



Evicted in Dane County, Wisconsin

A Collaborative Examination of the Housing Landscape

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Authors

Ian Aley is a Masters student in the Department of Urban and Regional Planning. He is interested in food systems, creative community process, livelihood, and diverse populations. He grew up in Madison then lived in Toronto for eight years. He works in the fields of community development, facilitation/strategic planning, design, social justice, and sustainable agriculture.

Lexa Dundore is a Masters student in the Department of Urban and Regional Planning, focusing on food systems, food policy, and racial equity in the food system. Lexa is a long-time Dane County resident whose experiences before graduate school include farm work, farmers' market EBT program management, and community food systems program development at Dane County UW Extension.

Taylor Laemmler is a PhD student in Sociology at UW-Madison, where she does ethnographic research focusing on class, culture, and work. Taylor received her MS in Sociology from UW-Madison and her BA in Sociology and German Studies from Macalester College. Her master's thesis focused on the interplay of class and status through work and consumption in the restaurant industry, and her dissertation will focus on the interaction of work and leisure in the context of a resort town.

Sheila Long is a returning adult student with an undergraduate degree in Urban Studies from Yale University. She has had experience with the City of New Haven, CT Offices of Housing & Neighborhood Development and Downtown & Harbor Development. In Minnesota she worked with Twin Cities Metropolitan Council Regional Transit Board, was Publicity Chair for Rochester Habitat for Humanity, served as a member of Dakota County Human Services Advisory Committee, and acted as the Commissioner on Olmsted County Planning Advisory Board.

Emily Lutz is pursuing a master's degree in Urban and Regional Planning with a focus in economic development. She is originally from Maryland and received a bachelor's degree in Agricultural and Natural Resource Economics at the University of Maryland. Emily currently is a graduate project assistant at the University of Wisconsin Extension, Center for Community and Economic Development.

Ruanda McFerren is a graduate student pursuing master's degrees in Urban & Regional Planning and Public Affairs at UW-Madison. A native Arkansan, Ruanda previously worked in higher education at her alma mater, Hendrix College. Ruanda is interested in affordable housing, housing policy, and the linkages between housing and access to education.

J. Revel Sims, Ph.D. is an Assistant Professor in the Department of Urban & Regional Planning and the Chican@ & Latin@ Studies Program at UW-Madison; for the two-year academic period from Fall 2014 through Summer 2016, he also served as an Honorary Fellow and Visiting Assistant Professor. Revel teaches classes and researches issues related to gentrification, eviction, and urban displacement.

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The Bayview Foundation, Inc.
Common Wealth Development, Inc.
Community Action Coalition for South Central Wisconsin, Inc.
Independent Living, Inc.
Movin' Out, Inc.
Port St. Vincent de Paul: Society of St. Vincent de Paul
Stone House Development, Inc.
The Road Home Dane County
YWCA Madison

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Introduction

Evictions have been described as one of the most important urban housing problems that have remained mostly hidden from researchers and policy makers (Hartman & Robinson, 2003). Until the recent publication of a major work on eviction from Matthew Desmond (2016), few scholars have addressed the issue directly. Sims (2015) argues that the lack of academic attention given to evictions is due to a combination of methodological difficulties making capturing evictions elusive and unresolved conceptual dilemmas that dissuade researchers from investigation in the area. At the same time in cities throughout the country, community activists and community-based organizations (CBOs) have been drawing attention to the role evictions play in increasing housing insecurity and displacement generally. Efforts by organizations such as the Right to the City Alliance and the Anti-Eviction Mapping Project have been leaders in this field, pushing the problem of evictions to the center of current housing debates.

This report is an attempt to intervene within the discourse about eviction in Dane County, Wisconsin through a collaborative effort between graduate students in the Department of Urban and Regional Planning at UW-Madison and the Tenant Resource Center (TRC), a local nonprofit organization. The TRC describes itself as a “membership organization dedicated to promoting positive relations between rental housing consumers (tenants) and providers (landlords) throughout Wisconsin” (Tenant Resource Center 2016a).¹ In addition to a number of services and advocacy roles, the TRC provides information, referrals, landlord-tenant mediation, education about rental rights and responsibilities, and access to conflict resolution.

A number of traditions have provided inspiration for our approach and, in particular, the role of university research in addressing social questions and problems. Among these, three stand out: (1) the Wisconsin Idea, (2) methodologies loosely encapsulated under the term “community-based participatory action research,” and (3) the traditions of radical and community-based planning. We describe these briefly below.

The Wisconsin Idea is a normative approach to research that has been ingrained in the University of Wisconsin system for over a century beginning with the tenure of UW President Charles Van Hise from 1903 to 1918. The approach emphasizes that the University should serve the entire state of Wisconsin through meaningful investigative endeavors that attempt to resolve social problems and improve the quality of life for the state’s residents. The Wisconsin Idea has since become institutionalized within the UW’s mission and reads as follows:

The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth. (Wis. Stat. § 36.02)

We are also indebted to certain traditions within the field of planning specifically that include community-based methods and radical planning concepts. Both traditions are rooted in a praxis that privileges planning with, rather than planning for, the communities most impacted by social inequalities (Davidoff, 1965; Friedmann, 1987; Grabow & Heskin, 1973). Foundational work in this area has helped to inform a trajectory in planning which argues that planning must balance elitist tendencies with certain technical skills that planners can employ for social transformation.

¹ Throughout this report we have chosen to use “landlord” and “tenant” as signifiers for what we believe are more accurate terms, lessor and lessee. We recognize that while these terms are far from ideal and even reproduce oppressive language held over from feudal times, they are the terms most commonly used and understood to describe this particular relationship. We are indebted to Mitch at the Neighborhood Law Clinic for this insight.

Finally, in addition to these traditions, the class has taken seriously two important policy statements that directly relate to the question of evictions. First, Wisconsin’s Comprehensive Planning Law requires that all communities “provide an adequate housing supply that meets existing and forecasted housing demand ... and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, ... and promote the availability of land for the development or redevelopment of low-income and moderate income housing ...” (Wis. Stat. § 66.1001(2)(b)). As this report and others demonstrate, Dane County and the City of Madison² have not been able to meet the growing demand for housing, thus contributing to an overall increase in housing insecurity. Second, both the City of Madison and Dane County—in November 2011 and July 2012, respectively—adopted resolutions declaring housing to be a human right. Included in both resolutions was specific language regarding supporting plans to reduce evictions and housing insecurity. For example, Dane County’s resolution set forth the goal of developing a housing plan with “policies to prevent foreclosures, *evictions* [emphasis added], utility shut-offs, criminalization of homelessness...to help stabilize people in their housing” (Dane County Board of Supervisors Resolution 292, 2012). Madison’s Common Council resolution declaring housing a human right similarly resolved that evictions should be prevented. This document is furthermore explicit about the role of tenure within a larger set of issues critical to the idea of housing as a basic human right stating “the human right to housing includes legal security of tenure, availability of services and infrastructure, affordability, habitability, accessibility, location, and cultural adequacy” (City of Madison Common Council Resolution 23825, 2011).

² Currently in Dane County there exist both the City and the Town of Madison--two separate municipal corporations. Hereafter, when the shorthand “Madison” is used, we are referring to the city rather than the town. The Town of Madison is scheduled to be dissolved into Fitchburg and the City of Madison by 2022.

Major Findings

Evictions

- Our records indicate that between 2000 and 2015 there were **40,439 eviction court cases initiated in Dane County, Wisconsin**, with an **average of 2,527 cases per year**.
- **The number of evictions cases increased slightly from 2000 to 2011 and declined from 2011 to 2015.** Based on our interviews with key actors, we suspect that the recent decline in evictions is due to either non-renewal of leases as an alternative to eviction or tenants deciding to move before an eviction is filed for fear of having an eviction on their record. This reduction in the number of evictions that actually take place reinforces the fact that eviction generally represents only one form of a larger displacement process.
- The month of **August has the most evictions court cases filed on average** (249) followed by July (244), June (241), and May (236) respectively. December has the lowest number of evictions cases on average (177) followed by September (195) and November (195).

Vulnerability

- Race is the most important factor explaining eviction in Dane County. **The most non-white neighborhoods are clearly the most impacted by the eviction process.** Six block groups with the most eviction cases are also among the top ten block groups with the largest percentages of residents of color. All but one of the top ten non-white neighborhoods show high levels of eviction filings well above the average for block groups throughout the County.
- Student-oriented neighborhoods have some of the lowest median household incomes yet they also have relatively low eviction totals suggesting that **multiple housing and displacement submarkets exist in Dane County.**

Evictors

- A small group of plaintiffs (those seeking the eviction of tenants through the court) account for a majority of eviction cases. **Just 100 plaintiffs account for over half (52%) of all cases.** Readers should note, however, that these numbers are not normalized to account for the number of properties any given landlord controls or any other factors.
- **Two plaintiffs, Madison Property Management Inc (1,444) and Wisconsin Management Company (1,389) account for 7% of all cases, making them the two largest evictors in Dane County.**
- **Subsidized housing providers are among the top eviction plaintiffs in Dane County.** The Community Development Authority of the City of Madison is the 8th most common eviction plaintiff. Porchlight and other nonprofit housing providers, including Wisconsin Management Company, which manages Dane County's public housing as well as both subsidized and private rental housing, also account for a proportionally large number of evictions cases in Dane County.
- **Most plaintiffs file relatively few evictions.** Ninety percent of plaintiffs filed less than 10 evictions each.
- **The vast majority of plaintiffs in cases (94%) list an address within Dane County, while only 3% list an address outside of the county.** However, an absentee property owner may hire a local management company to carry out day-to-day management of units, including eviction of tenants. Our analysis shows that many of the plaintiffs with higher numbers of eviction cases are property managers rather than individual owners.

The Legal Landscape

- Prior to the publication of Desmond's (2016) *Evicted*, **the legal landscape governing landlord-tenant relations and the eviction process has shifted heavily in favor of landlords:**
 - eviction proceedings are happening faster, tenants have fewer options for recourse, and municipalities are afforded fewer opportunities for local regulation;
 - the powers of landlords to access personal information, dispense with personal property, and make summary judgements regarding tenant behavior have expanded greatly; and
 - the most recent change, 2015 Wisconsin Act 176, has tremendous potential to displace tenants based on landlords' perceptions of possible criminal activity.
- A small group of influential organizations—such as the Apartment Association of South Central Wisconsin (AASCW)—and people are primarily responsible for the recent legislative changes including **legislative sponsors who are also rental property owners themselves.**

Methodology

This report is the result of a community-based, collaborative research project between the authors and the TRC during a six-week course during the summer of 2016. Dr. Sims originally met with the TRC prior to the course and discussed a research agenda and possible topics that the class could take on. In these initial meetings, it was decided that the issue of evictions was something that not only needed investigation, but was also a topic that could be explored successfully in the course. The class met twice weekly for six weeks. Early on we evaluated the existing literature on housing in Dane County and set out a research plan that involved iterative interaction of three primary methodologies: qualitative, quantitative, and spatial. Each of these method areas were led by sub-groups of students. Every class began or ended with a facilitated discussion about the status of each line within the investigation so that all members could be updated and integrated into the overall project. Through this dynamic, and with continued communication with TRC, the class made decisions about how to proceed and what information to include.

The qualitative portion of the research involved two pieces—(1) meetings with key actors and collaborators such the TRC, planning officials, and lawyers; and (2) interviews with various nonprofit and for-profit housing providers and/or property management companies. With regard to the former, we met with five different groups of people who were crucial to helping us locate evictions within a larger housing and regulatory landscape including Brenda Konkel from the TRC; Mitch from UW-Madison’s Neighborhood Law Clinic (NLC); County Supervisor and attorney at Legal Action of Wisconsin, Heidi Wegleitner; Matt Wachter from the Department of Planning and Community and Economic Development; and State Representative Chris Taylor. The latter set of eight semi-structured interviews with nonprofit housing organizations provided a framework for the specific policies that guide the eviction process within specific housing providers and the ways in which tenants are screened-out of prospective housing with these providers. In certain cases, our requests to meet with important actors such as Porchlight, Meridian Group Inc, and the Apartment Association of South Central Wisconsin were either declined or went unanswered.

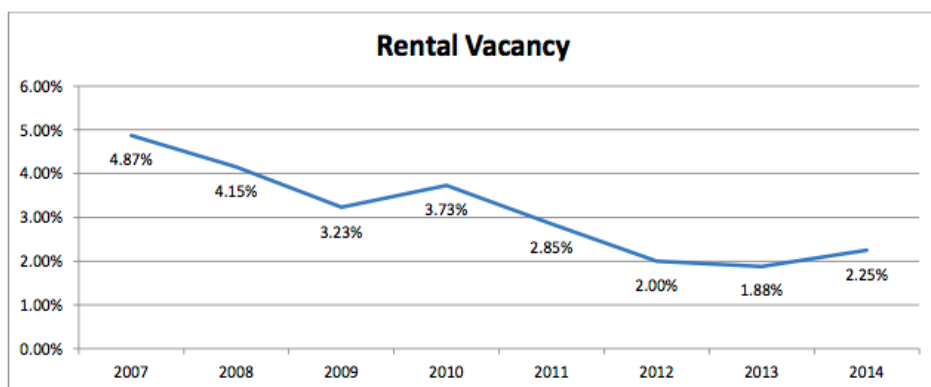
Members of the class also engaged in a quantitative analysis of evictions based on the extensive data provided by the TRC. This analysis required us to spend a significant amount of time during the course and after ‘cleaning’ the data so that the major trends and important evictors could be identified. Ultimately, this data was then georeferenced using ArcMap GIS software so that the spatial distribution of evictions could be analyzed along with key demographic and housing variables. As will be discussed later in the section, Evictions in Dane County, the time frame of the course created a limited opportunity for analysis. Further investigation of some of the important themes identified in this preliminary research effort will be essential to continuing to expose the patterns and significance of evictions in Dane County. Despite these limitations, we feel that our report is an important contribution to the discourse on evictions and the problems of urban displacement and housing insecurity more generally that affect large sections of the area’s renters.

