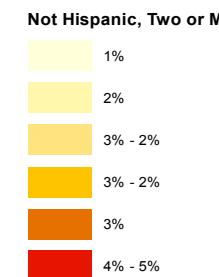
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



**Figure 2-6: Percentage of Population with 2 or more Races by Census Tract**

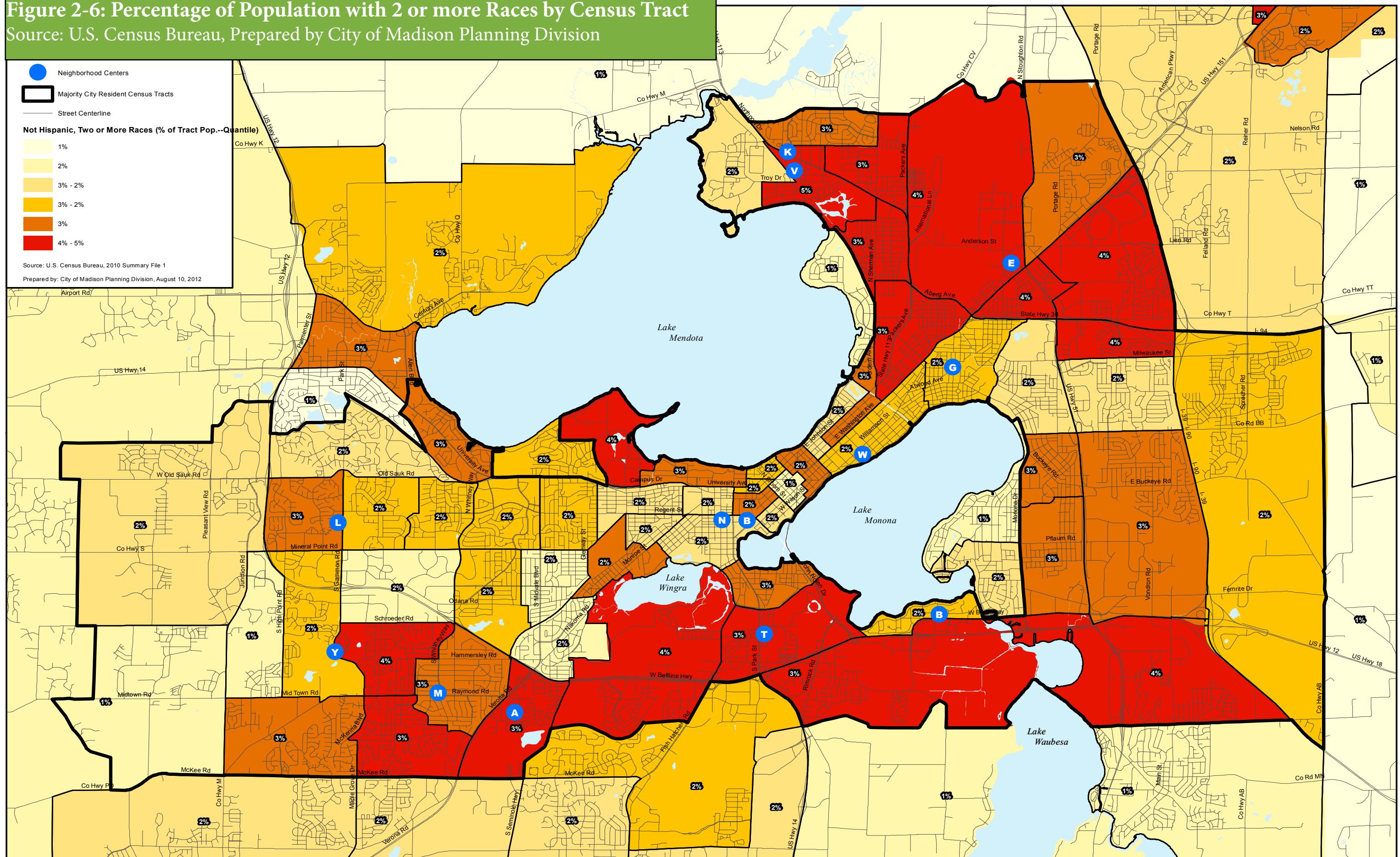
Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