The Changing Housing Landscape in Wisconsin

In recent years, housing issues have come to the forefront in Madison and Dane County. This is a contrast to just a few years ago. In 2005 in preparation for the County’s comprehensive plan, 500 residents were surveyed about their feelings toward nine comprehensive plan elements through an online and paper questionnaire. Of these nine, housing was not listed among the top five areas needing “considerably more attention” by respondents. Instead, it is telling that respondents placed housing fifth among the nine goals needing “neither more nor less attention” (Chamberlain Research Consultants, 2005). Eleven years and the aftermath of an economic recession later, this has changed.

A number of factors have contributed to making housing a more important issue for Dane County residents. Not only is the area gaining population, but for the first time, the City of Madison—the most populated jurisdiction in the county—is over 50 percent renter, signaling a larger shift in land tenure, associated living conditions and political power dynamics. Housing scarcity, represented in historically low vacancy rates, continues to be a major problem facing renters even despite a recent building boom. Together with important changes to state landlord-tenant laws giving owners of rental housing greater eviction powers have created a situation where housing insecurity and homelessness are unfortunately on the rise.

Dane County is now in a situation where 64,526 households (32.8% of the population) are currently housing cost burdened—i.e., these households spend more than 30% of their income on housing. Of these households, 28,469 (44.12%) are renter households. Housing cost burdens disproportionately affect low-income populations. Of the area’s cost burdened renter households, 12,000 of them earn less than half of the Area Median Income (AMI) spend more than 50% of their income on housing (Paulsen, 2015). It is no surprise then that increased housing insecurity resulting from a combination of changing housing and labor markets contribute greatly to homelessness in the County. In fact, after years of decline, the most recent *Annual Report on Homeless Persons Served in Dane County* (City of Madison Community Development Division, 2013) shows that the number of individuals served by service providers in the county has increased over the last several years. An electronic message to the Homeless Services Consortium—a group of homeless and housing advocates—from the Community Development Division estimates that in 3,347 people were served by shelters in Dane County in 2014. In the year prior, 3,370 people were served. These figures represent an increase from 3,079 in 2011 and 3,136 in 2010. When considering the impact on our society, it is important to note that in addition to a general trend of growing need, the numbers of families and children seeking shelter has also increased since 2011. For example, almost half of people served in shelters in 2013 and 2014 were members of families—1,529 and 1,518, respectively—and approximately 14% were children (City of Madison Community Development Division 2014a; 2013).



Source: MGE Multifamily Vacancy

Figure 1. Rental Vacancy Over Time in Madison³

Historically low vacancy rates present a major challenge for residents in the County. Data from the U.S. Census Bureau reveal that in 2014, Madison as a whole reported a low, 2.25% vacancy rate (U.S. Census Bureau, 2014d). In order to put this figure into context, average vacancy rates from 2010 to 2015 within the United States as a whole, U.S. metropolitan statistical areas, principal cities, and the Midwest are approximately four times the Dane County rate--8.57%, 8.43%, 8.73%, and 9.17%, respectively (U.S. Census

³ This figure is based on information from Madison Gas and Electric (MG&E), which services Madison and neighboring municipalities in Dane County.

Bureau, 2015). Dane County’s rate varied by neighborhood with the Southwest, South and East sides at 3-4% and the West, far East and downtown markets as low as 1% (City of Madison Community Development Division, 2014b). Data from the 2010-2014 American Community Survey 5-Year Estimates report 44 census tracts in Dane County with less than 0.5% vacancy rates (U.S. Census Bureau, 2014d).

The increase in housing demand is partially fueled by economic and population growth in the area. For example, Dane County, excluding Madison, grew by 14% from 2000 to 2011 (Dane County Office of Economic and Workforce Development, 2014). The City of Madison by comparison grew by 12% from 2000 to 2010 (City of Madison Community Development Division and CDBG Committee, 2014). Most telling however is the direction of this population growth in terms of tenure as 90% of net new households since 2007 became renters rather than homeowners (City of Madison Community Development Division, 2014b). This trend in tenure toward rental housing reflects a larger shift in housing markets across the nation and especially in cities. The table below demonstrates how the decline in vacancy rates are distributed throughout the county.

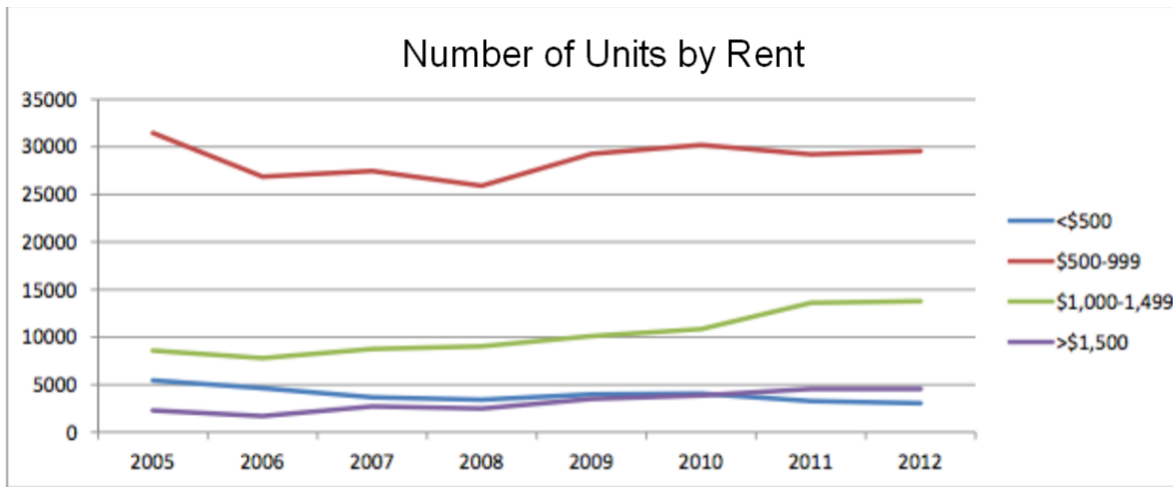
Table 1. Rental Vacancy Rates by Zip Code July 2016⁴

Zip Code	City	Total Rental Units	Total Vacant Units	Percent Vacant Units
53718	Madison	1,871	24	1.28
53717	Madison	1,090	20	1.83
53726	Madison	1,364	26	1.9
53704	Madison	8,435	168	1.99
53711	Madison/Fitchburg	6,613	140	2.11
53703	Madison	13,114	297	2.26
53716	Madison/Monona	1,912	46	2.4
53417	Madison	2,142	60	2.8
53719	Madison	1,445	45	3.11
53713	Madison	6,865	227	3.3
53705	Madison	5,843	201	3.44
53415	Madison	3,171	128	4.03
Total		53,865	1,382	2.56

While Table 1 demonstrates that many of the tightest housing markets are located near the center of the city, much of the recent housing construction in the same areas have not met the rising demand for housing at the low end of the market or eased vacancy rates overall. For example, the Capital Area Regional Planning Commission (2016) reported that while there was a shift toward greater multi-family housing development near the city center following the Great Recession, permits for new multi-family housing construction have declined in 2014 and 2015 dipping toward a long-term trend that resembles single-family housing construction.

32,000 units were built in Dane County between 2000 and 2010, however nearly 50% of them were single family detached units (Paulsen, 2015). This disproportionate emphasis on single family home construction will not alleviate the deficit of affordable housing for the area’s growing renter population. Affordable housing in this context means that it is less likely that renters will find housing whose cost, including rent and utilities, does not consume more than 30% of a household’s income. Comparing Table 2, which details acceptable rents for affordable housing among different household sizes, with Figure 2 below, which shows the trend in available units within certain rent ranges in the Madison market, illustrates this growing lack of affordable housing in Madison. Lower-income renters are disproportionately affected by the housing crunch and are experiencing significant housing cost burdens. For example, the *Community Plan to Prevent and End Homelessness in Dane County* estimates that there were 7,440 affordable housing units in 2006 and barely 7,727 in 2010; hardly enough of an increase to make a noticeable impact in affordability (Dane County Homeless Services Consortium, 2011).

⁴ Data compiled from Madison Gas and Electric (MG&E) as of 7/9/16.



Source: 3 Year American Community Survey

Figure 2. Number of Units by Rent over Time in Madison, Wisconsin

According to the City of Madison Community Development Division (2009) almost half (47.3%) of Madison’s population have incomes below 80% of AMI, which the Department of Housing and Urban Development defines as “low income.” However, the households in greatest need of affordable housing are those with incomes below 50% and 30% of AMI which are considered “very low” and “extremely low” income households. These households—below 50% AMI—currently comprise approximately 15% of the population in Dane County’s towns and villages, and nearly 30% of Madison’s population. Currently, 12,000 renter households below 50% AMI are spending more than 50% of their income on housing and 2,200 senior households are spending over 50% of their income on housing as well (Paulsen, 2015). Eighty-eight percent of these senior households are renters making them especially vulnerable to rent increases and displacement.

A significant barrier to affording housing are wages in the labor market and the large proportion that are below what some have termed a “living wage.” Other housing-specific measures for evaluating wages also exist. One of the more useful measures employed by housing advocates is “housing wage” or how much a renter would need to earn in order to afford a modest apartment in any particular housing market (National Low Income Housing Coalition, 2016). The National Low Income Housing Coalition (2016) estimates that the housing wage in Dane County is \$13.27—a full \$6 more than

Table 2. Affordable Monthly Rent by Household Income 2014

Household Size	Affordable Monthly Rent by Household Income							
	100% of AMI	90% of AMI	80% of AMI	70% of AMI	60% of AMI	50% of AMI	40% of AMI	30% of AMI
1 person	\$1,418	\$1,276	\$1,128	\$992	\$851	\$709	\$567	\$425
2 persons	\$1,620	\$1,458	\$1,289	\$1,134	\$972	\$810	\$648	\$485
3 persons	\$1,823	\$1,640	\$1,450	\$1,276	\$1,094	\$911	\$729	\$546
4 persons	\$2,023	\$1,820	\$1,610	\$1,416	\$1,214	\$1,011	\$809	\$606
5 persons	\$2,185	\$1,967	\$1,740	\$1,530	\$1,311	\$1,093	\$874	\$655
6 persons	\$2,348	\$2,113	\$1,869	\$1,643	\$1,409	\$1,174	\$939	\$704
7 persons	\$2,510	\$2,259	\$1,998	\$1,757	\$1,506	\$1,255	\$1,004	\$753
8 persons	\$2,670	\$2,403	\$2,126	\$1,869	\$1,602	\$1,335	\$1,068	\$801

Source: City of Madison 2014 Housing Report - Affordable Housing Market

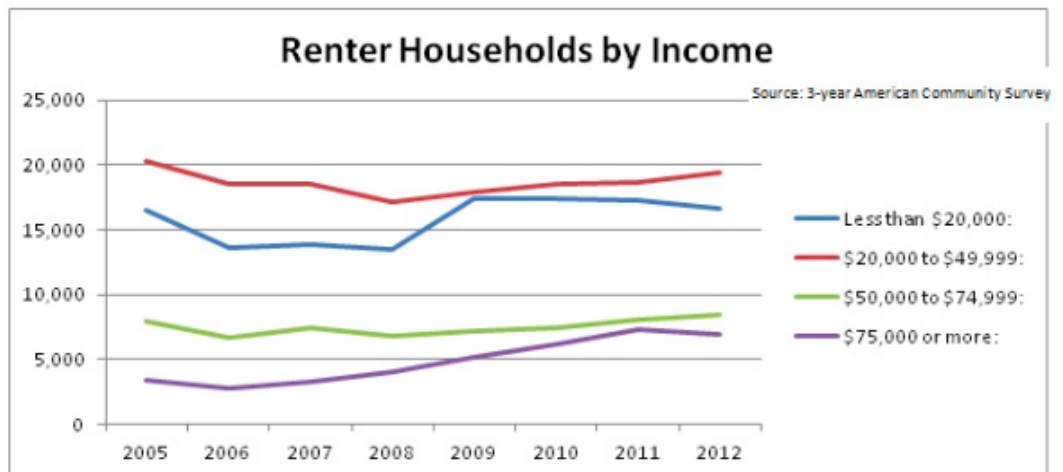


Figure 3. Madison Renter Household by Income over Time

the current \$7.25 minimum wage—and an affordable rent for a minimum wage worker would be \$377. Another way of looking at this is that a minimum wage worker would need to work 83 hours a week to afford a modest, one-bedroom apartment at Fair Market Rent (FMR)—the equivalent of two full-time jobs! For low-income families, affordable housing is often even more difficult to find. Not only are larger, multi-bedroom units less common, but according to a number of online housing sources, the average rent in Madison for a two-bedroom unit is well above this FMR threshold. In July 2016, for example, Rentjungle lists the average two-bedroom apartment as \$1,466 and Trulia lists an average of \$1,130-1,350, varying depending on the time of year (rentjungle.com, 2016; trulia.com, 2016). Ultimately, despite a growing economy and a relatively low unemployment rate in the Madison area, the majority of job growth is projected to occur in employment sectors with traditionally low wages such as the service industry.

Table 3. Expected Growth in Occupations and Salaries in the City of Madison

Occupation	# Jobs in WI in 2008	# Jobs in WI Projected in 2018	% Increase in Jobs 2008-2018	Projected # openings in WI annually	Entry Salary in Madison Market
Retail Salespersons	81,458	84,271	3.45%	3,067	\$16,480
Food Prep. & Serving Workers	56,633	64,120	13.22%	2,911	\$15,840
Waitstaff	54,340	56,947	4.80%	2,436	\$16,350
Customer Service Representatives	59,200	66,259	11.92%	2,317	\$24,660
Freight, Stock & Material Movers	56,227	60,119	6.92%	2,131	\$18,680
Registered Nurses	57,993	65,935	13.69%	1,918	\$54,150
Office Clerks	78,953	80,898	2.46%	1,853	\$20,270
Personal Care Aides	47,289	59,756	26.00%	1,585	\$17,400
Janitors & Cleaners	45,717	50,660	10.81%	1,354	\$16,390
Heavy/Tractor Trailer Truck Drivers	47,304	51,112	8.05%	1,137	\$29,190
Bartenders	24,197	26,453	9.32%	1,121	\$16,260
Sales Representatives	37,280	40,680	9.12%	1,067	\$33,080
Nursing Assistants	38,177	41,097	7.65%	1,018	\$20,270
Childcare Workers	27,310	28,014	3.00%	873	\$16,820
Landscaping & Groundskeeping	21,228	24,494	15.39%	862	\$17,490
Maids & Housekeepers	25,962	29,129	12.20%	831	\$16,160

Source: University of Wisconsin-Madison The Center on Education and Work (2016)

The 808 units of public housing in Madison—which is run by the City of Madison Housing Authority under the Department of Community Development Authority (CDA)—is some of the only truly affordable housing for low-income tenants in the area.⁵ According to HUD’s Resident Characteristics Reports February 1, 2015 - May 31, 2016, the average income of households in public housing in the Madison metropolitan area is \$15,828 and the average monthly total tenant payment is \$372 (Department of Housing and Urban Development, 2016). Of the 1,526 individuals served by public housing in these 808 units, 79% have incomes below 30% of the area median income, 14% have incomes between 30% and 50% AMI and 5% between 50% and 80% AMI. While waitlists for CDA public housing are not closed, for most units CDA states that there is a wait time of between one and three years before they will screen an application to determine whether or not it will be placed on a waitlist.

⁵ As of May, 2016.

Beyond public housing there are few options available for those seeking affordable housing. Two programs that assist renters in the private market are rent restricted subsidized housing through the Low Income Housing Tax Credit (LIHTC) program or “Section 8” housing assistance vouchers. Dane County Housing Authority, which manages the voucher program, is no longer accepting applications. On the other hand, HUD’s LIHTC Database reports that 2,103 units of affordable LIHTC housing currently exist in Madison. Given that these income-restricted units essentially operate within the private rental market, it is reasonable to assume that vacancy rates for these projects are less than the Madison area rate—i.e., less than 2%—and are therefore generally unavailable to most renters. In addition, recent research (Sarmiento and Sims, 2015) shows that AMI-based affordability measures are often unaffordable for specific communities and neighborhoods where the need for extremely low-income affordable housing is greatest.

In this context, many residents facing insecurity double up with friends and family or fall in and out of homelessness. According to the *City of Madison 3-5 Year Strategic Plan*, there were 8,650 homeless individuals in 2008, up from 5,826 in 2004. Emergency shelters helped 3,894 people (45%), 1,120 used transitional housing (13%), but 3,636 were turned away when seeking shelter (42%). Fifty-three percent of these were families with children, 34% single men and 13% single women. Eighty-four percent are non-white with 88% of these identifying as black/African American. In the County as a whole, 83% of those who experience homelessness are non-white (Dane County Homeless Services Consortium, 2011).

Like much of the rest of the country, Dane County and the City of Madison are becoming more racially and ethnically diverse. Non-white populations generally face greater inequities both inside and outside the home such as incarceration and educational outcomes that permeate neighborhoods (Wisconsin Council on Children and Families, 2013). Examining the area’s racial demographics therefore assists in our understanding of the ways in which the housing market operates along racial lines. The tables below reveal that the proportion of white residents in both Dane County and Madison, while representing a sizeable majority of the population, has decreased since 2010 and it is projected to continue decreasing. Additionally, the proportion of the population comprised by all racialized minority groups, with the exception of American Indians and Pacific Islanders, have been increasing and are projected to continue to do so. Given the existing housing landscape detailed above and the changing population of Madison and Dane County, it must be asked whether or not the housing market is capable of providing housing to suit the needs of diverse groups. Racial disparities in the labor market create less opportunity for non-white renters. For example, Pew Research has found that white households have a net worth that is 13 times higher than that of black households and 10 times higher than their Hispanic counterparts (Kochhar and Fry, 2014). Given the high cost to rent housing in Madison and Dane County, it does not appear that the housing market is structured in a way to provide what is needed for low-income, non-white groups.

Table 4. Projected Population by Race and Ethnicity in Dane County and the City of Madison

	Dane County				City of Madison			
	2010	2016	2021	2010-2021 % Change*	2010	2016	2021	2010-2021 % Change*
White	84.7%	82.9%	81.0%	- 6.63%	78.9%	76.7%	74.2%	- 3.78%
Black	5.2%	5.3%	5.5%	+ 17.53%	7.3%	7.2%	7.4%	+ 16.46%
American Indian	0.4%	0.4%	0.4%	+ 19.02%	0.4%	0.4%	0.4%	+ 13.02%
Asian	4.7%	5.9%	6.9%	+ 62.63%	7.4%	8.9%	10.4%	+ 55.41%
Pacific Islander	0.0%	0.0%	0.0%	+ 24.10%	0.0%	0.0%	0.0%	+ 26.25%
Some Other Race	2.5%	2.7%	3.1%	+ 38.49%	2.9%	3.2%	3.6%	+ 37.04%
Two or More Races	2.5%	2.8%	3.2%	+ 43.04%	3.1%	3.5%	3.9%	+ 38.37%
Hispanic Origin (Any Race)	5.9%	6.5%	7.3%	+ 37.91%	6.9%	7.6%	8.4%	+ 35.92%

Source: ESRI Business Analyst Online

*2010-2021 % Change reflects the growth in total number of residents.

**Hispanic populations are only counted in the “Hispanic Origin (Any Race)” row. All other racial groups represent non-Hispanic populations.

Beyond the percentage of non-white individuals who seek housing in shelters, disparities in housing access and affordability can be seen in other areas as well. Overall, while people of color represent a small portion of the population in Dane County, they are a majority of those who are negatively impacted by the housing market. This is evidenced by the fact that blacks and Latinos earning 0-30% AMI overwhelmingly form the households with the greatest housing need (Dane County Office of Economic and Workforce Development, 2014). In addition, blacks and Latinos experience lower quality housing. For example, in Dane County, excluding Madison, 95% of African American households who earn 0-30% AMI report having at least one housing problem such as inadequate plumbing or lack of heating (Dane County Office of Economic and Workforce Development, 2014).

Table 5. Projected Population by Age in Dane County and the City of Madison

	Dane County			City of Madison		
	2010	2016	2021	2010	2016	2021
Age 0 - 4	6.2%	5.7%	5.6%	5.8%	5.2%	5.2%
Age 5 - 9	6.1%	5.8%	5.4%	4.9%	4.9%	4.6%
Age 10 - 14	5.9%	6.0%	5.7%	4.3%	4.0%	4.5%
Age 15 - 19	6.7%	6.8%	6.7%	7.1%	7.2%	7.1%
Age 20 - 24	9.7%	10.2%	9.9%	15.0%	15.0%	14.8%
Age 25 - 34	16.2%	15.0%	15.2%	19.6%	17.8%	17.8%
Age 35 - 44	13.3%	13.0%	13.0%	11.9%	12.4%	12.8%
Age 45 - 54	14.1%	12.9%	11.8%	11.5%	10.7%	10.0%
Age 55 - 64	11.6%	12.4%	12.1%	10.4%	10.8%	10.2%
Age 65 - 74	5.4%	7.4%	8.9%	4.9%	6.6%	7.7%
Age 75 - 84	3.2%	3.3%	3.9%	3.1%	3.1%	3.6%
Age 85 +	1.6%	1.7%	1.7%	1.6%	1.7%	1.7%

Source: Esri Business Analyst Online

Another key demographic measure to be aware of when considering the housing market is the age of residents. The overall population of the United States is aging, largely due to the relative size of the Baby Boomer generation. By 2050, the number of people 65 and over is expected to double from today’s figures (U.S. Census Bureau, 2014a). According to the 2010 Census, 9.6% of Madison’s population was 65 and older and, of those 60 and above, 17% were 85 or over (City of Madison Community Development Division and CDBG Committee, 2014). Dane County has a slightly older population than the City, with 10.2% of residents aged 65 and over. As Table 4 shows, these numbers are only going to continue to grow. This increase in the number of aging Americans is compounded by the fact that the number of dependent youth, aged 19 and below, is projected to change little. This indicates that the demand for new single family home construction may be considerably lower than it has been in past generations. In contrast to previous generations, older adults are choosing to remain in their homes. People are living longer than they once did and many residents may want to maintain their self-sufficient and active lifestyle in their own homes and neighborhoods. While this is a desirable way to spend retirement, it is not a reality for many. Issues arise given the rising cost of housing and the fact that many retired adults have limited, fixed incomes. For example, currently in Dane County, 2,200 senior households pay an excess of 50% of their income for housing (Paulsen, 2015). With this aging population and the unique challenges faced by our elderly neighbors, finding and securing affordable housing that suits their needs is especially important.

The Changing Legal Framework for Landlord-Tenant Law

Many people trace the early shift in landlord-tenant law in Wisconsin back to 1999 with the launch of the Wisconsin Circuit Court Access, Consolidated Court Automation Program (CCAP) (State Bar of Wisconsin, 2007). This online database provides free public access to court records throughout the state. On one hand, CCAP increased access to information, improved transparency and reduced the stress on clerks of the court who provide record look-up services. On the other hand, there have been unintended consequences, particularly for tenants and prospective tenants. For example, eviction and other small claims court records remain accessible on CCAP for a period of 20 years, as per Wisconsin Supreme Court Retention of Records rules (Retention and Maintenance of Court Records SCR 72.01, 2005). This 20-year record applies both to evictions that are settled in the landlord's favor, in which a judgement of eviction was filed, but also for cases with a stipulated dismissal, meaning that the landlord and tenant were able to reach an agreement around conditions that, if met, do not result in an eviction. Even when eviction cases are dismissed, the record of the filed eviction proceeding remains available on CCAP for 2 years (Wisconsin Court System: Circuit Court Access, n.d.). What makes the system additionally problematic is that records for other criminal and civil proceedings are also available on CCAP. This access to records provides ample opportunity for landlords to uncover prejudicial information about prospective tenants, even if the court records they find have nothing to do with tenancy. In a tight rental market that overlaps with disparities in criminalization—evidenced in the *Race to Equity* Report (Wisconsin Council on Children and Families 2013)—a situation is created where many prospective tenants may be routinely denied housing due to the information available on CCAP.

A more contemporary series of legislative changes at the state level has continued to erode tenant protections, expand the powers of landlords, and limit the abilities of local governments to regulate the landlord-tenant relationship. Some of these statutory amendments have included important changes to the eviction process in Wisconsin, from the notification stage through removal. What follows is a brief summary of these important legislative changes. For a more complete analysis of the impacts of these laws on tenants and landlords, please see the Tenant Resource Center's "New Legislation" page (Tenant Resource Center, 2016b).

As a recent exposé in the *Wisconsin State Journal* demonstrated, many of these important changes to landlord-tenant law have occurred over the last five years (Erickson and Mosiman, 2016). One of the most important was Wisconsin Act 108 in 2011, which took effect December 21 of the same year. Act 108 preempted local governments from enacting ordinances that would limit the type of information that a landlord can access about a current or prospective tenant (2011 Wisconsin Act 108 § 66.0104 2(a)(1)). This included information on rental history, social security numbers or proof of identity, and criminal history. Act 108 also prohibited limitations on how far back landlords could look into a prospective tenant's history (2011 Wisconsin Act 108 § 66.0104 2(a)(2)). This means that someone with any criminal conviction, no matter how distant and even if the crime has nothing to do with housing, can be denied rental housing because of this conviction (Tenant Resource Center, 2016b).

2011 Wisconsin Act 143, which took effect March 31, 2012, contains several amendments to other statutes, clarifications of other statutes, and prohibitions. Among its provisions with the greatest potential consequences for this research is the prohibition on municipalities from passing eviction moratorium ordinances (2011 Wisconsin Act 143 § 66.1010 (2)). For example, municipalities can no longer put a stay on eviction proceedings during the winter months when evicted tenants made homeless would face the severity of Wisconsin's winter climate. Also in this legislation is a clause stating that acceptance of past due rent or other payment during an eviction action will not stop the eviction process, and further states that this payment cannot be the sole reason of dismissal of an eviction action (2011 Wisconsin Act 143 § 37. 704.95 (1m); Tenant Resource Center, 2016b). Together, these clauses decrease the incentive to resolve eviction and avoid displacement.

2013 Wisconsin Act 76, which took effect March 1, 2014, included a staggering number of provisions and amendments governing lease agreements, disposal of tenant property, and eviction proceedings. Key among these is the right of the landlord to assess and dispose of property left behind after an eviction at their discretion (2013 Wisconsin Act 76 § 9. 704.05 (5) (a) 1.). As a result, landlords can now sell any property left behind and retain the profits from these sales

under certain stipulations. Act 76 also removed the requirement that eviction proceeding summons be delivered personally. County courts may now allow eviction summons to be delivered by certified mail (2013 Wisconsin Act 76 § 31. 799.12 (2-3)). Service by mail is problematic for tenants because service is considered complete upon mailing unless the document is returned unopened prior to the return date (day of the initial court appearance). If the addressee is not available to sign for and receive this certified mail during either of the required attempts at delivery, USPS will hold it for a total of 15 days before returning the summons to the sender (Ahrendt, 2014).