- Neighborhood Centers
- Majority City Resident Census Tracts
- Street Centerline



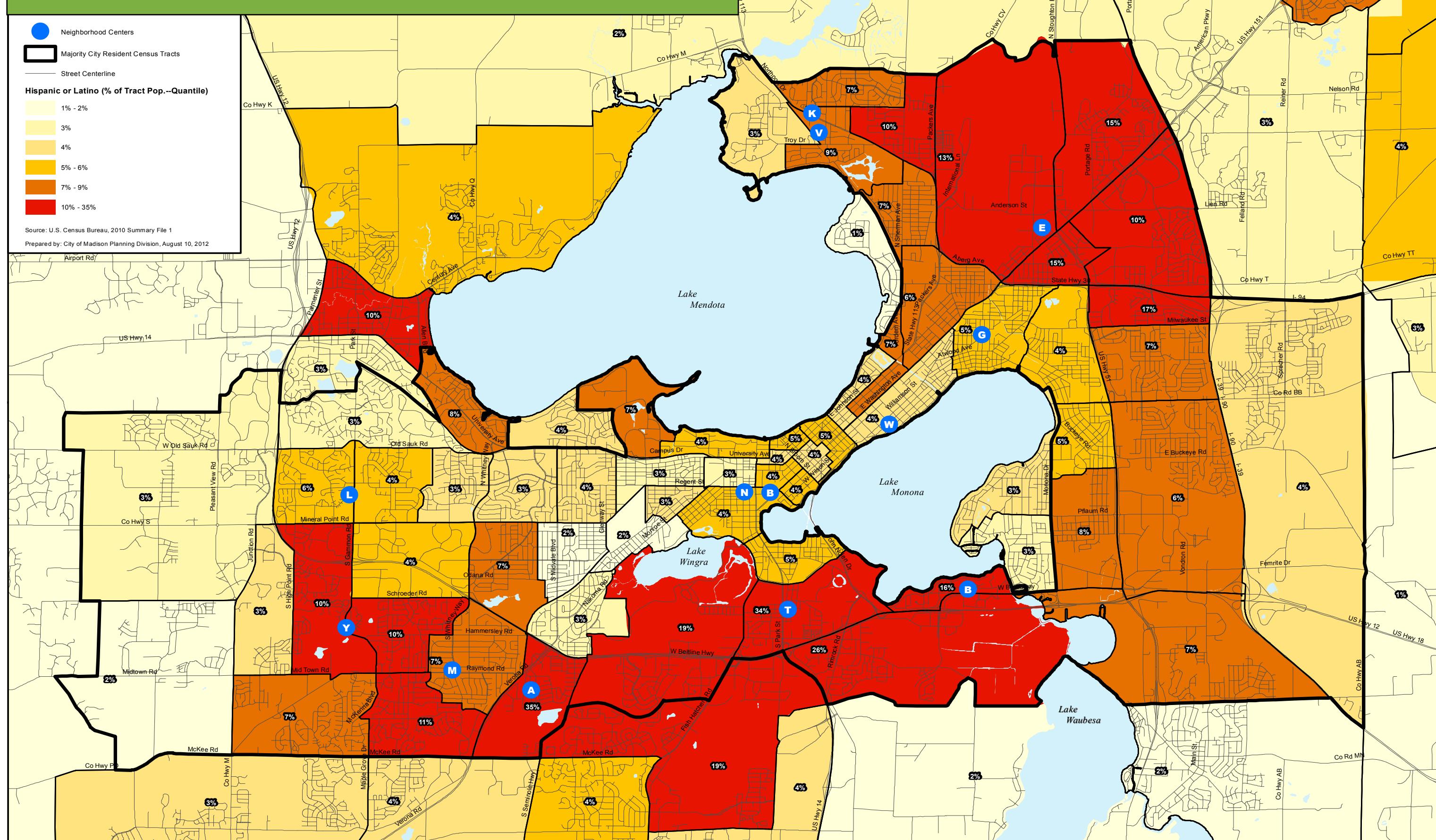
Source: U.S. Census Bureau, 2010 Summary File 1