The change in permitted delivery methods is coupled with an additional effort outlined in Act 76 to speed up the eviction process. Return dates for eviction actions now must be within 5 to 25 days (2013 Wisconsin Act 76 § 29. 799.05 (3) (b)). A situation is now possible where a tenant who is unable to receive the certified mail summons could miss their required return date and be evicted before the court learns that the service of the eviction summons was not completed. If, at the return date, the eviction is contested by the tenant, the courts must now schedule, hold, and complete all eviction court proceedings within 30 days of the initial court date. This dramatically speeds up the eviction process and limits opportunities to procure legal counsel or gather counter-evidence. At the same time, landlords now have more time to return security deposits after an eviction—now up to 21 days after they re-rent the apartment or the original lease ends, rather than within 21 days of the execution of the writ of restitution or after the tenant vacates (2013 Wisconsin Act 76 § 60. (3); Tenant Resource Center, 2016b; Ahrendt, 2014).

Most recently, 2015 Wisconsin Act 176, effective March 2, 2016, permits the issuance of a 5 day “quit with no cure” eviction notice if the tenant, a member of the tenant’s household, or any guest of the tenant or member of the tenant’s household engages in “criminal activity or drug-related criminal activity” (2015 Wisconsin Act 176 § 25. 704.17 (3m) (b)). The most disturbing element of this legal change is that “it is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity” (2015 Wisconsin Act 176 § 25. 704.17 (3m) (b) 2). The change has potentially far-reaching consequences regarding bias in eviction filings. Anecdotal information from the legal service providers interviewed for this report suggest that the full effects of this law have yet to be seen.

Beyond the clauses governing eviction procedures, Section 10 of Act 176 essentially prohibits municipalities from requiring that rental units be registered or licensed by requiring that any such law be applied to all housing including owners of owner-occupied housing. The section furthermore prohibits municipalities from creating landlord registries that include any information beyond the name of the owner and an authorized contact person’s contact information. While this aspect of the legislation may not impact tenants directly, it inhibits the ability of researchers, advocacy organizations, and community members to fully understand ownership and other trends in local rental markets (2015 Wisconsin Act 176 § 10. 66.0104 (2) (g); Tenant Resource Center, 2016b).

Overall, these recent legislative changes represent a setback for tenant rights and shift of power to favor rental property owners. Landlords have greatly expanded powers to access prospective tenant information, initiate eviction proceedings based on suspected criminal activities, and tangibly profit from property left behind after an eviction. Several acts (2011 Act 108, 2011 Act 143, and 2015 Act 176) also preempt local governments from regulating or collecting information on rental units and landlords, limiting the ability of municipalities to understand local rental markets and engage creatively to address issues such as homelessness.

Evictions in Dane County

Introduction to the Data

The Tenant Resource Center (TRC) systematically contacts all tenants who have had an eviction filed against them in the Dane County Circuit Court (DCCC) in order to offer their support and inform tenants of the opportunity for mediation. The TRC obtains these records from DCCC staff on a weekly basis and compiles them into a database that includes a number of important details such as the case number; date and time of initial court appearance (“return date”); address and name of the plaintiff and defendant; the name of the defending attorney; reason for eviction; and the amount of rent owed if applicable. It is our belief that TRC’s work over the years toward this end has produced the most extensive eviction database in the nation. It should be stressed that the records are not completed evictions but rather initial evictions proceedings cases. Other methods of displacement including non-renewals, rent increases, and termination notices that force people to leave their homes prior to an eviction filing are not captured by this metric.

Our analysis includes records from January of 2000 until April 2016. Certain aspects of the data collection, compilation, and cleaning processes introduced error into our results. From 2000 until 2010 TRC entered records into a Microsoft Access database with a new sheet for each day in court. From 2011 to the present TRC created a new Microsoft Excel spreadsheet for each year. Our first step in the data analysis process was to merge all the records into a single Excel workbook. The bulk of the data cleaning work consisted of categorizing data entered without a standardized nomenclature. This was particularly the case with the Plaintiff Organization column of the dataset. When we were unsure if unique records should be grouped together, we used the Wisconsin Department of Financial Institutions Corporate Records Search to investigate if the difference in name indeed represented different businesses. We left the original data column in the database and created new columns for the cleaned/categorized data so that future researchers could identify and correct any errors introduced during this process.

As much as possible, our team filled in missing cells in otherwise complete records. In order to do this, we made assumptions based on the data available. For instance, if twenty records existed with the same plaintiff organization and nine included the same address while eleven lacked an address, we assumed that the address applied to all twenty entries. In some cases, we used Google Maps and MapQuest to find missing zip codes and confirm addresses. Enters of data sometimes used “Same” to indicate a cell was the same as the entry above. In order to recover this data, we needed to reference back to the original file and copy and paste this data into the master file. During the transition from Access to Excel, we noticed that TRC kept some records in both databases. We reviewed and deleted duplicate records to ensure we did not double count these data points.

Table 6: All Eviction Case Records by Defendant Address: Dane County - December 1999-April 2016

	# of Records	% of Records
All evictions case records from TRC from January 2000-April 2016	40,848	100.00%
Records with a defendant address in Dane County	40,807	99.90%
Records with a defendant address in another Wisconsin County	25	0.06%
Records with a defendant address Outside of Wisconsin	5	0.01%
Records missing enough data to be unusable	11	0.03%

Table 7. All Eviction Case Records by Plaintiff Address: Dane County - December 1999-April 2016

Plaintiff Address	# of Cases	% of All Cases
In Dane County	38,310	93.79%
Out of Dane County	820	2.01%
Out of state	378	0.93%
Out of country	1	0.00%
No plaintiff address listed	1,339	3.28%
All cases	40,848	100%

Temporal Analysis of Evictions

Initial evictions proceedings appear to have increased from 2000 to 2011 and then declined from 2011 to 2015 (see Figures 4 and 5). The database does not include any records for June through September of 2007 or August of 2013. December and September of 2013 have much lower values than comparable months in other years suggesting missing records (see data tabulated by month in Table 8). We assume that these are missing data points rather than that no eviction proceedings occurred during these times. Brenda Konkol, the executive director of TRC suggested that lower staff/volunteer capacity at TRC contributed to the missing records. She also suggested that evictions may have gone down from 2011 to 2015 because people increasingly fear an eviction on their record and are choosing to move out before the landlord files an official eviction. Figures 4, 5, and 6 illustrate trends over time.

Table 8. Average Number of Evictions Cases Dane County by Month 2000 - 2015⁶

Evictions Cases Dane County: 2000-2015 by Month																		
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year	Min	Max	Mean	Med	S.D.
2000	202	275	199	208	157	185	224	191	150	190	178	211	2,370	150	275	198	195	32
2001	229	235	199	209	289	217	336	218	140	274	188	159	2,693	140	336	224	218	55
2002	284	213	201	163	202	205	248	251	182	224	183	92	2,448	92	284	204	204	49
2003	250	163	185	260	204	223	262	166	106	154	213	145	2,331	106	262	194	195	50
2004	169	223	215	185	227	298	190	261	182	191	176	171	2,488	169	298	207	191	40
2005	251	221	214	199	258	333	320	317	198	196	211	260	2,978	196	333	248	236	51
2006	267	231	195	216	294	157	245	340	165	265	179	281	2,835	157	340	236	238	56
2007	229	238	196	223	338					251	237	207	1,919	196	338	240	233	43
2008	221	289	203	328	246	278	272	233	241	230	167	228	2,936	167	328	245	237	42
2009	159	240	294	232	230	311	222	221	301	255	202	203	2,870	159	311	239	231	45
2010	235	240	195	220	228	316	208	320	213	236	276	183	2,870	183	320	239	232	44
2011	272	226	287	149	300	260	253	356	343	218	250	198	3,112	149	356	259	257	59
2012	224	270	196	183	300	209	256	237	225	264	200	108	2,672	108	300	223	225	50
2013	207	198	145	230	174	229	200		95	149	168	32	1,827	32	230	166	174	60
2014	163	229	182	154	181	183	203	183	202	162	159	189	2,190	154	229	183	183	22
2015	138	148	168	116	146	204	218	187	175	94	137	169	1,900	94	218	158	158	36
Sum	3,500	3,639	3,274	3,275	3,774	3,608	3,657	3,481	2,918	3,353	3,124	2,836	40,439					
Min	138	148	145	116	146	157	190	166	95	94	137	32	1,827					
Max	284	289	294	328	338	333	336	356	343	274	276	281	3,112					
Mean	219	227	204.6	204.7	235.9	241	243.8	248.6	195	210	195	177.3	2,527					
Med	227	230	197.5	208.5	229	223	245	235	182	221	186	186	2,580					
S.D.	43.2	36.5	37.57	49.36	57.11	54.9	42.24	62.1	66.1	50.8	35.8	62.25	411					

The summer months tend to have higher eviction rates. August has the most evictions court cases filed on average (249) followed by July (244), June (241), and May (236). December has the lowest number of evictions cases on average (177) followed by September (195) and November (195). Madison's rental market has a significant amount of turnover in the fall with most leases starting August 15 or September 1. The high numbers in August are most likely attributed to landlords wanting to empty units ahead of the next rental cycle. Likewise, low numbers in September could be from landlords not yet finding fault with new tenants in early fall. December is likely a low month due to the holiday season. We were however surprised to see such high average numbers for January and February. We have heard that many landlords refrain from evicting tenants during the coldest months of the year. Some may use this practice, but the data suggests not all do so. Figure 6, Tables 8 provide more details on monthly trends.

Absentee Landlords

The vast majority of plaintiffs in evictions cases in Dane County list an address within the county (94%) while only 3% of plaintiffs list an address outside (see Table 7). Readers should note that ownership, financing, and management of rental properties can involve multiple entities. An absentee property owner may hire a local management company to carry out day-to-day management of units, including eviction of tenants. This dataset only provides an address for the plaintiff and defendant in the case, which does not allow us to track the complex relationships of ownership, management, and financing that influence evictions.

⁶ We did not include 22 records from December of 1999, 374 records from early 2016, and 14 records with no date in this table. The table total of 40,439 summed with these omitted records equal the overall data total of 40,848 records.

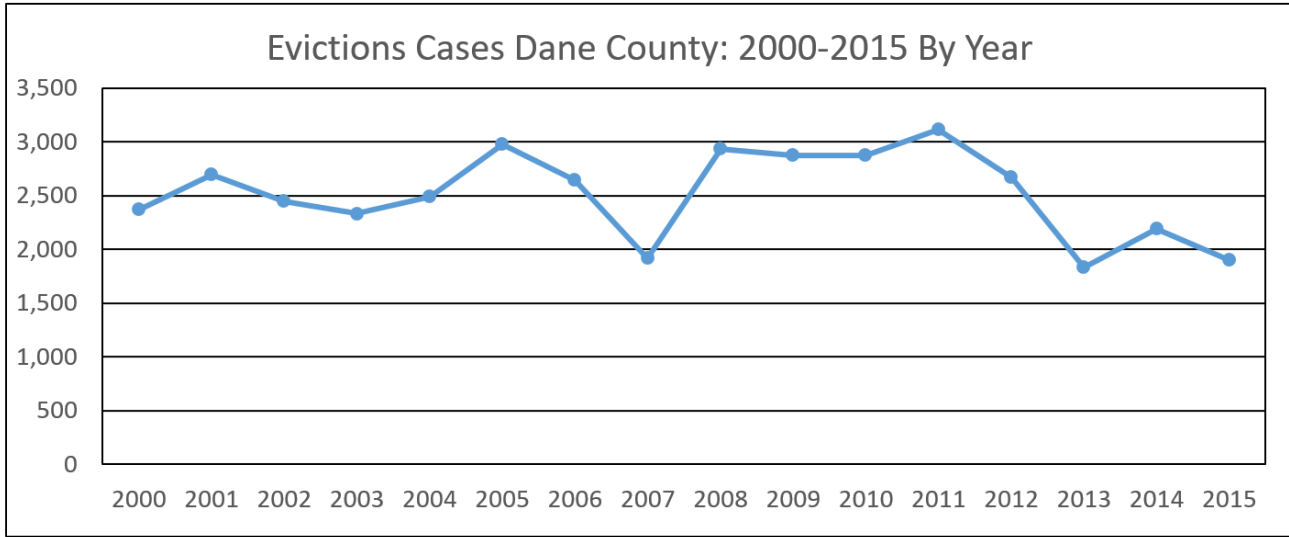


Figure 4. Eviction Cases Dane County 2000 - 2015 by Year

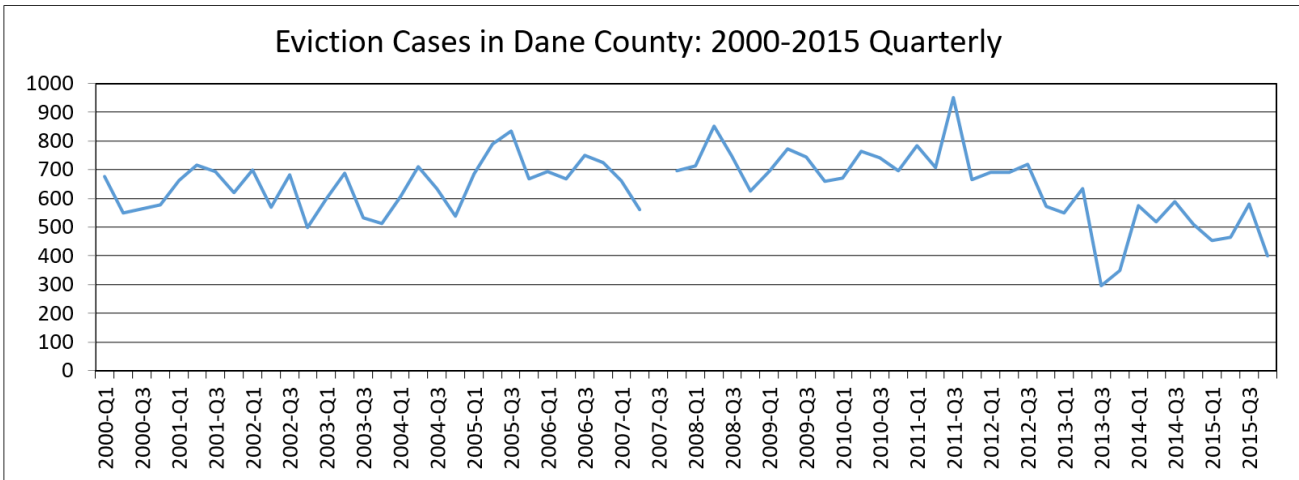


Figure 5. Eviction Cases in Dane County 2000 - 2015 Quarterly

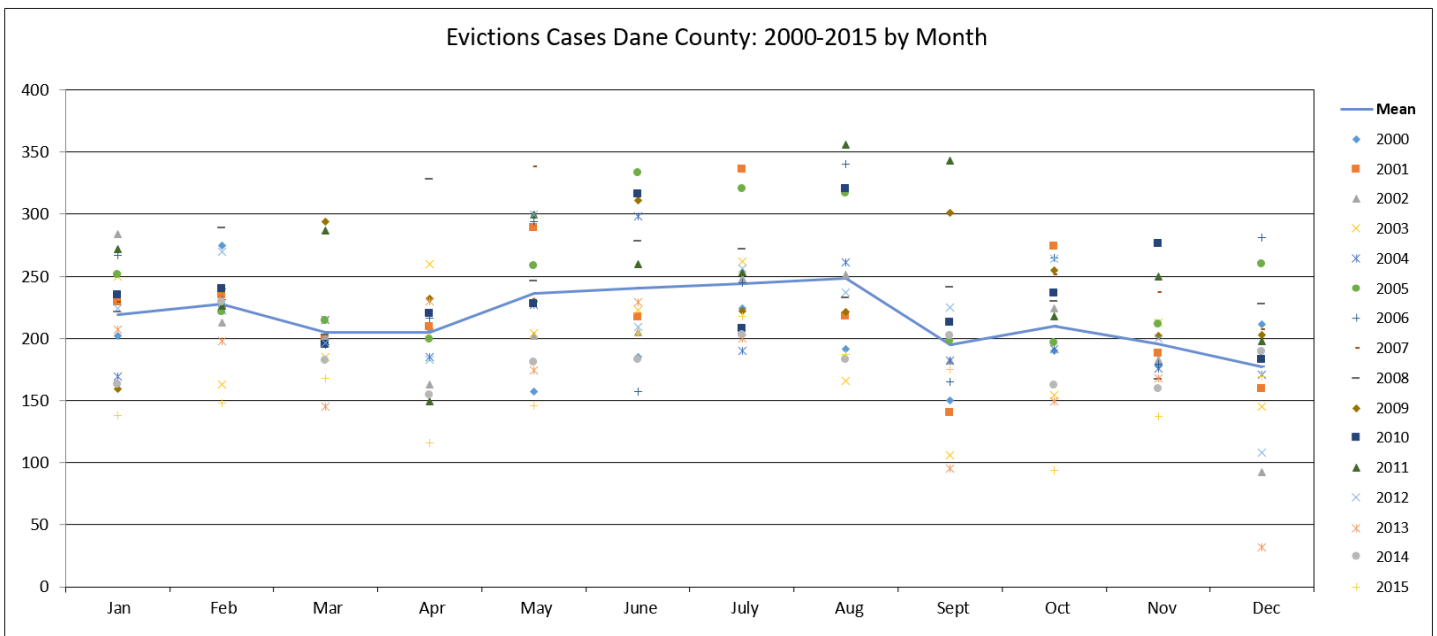


Figure 6. Eviction Cases Dane County 2000 - 2015 by Month

Top Evictors

Just 100 plaintiffs account for over half (52%) of all evictions in Dane County during the study period. The Community Development Authority of the City of Madison is within the top 10 plaintiffs, while Ray Peterson, who has received significant media coverage decrying the poor conditions of his rental units and his property management practices comes in at 11 (Godar, 2015; Schultz, 2016). The top two plaintiffs: Madison Property Management Inc with 1,444 cases and Wisconsin Management Company with 1,389 cases, together account for 7% of all cases. Wisconsin Management Company administers and manages Dane County’s public housing (Dane County Housing Authority, 2016). The dataset includes 5,436 unique responses for plaintiffs. Of these, 3,265 (60%) filed just a single eviction during the study period. 4,910 (90%) of the plaintiffs filed less than 10 evictions. Figure 13 and Tables 9, 10, and 17 illustrate that the data is distributed with a small group of plaintiffs responsible for a large number of cases and while most plaintiffs are responsible for relatively few cases.

Table 9. Top 10 Plaintiffs in Evictions Cases in Dane County 2000 - April 2016

1. Madison Property Management Inc	1,444
2. Wisconsin Management Company	1,389
3. Harrison Rental Properties	780
4. Future Madison	721
5. Mistwood	573
6. Ridgewood	515
7. Forward Management Inc	460
8. Community Development Authority of City of Madison	459
9. PMM LLC	459
10. Village Apartment	442

Table 10. Top 100 Plaintiffs in Eviction Cases in Dane County 2000 - April 2016⁷

Top Evictors of Eviction Cases in Dane County: 2000-April 2016 by Plaintiff		
Plaintiffs	# of Cases	% of all cases
Top 2	2,833	7%
Top 10	7,242	18%
Top 25	12,558	31%
Top 50	16,830	41%
Top 100	21,493	53%
Top 500	31,578	77%
Top 1000	34,671	85%
Total # of cases	40,758	100%

Significant opportunity exists for researchers wishing to dive deeper into the analysis of plaintiff records in Dane County. Often a landlord will create a separate LLC for each building he or she owns. A future step could be to map ownership and group plaintiffs based on common ownership. We used the Wisconsin Department of Financial Institutions corporate look-up function to research common ownership for a number of entities and grouped them accordingly. The City of Madison is unique in that it has a record of the landlord associated with each rental unit in the city. We requested access to this data but due to time constraints were not able to carry out a thorough analysis. Some of the unique plaintiffs are only unique because of middle initials or misspelling. We spent considerable time cleaning this data but focused our attention on the top 500 evictors and left some plaintiffs with only a few cases to future cleaning efforts.

One important limitation in our analysis is that evictions are not normalized by the number of properties each entity owns; nor is there a convenient way to distinguish actual owners of rental housing on a large scale such as the neighborhood-level. Looking toward the future, the City of Madison landlord records could allow researchers to calculate evictions per unit that would better reflect a plaintiff’s relative engagement in the evictions process.

⁷ Ninety records had no plaintiff listed. When these records are added to the total of 40,758, it sums to 40,848: the overall number of data records.

Spatial Analysis of Evictions

In addition to which landlords and property management companies are evicting and how often, the geographic pattern of evictions in the County also informs our understanding. The distribution of evictions not only gives a sense of which areas are generally more susceptible to displacement pressures, but when mapped along with specific social variables the distribution shows which communities may be the most impacted by Dane County's particular pattern of eviction. Toward this end, the following maps and tables add a spatial dimension to important demographic and housing data that already exist and that was described previously in this report. In addition, we have decided to present the distribution of evictions along with three variables that we believe offer different dimensions of vulnerability. These are: (1) non-white population; (2) median household income; and (3) renters above the age of 65.

Beginning with evictions alone we find that, as might be expected, the majority of eviction filings in Dane County are concentrated within the City of Madison (see Figures 7 and 8). Additionally, there are important clusters of cases within the populated cities and towns throughout Dane County contributing to the overall distribution. For example, the cities of Fitchburg, Stoughton, and Sun Prairie, as well as the villages of DeForest, Mt. Horeb, and Waunakee.

The U.S. Census Bureau divides people into a number of different spatial units. One of the smallest geographies available to researchers is the block group. Block groups are divisions of census tracts and contain roughly 300 to 6,000 people. Given their relative small size and coverage, block groups best resemble neighborhoods and will be used as such in this analysis. Our findings show that certain neighborhoods experience eviction to a greater degree than others. These block groups might be considered "high risk" neighborhoods for eviction. The number of evictions in some neighborhoods well exceed the average number of evictions per block group (127.3).