Prepared by: City of Madison Planning Division, August 10, 2012



**Figure 2-7: Percentage of Hispanic or Latino Population by Census Tract**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



**Figure 2-9: Distribution of Residents Over Age 65 by 2010 Census Tract**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

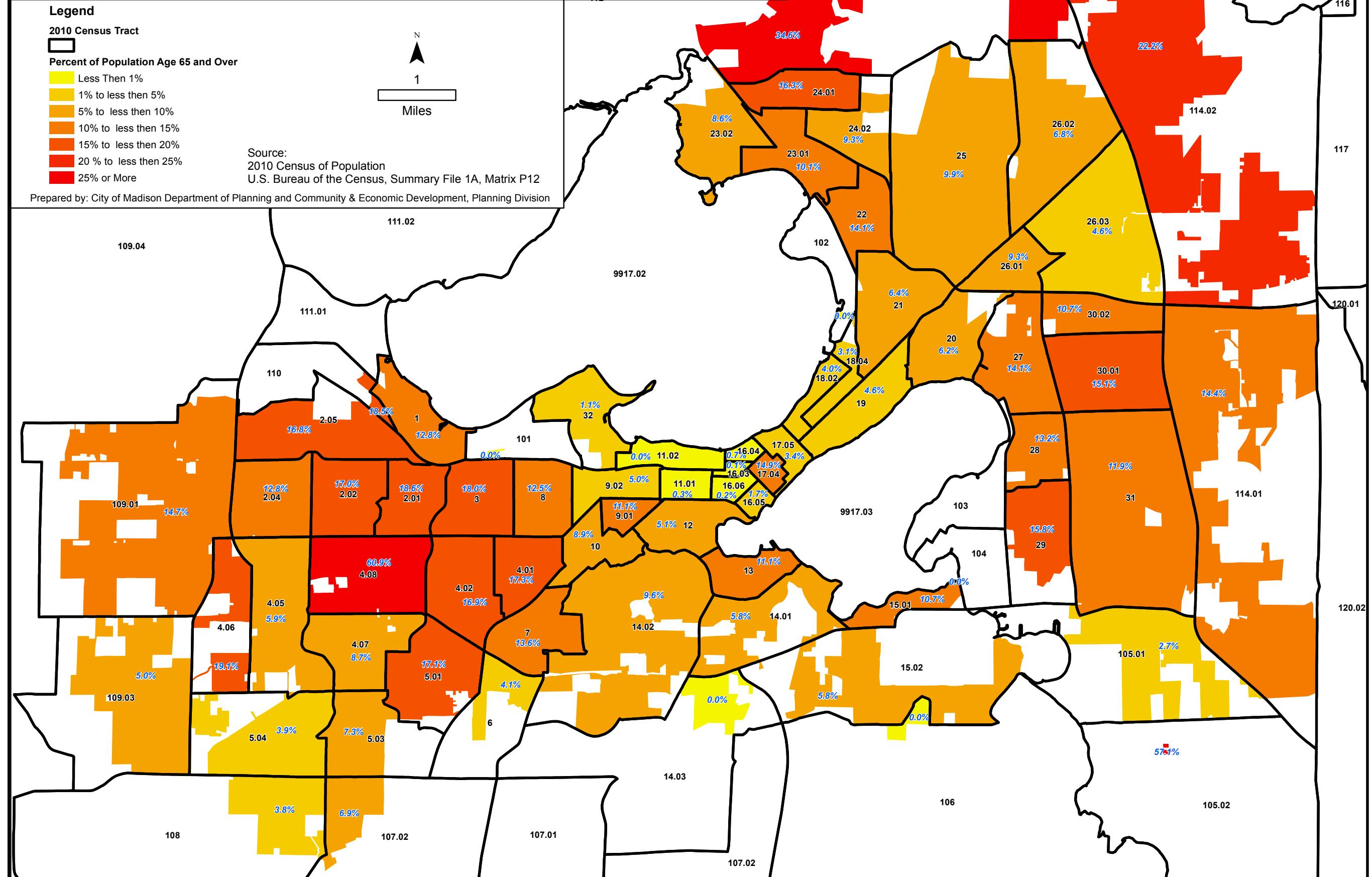


Figure 2-10: Percent of Households with Supplemental Security Income (SSI) in the Past 12 Months by Census Tracts

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

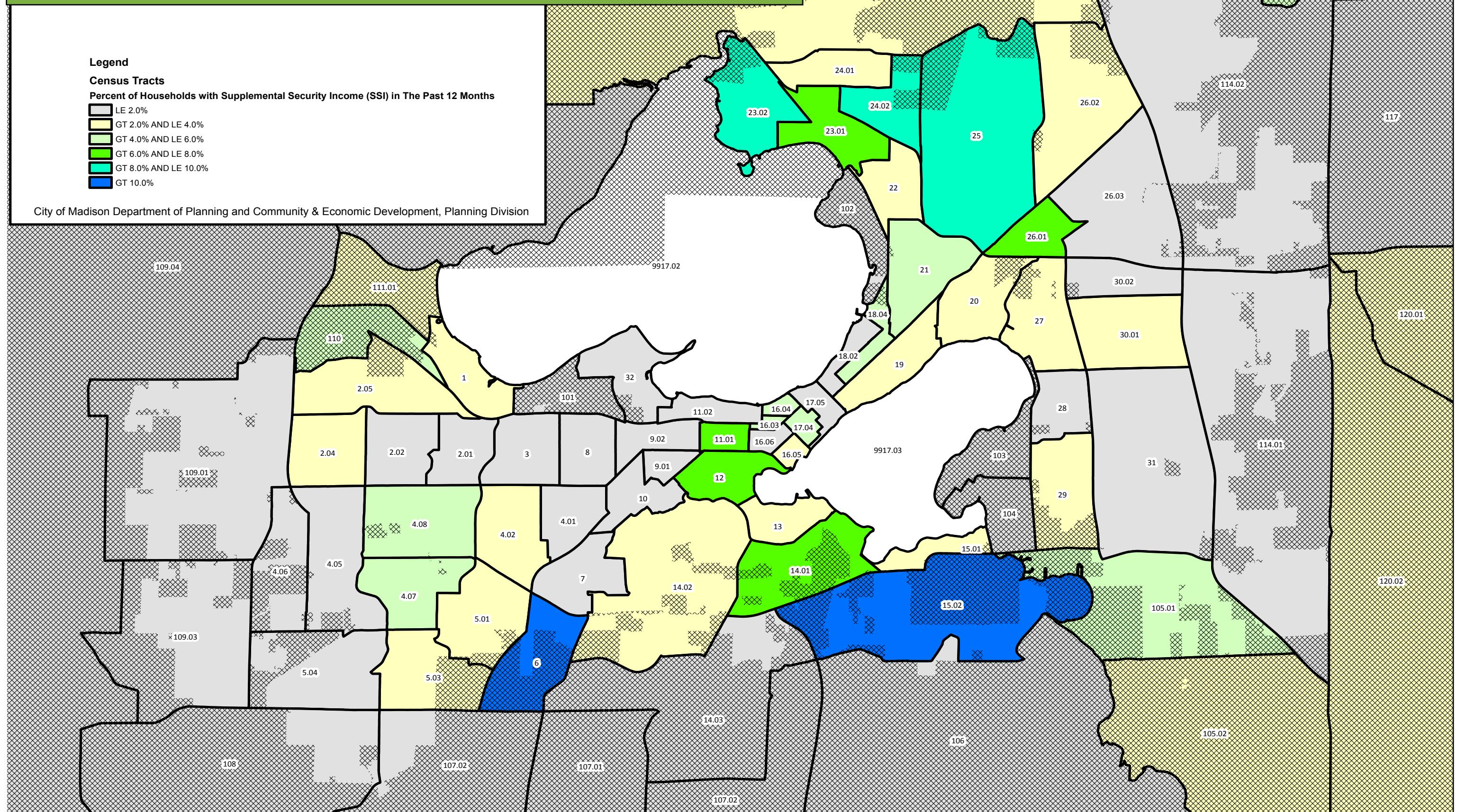
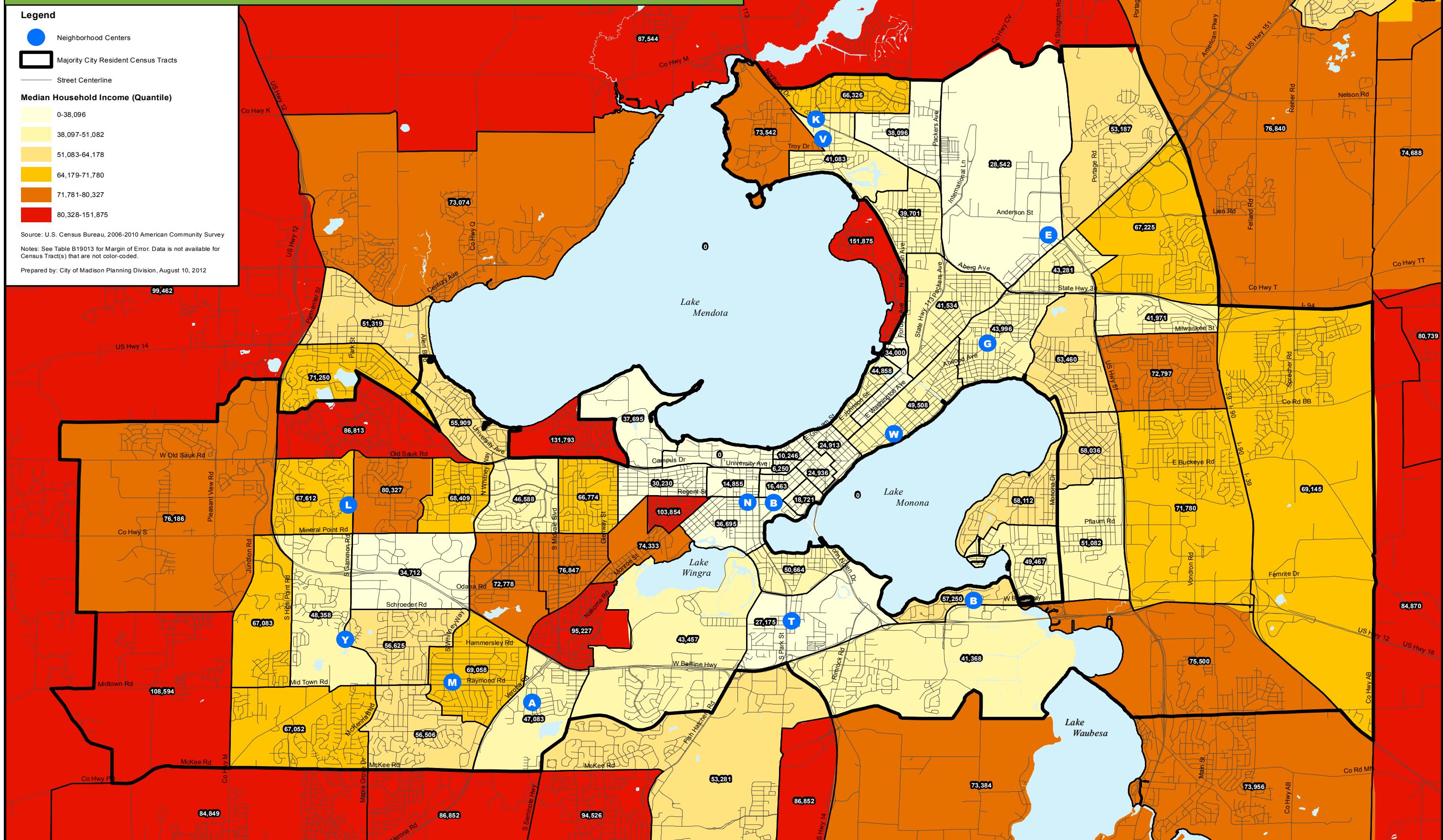