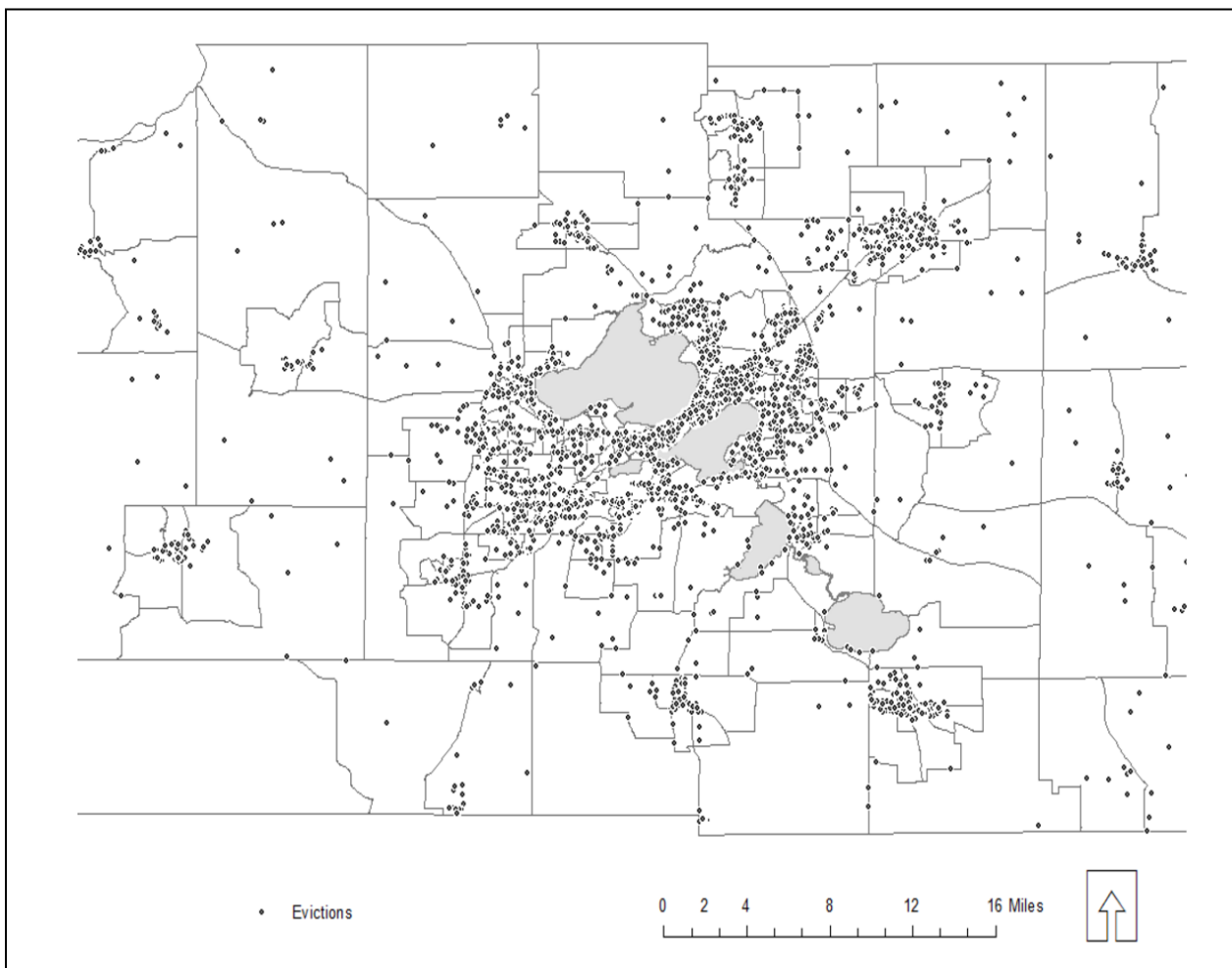


Figure 7. Distribution of Evictions in Dane County 2000 - April 2016

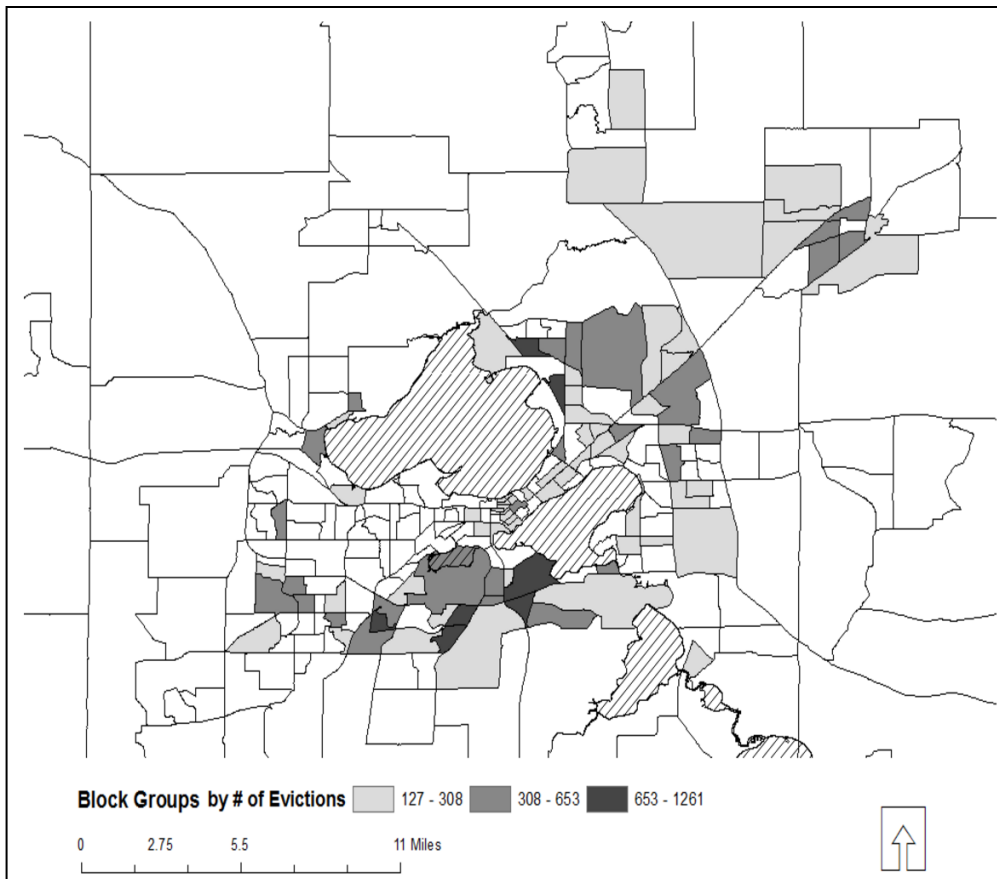


Figure 8 below displays those block groups that experienced more evictions than the average per block group for all of Dane County. The map clearly shows that neighborhoods in Madison’s south-side contain the highest number of evictions in the County. For example, the top four high risk eviction neighborhoods are all in South or Southwest Madison. Following these, a number of neighborhoods Madison’s north- and south-sides are also high risk neighborhoods.

Table 11. Eviction Data by Block Groups⁸

Total	39,464
Minimum	0
Maximum	1,261
Median	57
Mean	127.30
St. Deviation (P)	184.71

Figure 8. Map of Block Groups Above the Average Amount of Evictions

Table 12. Top Ten Number of Evictions per Block Group

Rank	Census Tract	Block Group	Nearest Neighborhood/Identifier	Madison Area	# of Evictions
1	15.02	1	Southdale/ East Badger Road	South	1,261
2	6	2	Allied Drive	South	1,215 ⁹
3	14.02	3	Leopold - Post Road / Fish Hatchery Road	South	916
4	14.03	2	Fitchburg - Cahill Main and Caddis Bend	South	897
5	22	3	Brentwood / Sheridan Triangle	North	854
6	14.01	1	Capitol View Heights / Bram’s Addition / Town of Madison	South	831
7	23.01	1	Kennedy Heights / Lake View Hill	North	793
8	4.07	2	Elver Park / Green Tree	West	653
9	6	3	Dunn’s Marsh / Fitchburg	South	634
10	15.01	1	Bridge-Lakepoint / Waunona	South	579
Total					8,633

⁸ Fifty-two records had no defendant address listed. Of the records with addresses, we were unable to match 1,332 addresses (3.26% of all records). When added to the records we matched (39,464), this sums to the total number of records: 40,848.

⁹ In 2006, the City of Madison purchased nine buildings that contained 129 apartments in Allied Drive. These units were demolished and replaced with subsidized and market rate units. We do not know if any residents in the original nine buildings received eviction notices that would have been included in this total.

Evictions by Race

Given the pattern of evictions in Dane County and the neighborhoods where they are concentrated, questions of demographics are crucial. One of the most striking geographic relationships we observed is the close parallel of non-white communities and eviction filings (See Figure 9). The relationship is highly positively correlated (0.728) and statistically significant at the 0.001 level (see appendix Table 18). In addition, we find that those block groups with the greatest number of evictions are often found directly adjacent to block groups that have some of the highest percentages of non-white residents. We believe that in these cases, eviction may serve as means to ‘police’ the boundaries between different communities and thus contribute to the overall pattern of racial segregation. We anticipate that the recent changes to landlord-tenant law, and particularly 2015 Act 176, may exacerbate this situation.

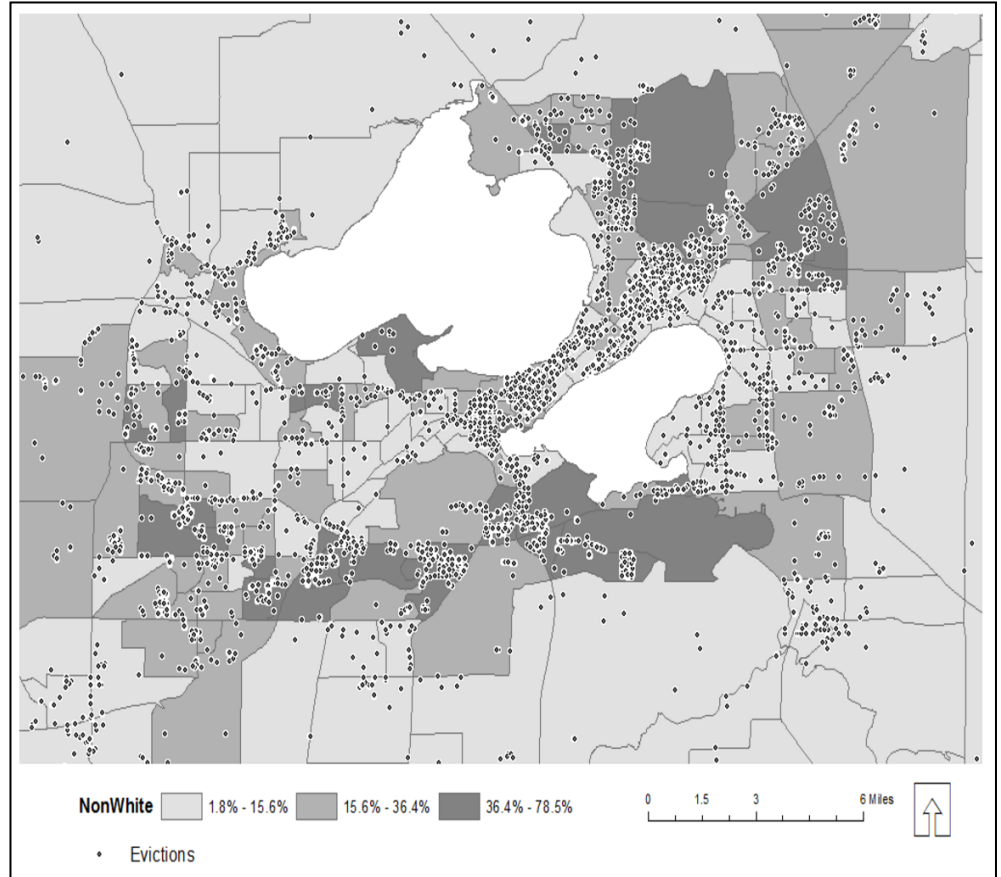


Figure 9. Percentage of Non-White Population and Evictions

Source: U.S. Census Bureau 2010a, “Hispanic or Latino, and Not Hispanic or Latino by Race”

Table 13. Evictions by Block Groups with the Greatest Percent Non-White Populations

Rank	Census Tract	Block Group	Nearest Neighborhood/Identifier	% Non-white	# of Evictions	Eviction Rank
1	14.01	4	Bram’s Addition	78.42%	222	55
2	6	2	Allied Drive	78.04%	1,215	2
3	14.01	2	Burr Oaks	75.69%	526	14
4	14.01	3	Burr Oaks	75.67%	473	19
5	14.01	1	Capitol View Heights / Bram’s Addition / Town of Madison	71.17%	831	6
6	32	1	Eagle Heights	68.36%	10	259
7	15.02	1	Southdale/ East Badger Road	67.07%	1,261	1
8	14.02	3	Leopold	64.14%	916	3
9	6	3	Dunn’s Marsh / Fitchburg	63.56%	634	5
10	14.03	2	Fitchburg / Cahill Main and Caddis Bend	62.28%	897	4
Total					6,985	

Evictions by Median Household Income

While there is a correlation between low median household income at the block group level and eviction as demonstrated in Table 18 and Figure 10 below, our findings show that the block groups with the lowest median household incomes are only slightly above the average among all block groups within the County. This may seem to contradict much of the literature on eviction, however we believe that the relatively low degree of eviction filings at the lowest end of the income spectrum is actually representative of housing sub-markets. For example, Table 14 below shows that the block groups with the lowest median household incomes are overwhelmingly student oriented housing neighborhoods. The relatively low degree of eviction in these block groups suggest two important qualifications to the general link between low incomes and eviction. First, despite relatively low incomes among student populations, students often rely on financial sources other than income for housing support that may reduce non-payment issues which tend to make up the majority of eviction cases. Second, from an ecological perspective, the apparent violations of lease agreements and nuisances arising from student tenants in these neighborhoods may be either tolerated and/or anticipated by property owners and management companies. We suspect that property owners and managers operating in areas not dominated by students or those where non-white populations overwhelmingly reside would be significantly less tolerant of similar nuisances and lease violations.

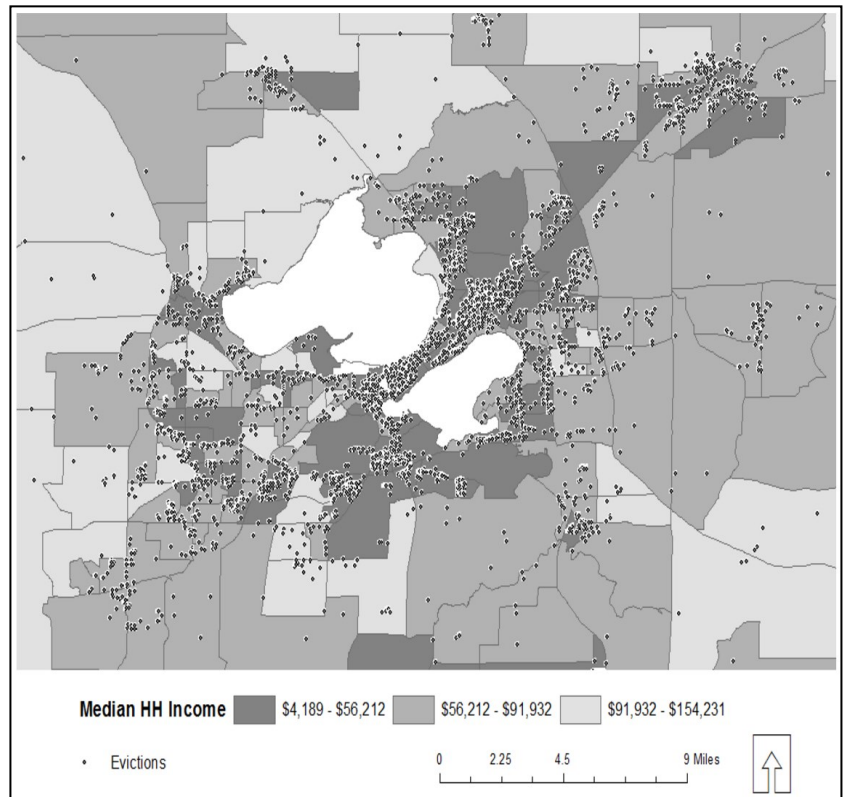


Figure 10. Median Household Income and Evictions

Source: U.S. Census Bureau 2014b, "Median Household Income in the Past 12 Months (In 2014 Inflation-Adjusted Dollars)"

Table 14. Evictions by Block Groups with the Lowest Median Household Incomes

Rank	Census Tract	Block Group	Nearest Neighborhood/Identifier	Median HH Income	Number of Evictions
1	16.03	2	UW Campus / area boarded by Park, University, Johnson, and Bassett	\$4,189	194
2	16.04	4	UW Campus / Langdon Street	\$6,964	235
3	16.04	3	UW Campus / north side of State Street	\$7,312	249
4	16.04	1	UW Campus / Langdon Street	\$8,156	127
5	16.03	1	UW Campus / south side of State Street	\$12,679	220
6	16.06	2	UW Campus / West Mifflin Street	\$13,681	161
7	11.01	2	UW Campus / area boarded by Breese, Charter, University, and Regent	\$14,267	276
8	16.06	1	UW Campus / area boarded by Frances, Johnson, Dayton, and Broom	\$20,000	206
9	11.01	1	UW Campus / are boarded by Charter, University, Regent, and Park	\$21,414	116
10	16.04	2	UW Campus / area bordered by Henry, Johnson, Wisconsin, Langdon	\$21,595	230
Total					2,014

Evictions by Renters Above the Age of 65

Many seniors above the age of 65 often have fixed incomes due to retirement. The inability to secure additional income to meet rising rents within changing housing markets means that elderly renters are especially vulnerable to eviction. Our analysis shows that those block groups with the greatest concentration of rental housing units with householders above 65 years of age are not neighborhoods that are disproportionately impacted by eviction.

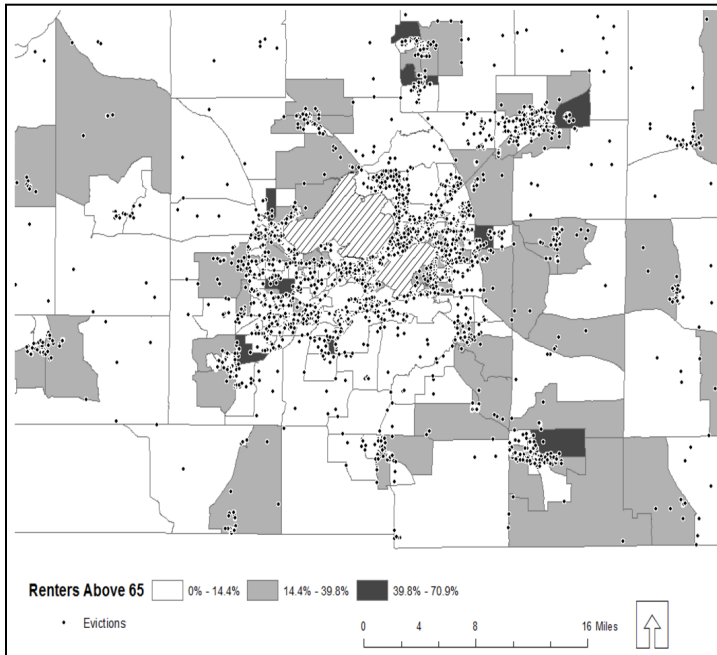


Figure 11. Percentage of Renters Above 65 Years Old and Evictions

Source: U.S. Census Bureau 2010c, "Tenure, Household Size, and Age of Householder"

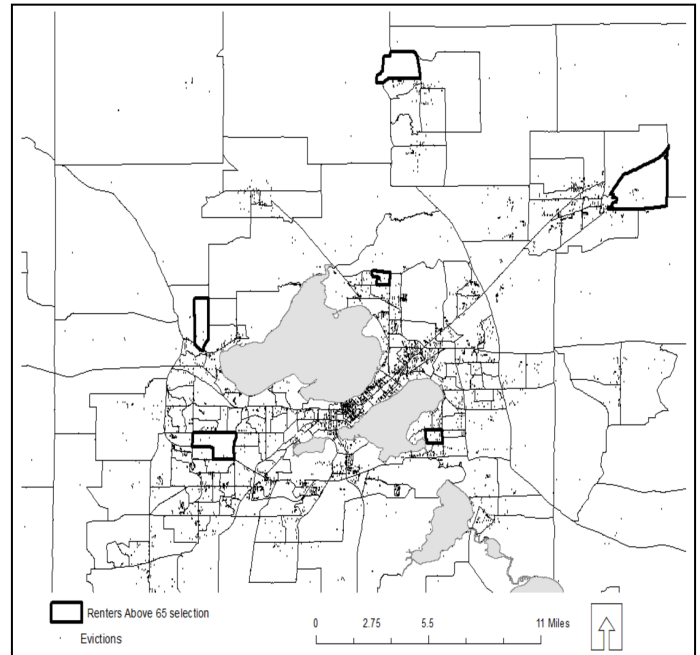


Figure 12. Evictions in the Block Groups with the Largest Percent of Renters above 65

Source: U.S. Census Bureau 2010c, "Tenure, Household Size, and Age of Householder"

Table 15. Largest Amount of Renters above 65 by Block Group

Rank	Census Tract	Block Group	Nearest Neighborhood/Identifier	% of Renters Above 65	# of Evictions
1	4.08	1	Madison / Oakwood Village West	70.9%	79
2	111.02	2	Middleton / Middleton Glen Retirement	68.5%	3
3	133.02	1	Deforest	68.4%	3
4	24.01	1	Madison / Brookdale / Legacy Gardens	63.3%	14
5	116	2	Sun Prairie	62.3%	54
6	104	1	Monona	61.5%	166
7	122.01	2	Stoughton	50.4%	17
8	132	3	Deforest / Parkside Village Retirement	49.6%	48
9	114.01	2	Madison / Oak Park Place	45.5%	56
10	107.01	2	Fitchburg / The Waterford	45.2%	31
Total					471

Key Actors

This section describes some of the important actors who contribute to the housing landscape and the eviction process in Dane County.

State Legislators

The legislators who construct, amend, or deconstruct Wisconsin's state laws governing housing are powerful actors in the story of housing and eviction. All four landlord-tenant acts outlined in this report were either introduced or co-sponsored by State Senator Frank Lasee. State Representative and Speaker of the Wisconsin State Assembly, Robin Vos, co-sponsored 2011 Wisconsin Act 108. This law restricts local governments' ability to limit what information a landlord can access when reviewing a potential tenant's application, as well as how far back into a prospective tenant's rental history the landlord can investigate. Representative Vos is himself the owner of Whitewater College Rentals, which manages 26 properties throughout the Whitewater area (Whitewater College Rentals, 2015). State Senator Duey Stroebel is also a rental property owner of a building on Milwaukee's east side. He has been a co-sponsor of three out of the four landlord-tenant bills outlined in the earlier section on legislative changes, including 2011 Wisconsin Act 143, 2013 Wisconsin Act 76, and 2015 Wisconsin Act 176. Senator Stroebel's role in crafting legislation that he stood to benefit from was criticized in the media in 2013 (Walker, 2013; The Associated Press, 2013).

Landlordism doesn't necessarily determine legislative action. By comparison, State Representative Chris Taylor vocalized to us her opposition to these recent legislative changes and is herself a landlord. Representative Taylor expressed interest in understanding the role and motivations of organizations that have provided major lobbying support of these recent legislative changes, including the Apartment Association of South Central Wisconsin.

Apartment Association of South Central Wisconsin

The Apartment Association of South Central Wisconsin (AASCW) is a membership organization that provides trainings, forms, data, and lobbying efforts to "rental property owners, fee managers, housing related nonprofit organizations, suppliers to the industry, [and] officials and government agencies involved in the rental housing industry" (Apartment Association of South Central Wisconsin, 2016). Its lobbying efforts were integral in passing 2015 Wisconsin Act 176, 2013 Wisconsin Act 76, 2011 Wisconsin Act 108, and 2011 Wisconsin Act 143 (Eye on Lobbying, 2016). As examined in the "Changing Legal Framework for Landlord-Tenant Law" section above, these legislative changes contributed to considerable retractions of tenants rights and inhibited municipalities from intervening in eviction crises or collecting information on rental properties or their owners. The AASCW itself raises funds through the provision of tenant screening services in accordance with the expanded screening parameters allowed by 2011 Act 108. Our research team requested to meet with AASCW staff during the course of our research, but our meeting invitation was declined.

Private Market Developers

While private market developers have not been revealed to be major evictors, this group has played a significant role in shaping the housing market in Madison and Dane County. For example, looking around downtown Madison, it is impossible to ignore the large, market-rate apartment buildings that have come to dominate the skyline. In recent years these construction projects have begun to spread out from the Capitol area and their influence has begun to permeate surrounding neighborhoods.

As previously shown in Figure 1, the rental vacancy rate around Madison is extremely low. Since a rate closer to 5% is often considered a healthy rental market, the County and City's stated goals toward the right to housing should be re-evaluated in this context. The lack of additional affordable housing added to the market during the early 2000s served to amplify the need for housing in the area. What housing was constructed primarily catered to those who were earning the area median income or more. Figure 2 shows that most of the rental units that have been added to the

market rent between \$1,000-\$1,499 per month. At the same time, there has been a sharp decline in the number of units that are \$500 per month or less.

The decision of developers to build luxury apartment units with higher rents was not done on a whim. This decision is partly based on demographics trends which project that one of the fastest growing income groups in the City will be households earning \$50,000-\$74,999 per year (shown in Figure 3)—this is also the exact group which can afford to spend \$1,000 or more on monthly rent.

While no private, market-rate housing developers were consulted during the course of this research, it is important to include some information about the role they play in the broader housing landscape. Much of the new development in and around Madison is catering to ‘millennials’ and young professional populations with surplus incomes. This was echoed by Terrence Wall, a local real estate developer and President and CEO of T. Wall Enterprises, in *Madison Magazine*: “For many young people renting is a lifestyle choice. They have their lives on a laptop computer; they don’t want to shovel snow or mow the lawn. They want a lot of services and a high quality place to live. Eventually they’ll move into a single family house, but they’re doing it a little later in life than those that came before them” (Madison Magazine, 2015). In addition to many commercial properties, Wall currently owns five residential properties in Dane County, all of which provide numerous amenities.

In Madison, the money spent on different developments reveal the prioritization of certain apartments over other types of housing. Nearly two-thirds of the \$337 million spent on real estate development in the City in 2014 went to financing apartments (Ivey, 2014). This far outpaces the 14% of funds spent on the construction of single family homes. The rapid densification of downtown development was supported by amendments to Madison’s zoning code, which aimed, in part, to reduce urban sprawl. Overall, while these developers are meeting a market need and are able to lease their apartments, the focus on high-end housing ignores the approximately 45% of residents who earn less than 80% AMI and are unable to afford these new units. Seven27, a 116 unit high-rise that opened in recent years is one example. This development states that the average age of its residents is 33 and the average household income is over \$60,000 (Ivey, 2014).

On the other end of the spectrum, Stone House Development Inc is a for-profit developer that specializes in Section 42 tax credits for multifamily dwellings (Stone House Development, 2016). With 746 affordable units in Madison, they are a major provider of affordable housing in Madison’s private rental market. Their 21 properties extend beyond Madison’s boundaries, but their Madison properties with affordable units include City Row Apartments, the Overlook at Hilldale, the Overlook at Midtown, Park Central Apartments, the Madison Mark Apartments, Arbor Crossing Apartments, Prairie Park Senior Apartments, and Hanover Square Apartments. To qualify for one of their affordable apartments, an applicant household must fall within eligible household income restrictions, either earning up to 50% of AMI or 60% depending on the unit. No unit may be comprised entirely of full-time students.

Stone House Development provides affordable units in all of their Madison properties, with several properties consisting entirely of affordable units. The average term of tenancy for these affordable units is 3 years. The properties maintain waitlists for prospective tenants, with the average tenant spending between 7-12 months on the waitlist. One of their properties works with the nonprofit case management provider Movin’ Out, and a future property will work with the Road Home. Two additional Madison properties containing affordable units will begin construction in the near future. Stone House prides themselves on having relatively few eviction cases each year, instead utilizing payment plans for tenants who have fallen behind on rent and accessing the mediation services provided by the TRC.

Table 16. Stone House Development Maximum Income Restrictions

50% AMI Units	Income	60% AMI Units	Income
1 Person	\$29,050	1 Person	\$34,860
2 People	\$33,200	2 People	\$39,840
3 People	\$37,350	3 People	\$44,820
4 People	\$41,450	4 People	\$49,740
5 People	\$44,800	5 People	\$53,760
6 People	48,100	6 People	\$57,720

Tenants who rent an affordable unit and see an increase in their income do not become displaced from their apartment. If the tenant lives in a building that is comprised entirely of affordable units, they see no change in their rent despite their change in income. For tenants who live in a mixed affordable and market rate building, their rent increases to market rate once their income has exceeded 140% of the maximum for rental eligibility and a different unit has become available to lease at affordable rates (K Setterlund, personal communication, July 5-7, 2016).

Nonprofit Housing Providers

Nonprofit organizations supply a significant amount of affordable housing in Madison, though they vary in the number of units they provide. Our analysis reveals that some of these organizations behave more like market actors than social service organizations, requiring tenants to apply with references and clean eviction and criminal history records, while others operate under the “Housing First” model. Housing First commits to housing the most at risk among the homeless population of Dane County regardless of past evictions, criminal records, poor credit, or lack of income. Several organizations formally offer case management to tenants, while others do so informally or not at all. Some organizations emphasize (and lament) the power of landlords over tenants in Wisconsin and the tight Madison rental market as creating problems for low-income renters and homeless persons, while others focus directly or indirectly on vulnerable renters’ individual responsibility over their circumstances.

The methods of providing housing vary among these organizations, as well. Some organizations, particularly those who are required to do so by HUD guidelines and who serve homeless families and persons with disabilities, draw their residents from the Homeless Services Consortium’s list of those most in need of housing. An individual or family’s place on the list is based on, among other things, length of homelessness and disability. Those at the top of the list are considered the most vulnerable to death on the street, as one representative noted.

After identifying nonprofit organizations directly providing housing in Dane County (that is, excluding organizations which seek to help homeless persons or persons struggling with housing issues by doing anything but providing them with physical housing), we sent representatives of the organizations on our list an email requesting them to participate in an interview. We sent repeat emails and then called those organizations that did not respond. These semi-structured interviews lasted between thirty minutes and one hour. We asked organizational representatives to give us a general sketch of the work they did providing housing, their policies around screening potential tenants, how they process eviction and displacement, how they understand the housing problem in Dane County, and how they deal with potential tenants who have mental illness, criminal records, or past evictions.

We also asked the organizations about their fair housing training, whether or not they are members of the Apartment Association of South Central Wisconsin (AASCW), and how they have or have not responded to the changes to landlord-tenant law over the past five years (as detailed above). Finally, we requested copies of organizations’ formal tenant and eviction policies if they had them. Several organizations did not respond to our request by not sending these documents via email as they had said they would do, and one organization confirmed they had decided not to send these documents upon further consideration.

Of the fifteen organizations we identified, we were able to talk with representatives from a total of eight nonprofit housing providing organizations operating in Madison: The Bayview Foundation, YWCA Madison, the Community Action Coalition, Common Wealth Development, The Road Home, St. Vincent de Paul—Port St. Vincent, Independent Living Inc., and Movin’ Out. Several organizations identified as housing providers of interest did not respond or were unable to respond in time to our interview requests: Porchlight Inc., Salvation Army, Housing Initiatives, Project Home, the Madison Development Corporation, St. Vincent de Paul—Seton House, and Heartland Housing. We also tried to arrange an interview with Meridian Group Inc, a for-profit firm that provides property management for many affordable housing units and developments, including some of the nonprofit organizations we talked with; they refused to meet with us. In Table 19—included in the appendix—we give a broad overview of the eight organizations we were able to speak with in Madison.