Figure 2-12: Median Household Income by Census Tract

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division



**Figure 2-13: Percentage of Households Receiving Food Stamps in the Past 12 Months by Census Tracts**

Source: U.S. Census Bureau, Prepared by City of Madison Planning Division

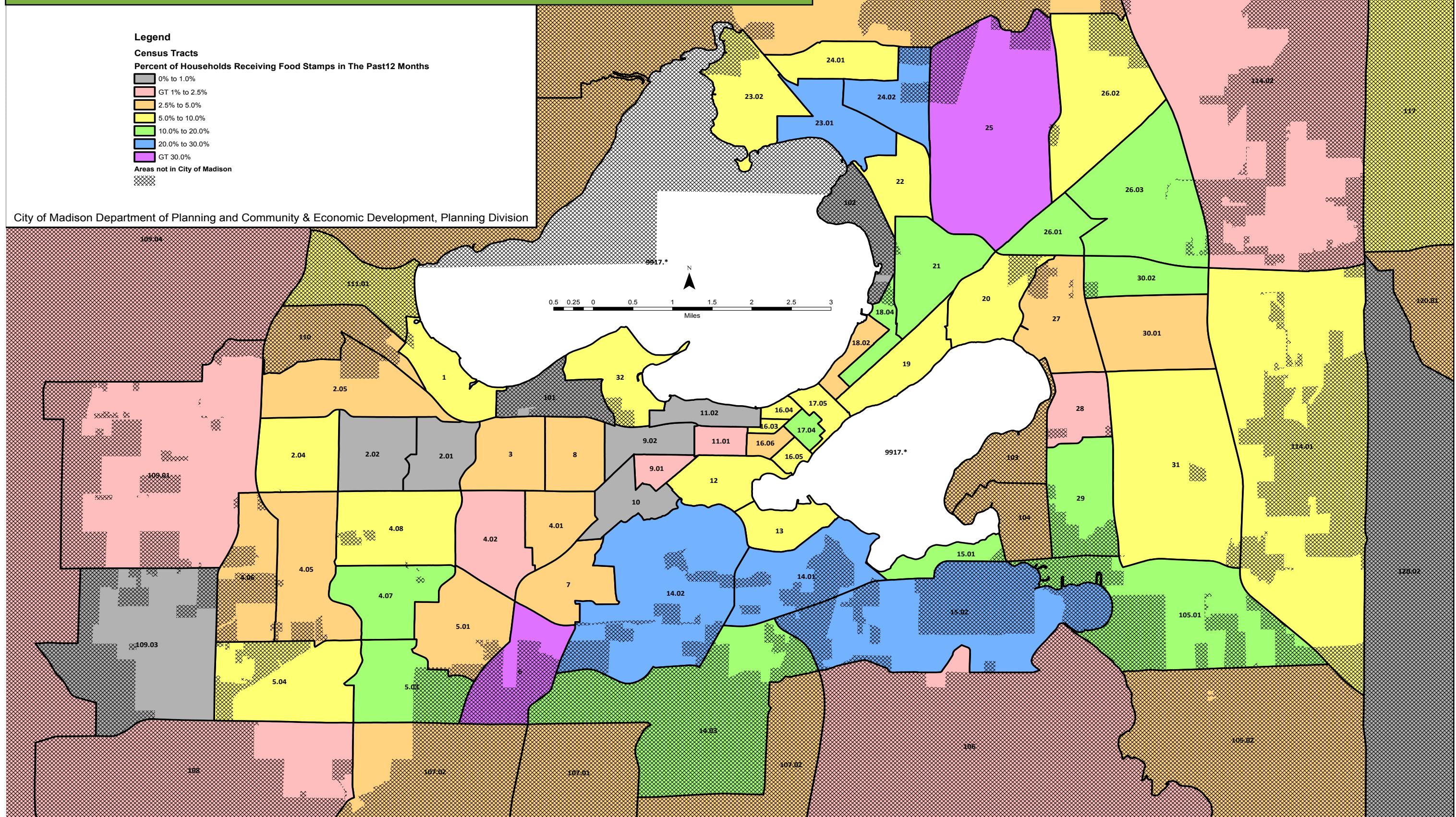
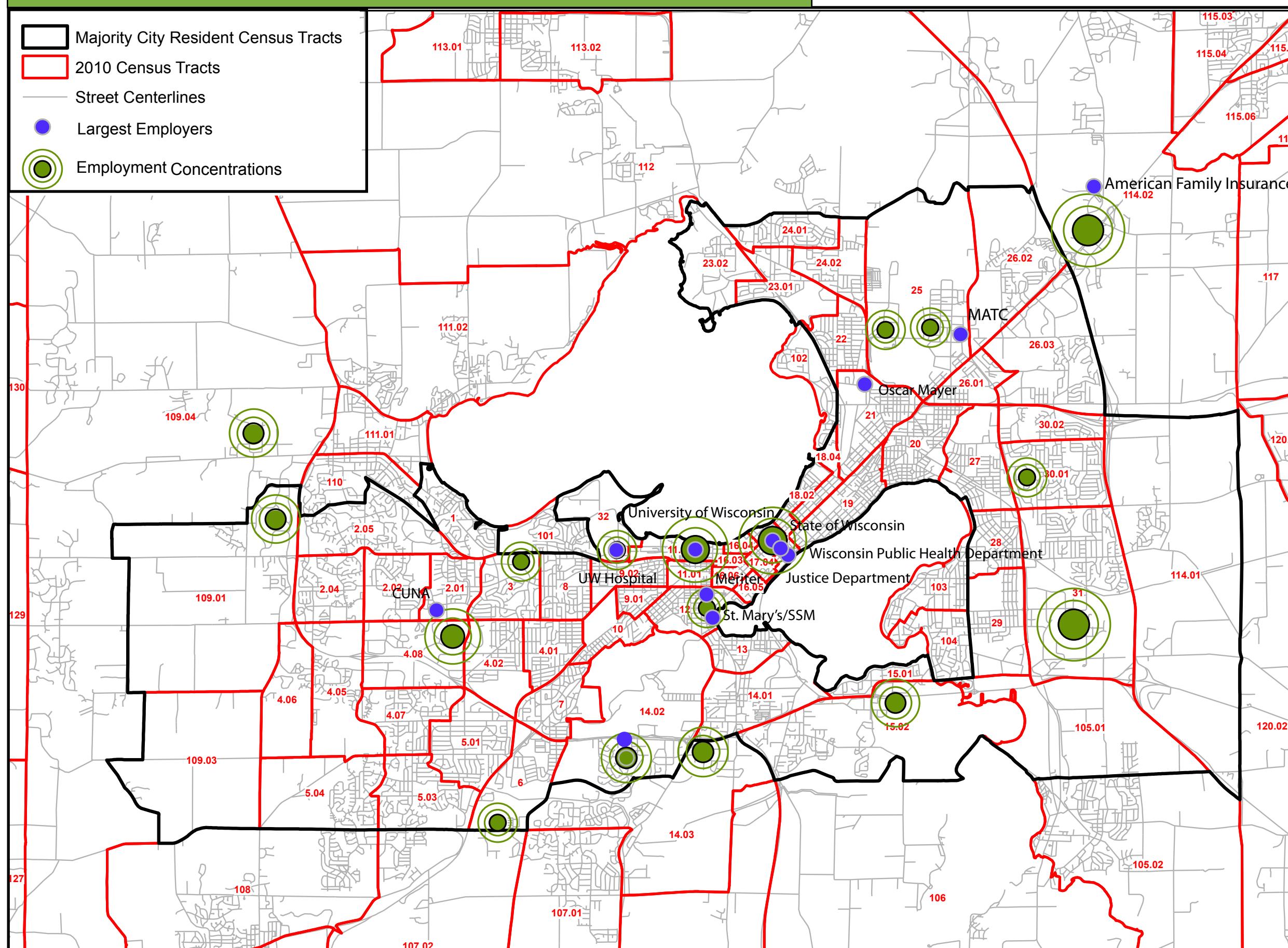


Figure 2-18: Madison Employment Concentrations



**Figure 3-2: Assisted and Public Housing**