Screening Policy Comparison

Nonprofit organizations' screening policies range from very low barrier ("We believe everyone deserves housing; we believe it's a right. You're at our doors, you need housing. We're going to do whatever we can to get you in" Melissa Mennig, The Road Home) to higher barrier organizations who turn away those with past evictions or criminal records of almost any kind. The lowest barrier organizations (with the exception of Port St. Vincent) draw their residents from the Homeless Services Consortium's (HSC) coordinated intake list. However, while these barriers are low, they are not absent. For example, being accepted into permanent supportive housing (HUD funded) requires proving a serious disability, Port St. Vincent requires residents be able to become sober, and Common Wealth Development requires residents refrain from smoking. Proving a disability requires a doctor's visit and a signed form, while sobriety and quitting smoking require willpower and sometimes therapeutic or medical assistance. In addition, the HSC's list is not a perfect tool. Most importantly, there is the problem of the potentially impermanent contact information of those on the list. As Rachel Kaiser of Community Action Coalition explained, homeless persons with unstable locations might be difficult to contact if space or assistance does open up for them somewhere. Table 20, included in the appendix, provides a summary of the tenant screening processes of the housing providers we interviewed.

Eviction Policy Comparison

Some nonprofits try to avoid eviction at all costs, and when behavior issues cannot be resolved these organizations lean toward non-renewal over eviction in order to keep eviction off of residents' records. It should be noted, of course, that this also saves organizations the hassle and cost of proceeding with a formal eviction through the courts. Regardless of whether or not organizations lean toward non-renewal, displacement into a tight housing market is the end result of these more serious landlord-tenant conflicts. Table 21 in the appendix shows the wide variety of approaches toward evictions taken by the nonprofit organizations we interviewed.

Many organizations claim they rarely evict for nonpayment of rent and try to work with tenants when nonpayment becomes an issue. The amount owed by tenants at which nonpayment becomes a nonnegotiable problem for landlords varies. Andy Heidt, the Executive Director of the Bayview Foundation, gave the example of two thousand dollars in rent owed as having let it get too far, while others evict for much smaller amounts. Importantly, however, in the eviction policy documents we were able to acquire from several organizations, even those organizations claiming to let nonpayment of rent go too far list nonpayment of rent as an evictable offense. The YWCA, for example, explains in its handbook of behavioral guidelines for tenants that they will be issued a Five Day Notice if their rent is not received by the 6th of the month (assuming they had not made other arrangements with the Operations Director). Further, nonpayment of rent can be used as an excuse for eviction when behavioral conflicts between landlords and tenants arise. While landlords might not evict tenants for nonpayment (they are working with a vulnerable population and often willing to work out payment plans to stave off immediate eviction), it is easier, as several interview participants explained, to list nonpayment of rent on court documents than to briefly summarize a more qualitative description of the conflict.

One concerning pattern from the interviews is that the presence of adults who are not listed on the lease in an apartment is an evictable offense that nonprofits actually act on. Adults to whom no one will rent to because of an eviction or criminal record, low credit score or income, or who experience displacement may cope by moving in with friends, acquaintances, significant others, or family members. One of the reasons nonprofits might evict tenants for unauthorized guests is that the presence of another person poses a problem for housing with income requirements: the idea is that an additional income could raise a household's income above some policy mandated level for housing assistance. A household, for example, might no longer be eligible for Section 8 housing with the addition of another income, and organizations receiving public funding are responsible for making sure they are meeting these income requirements. A privately funded organization may be able to get away with having an extra adult not listed on the lease in their housing, but organizations receiving state funding are tasked with monitoring these conditions in order to receive state support.

While the law requires housing providers respond to “doubling up,” as it is called, eviction is a problematic response. First, if in fact income from the unauthorized household member renders the household unit ineligible, there is an alternative to eviction that allows the authorized household members to repay the overpaid subsidy due to uncounted income and remain on the property as long as the unauthorized resident does not continue to reside there. In reality, it is rare that ineligibility caused by the income of an additional household member is the basis for the eviction. The most common reason is that the subsidized housing provider refuses to authorize the addition of another member to the household. The policies of some housing providers prohibit the addition of another adult household member unless the person has income. Alleged unauthorized household members are often caregivers, including custodial parents and adult children of the authorized tenant. Due to rigid policies of subsidized providers, these additional adults are often refused authorization and their continued presence on the property, even though supportive and helpful to the household, creates a significant risk for eviction. Additionally, it seems this represents a higher standard for low-income people than for others. A middle class family that owns a home, for example, will not stop receiving tax credits if their adult child stays with them after college while they search for employment and pay off student loans (and this regardless of whether or not the mortgage is paid off). Alternatively, couples who cohabit without marrying are not required to file their taxes jointly to avoid receiving any extra dollars in tax refunds. This requirement—that landlords police who is present in poor people’s homes—prevents these tenants from benefitting from economies of scale.

Secondly, eviction for doubling up shows how eviction is not only a product but a producer itself of poverty, as emphasized in Desmond’s (2016) study of eviction in Milwaukee. Eviction produces people who are no longer “fit” for housing in tight markets who then might double up with others for shelter. These others, then, might be evicted for offering assistance. Doubling up for stability, shelter, and economies of scale could cost someone their home.

Next Steps for Qualitative Research

The analysis of nonprofit organizations in this document offers only a preliminary glance at organizational responses to the housing problem in Madison and Dane County. Several issues arose that challenge our ability to make strong conclusions. We were only able to talk with eight out of the fifteen nonprofit housing providing organizations we identified. Some of this was due to refusal to respond on the organizations’ account, but this was also the result of our inability to find contact information beyond website forms and corporate hotlines for all organizations and the slow response time of some, presumably very busy, organizations. With more time, we could have done a more thorough accounting of the screening and eviction policies of those organizations we interviewed and continued to attempt to contact and speak with other organizations.

Further qualitative research on this topic could expand beyond our initial foray. First, additional research on nonprofits could solve some of our time-based constraints as detailed above. Secondly, it would be useful to interview representatives of nonprofit organizations that do not directly provide rental housing themselves but instead connect people to housing-related resources and information. These organizations might provide a crucial link in the network of Dane County housing resources. It would also be useful to understand how people link up with organizations—who gets in, and who gets left out—in order to delineate the limitations of the nonprofit sector in ameliorating housing problems.

It would also be helpful to compare our analysis of nonprofit actors with those of for-profit actors—especially property owners and management companies. How do their screening and eviction policies compare? How do these processes compare across organizations? How do people at these for-profit companies think about housing remains a blank page of our report.

It is crucial to understand the experiences of tenants, homeless persons, and others struggling with or looking for affordable housing themselves. The picture we have of the housing landscape in Madison is incomplete without the perspectives, knowledge, and insights of those who are most injured by it. Housing is not, in reality, a person-less problem involving solely stock, rent, laws, and policies. While our analysis team had insufficient capacity to conduct this layer of interviews during the term of the course, only by including those most impacted in the conversation can we

truly understand the scope of the local unaffordability crisis. Other works contribute to filling this gap in our research such as the recent *Wisconsin State Journal* “Homeless in Madison” series by Mosiman, Erickson, and others, as well as the ongoing efforts of *Street Pulse* to share the stories and perspectives of homeless and low-income individuals.

Recommendations from Nonprofit Providers

Working with Landlords

Some of the nonprofits we talked with advocated for working with landlords to increase their amenability to taking on low-income tenants. Several nonprofit representatives underscored the benefits that can accrue to landlords who choose to rent to someone receiving rental assistance or case management from public or nonprofit organizations. Organizations can serve as pseudo-business partners for landlords by doing some of their jobs for them and guaranteeing rent. As Melissa Mennig, a Program Director at The Road Home explained:

You can make that case to the landlord: “Hey, you could be renting to Taylor [the interviewer], and she’s not homeless, but you don’t have any guarantees she’ll pay rent. Or if she damages her unit. With us you have someone to call 24/7 if there’s any issue that arises. Another person to work with that person.” So some landlords do like that. And that has been helpful. [...] Before we used to try to do a social work approach to it, which would be like, “you should just care about humanity and these homeless folks.” And they—some do, but the majority of people are running a business. So how can you speak their language? In terms of this: “We’ll save you money, this would be cost effective for you, and you’ll have partners to help you run your business.”

While it might serve to support those already connected with nonprofit organizations and caseworkers, the business partner model for convincing landlords to take on tenants they might otherwise reject leaves out those who are unconnected to these services. Further, it could give those who are connected to organizations—and who are potentially receiving some kind of support from those organizations—a leg up over those who are more disadvantaged. In the context of a housing market with a shortage of affordable units, simply easing landlords concerns by inserting a more trusted organizational actor into the mix could feasibly shut some low-income tenants out of the market. At best, this is a partial solution.

Low-wage work

Tim Radelet at Movin’ Out explained that “We’re basically subsidizing low-paid work” and Diane Eddings at Common Wealth bemoaned the struggles of one of her tenants who was working three separate jobs as a low-paid Certified Nursing Assistant to make ends meet. As we show above, low-paid work, primarily in the service and care industries, represents one of the fastest growing areas of employment in the Madison area. This is consistent with national-level descriptions of increasing wage inequality (Mouw & Kalleberg, 2010) and job market polarization (Kalleberg, 2011). Furthermore, as national studies show, these low-level service and care work jobs tend to be filled by women and people of color (Macdonald & Merrill, 2008), further compounding disadvantage. In this way, the housing and job markets act together to keep people’s options low.

Understanding the Role of the Apartment Association of South Central Wisconsin

Several of the nonprofit organizations in our study are currently members of or in some way involved with the AASCW. Two nonprofit representatives explained that their communication with the association has helped lead to its advocating for landlords’ consideration of B criteria for potential tenants connected to case management and the benefits of Housing First policies. However, these representatives both showed disdain for the legal changes of the past five years that have afforded landlords more power over tenants. These changes, as noted above, were the partial result of the AASCW’s extensive lobbying efforts. Nonprofit membership in the AASCW and their beliefs about tenants’ rights and the need for affordable, safe, and decent housing appear to be at odds. At the same time, these organizations seem to have a level of potential influence in the AASCW. Nonprofits inclined toward changing the direction of the AASCW might consider ways to wield a greater counter influence in the association, or leave it.

Local Governments as Partners

There are real and effective practices that can improve the availability of affordable housing, particularly in an area as robust and community-oriented as Dane County and Madison. The burgeoning of committees, boards, and groups all dedicated to eradicating homelessness and providing shelter, and the relatively recent focus of the local government on using the low vacancy rate to direct the type of development needed, may start moving the landscape in the right direction. As the *Housing Needs Assessment* pointed out, “Municipalities will continue to play a vital role in developing and implementing partnerships with county and state agencies and with developers, bankers, realtors, employers, social service agencies and nonprofit housing agencies. Producing a unit of affordable housing – either through new construction or through rehabilitation of existing units or through federally-financed project-based subsidies – requires partnership between municipalities, counties, states and federal agencies” (Paulsen, 2015). It is with this spirit that many nonprofit housing providers hope that municipalities can serve as partners in addressing the issues of homelessness and housing unaffordability among their clients.

Conclusions and Recommendations

Eviction in the Context of Madison/Dane County Racial Inequities

The findings of this report, namely that race is the most important factor explaining evictions in Dane County, deepens our understanding of the landscape of racial inequities. This report builds on earlier critical analysis from the *Race to Equity Report* (Wisconsin Council on Children and Families, 2013), Dane County's Latino Community Call to Action, *Cuéntame Más* (Sims, 2016), and other work. The policies and strategies used to address eviction will need to be conscious of race in creating approaches that focus on creating more equitable outcomes. While property owners often have legitimate reasons for evicting tenants, implicit bias may be a factor when landlords are considering how to handle conflicts with tenants—especially if each party identifies as a different racial group. At a community level, the possibility that a disproportionate number of non-white residents carry an eviction on their record creates legal barriers that combine with and magnify residential segregation to further limit housing choices among people of color in Dane County. If left unaddressed, the discriminatory potential of 2015 Act 176 may further exacerbate these racial disparities.

Legal Changes

Immediate legislative action is needed to restore the rights of tenants and the power of municipalities to construct equitable housing landscapes. The recent amendments to landlord-tenant law at the state level outlined in this report constitute a major setback for tenant rights and have shifted power in favor of rental property owners and managers. Landlords received greatly expanded powers to access prospective tenant information, initiate eviction proceedings based on suspected criminal activities, and tangibly profit from property left behind after an eviction. Several acts (2011 Act 108, 2011 Act 143, and 2015 Act 176) also preempt local governments from regulating or collecting information on rental units and landlords or establishing moratoriums on evictions. These legislative barriers limit the ability of municipalities to understand local rental markets and circumscribe the powers of community members to democratically engage with their housing market at the local level.

Other opportunities to balance the legal standing of tenants with landlords rest not with the legislature, but with the Wisconsin Supreme Court. We recommend that the Supreme Court's record-keeping rules be amended to allow for dismissals or stipulated dismissals of eviction proceedings. This would enable eviction actions that do not result in a judgement of eviction to be sealed and therefore unavailable on CCAP. Additionally, during the upcoming re-convening of the Wisconsin Circuit Court Access Oversight Committee, it is essential to include tenant rights organizations and housing advocacy groups, as well as other impacted stakeholders, as members of this committee.

Local Governments

While legislative preemptions limit some tools for municipalities to intervene in evictions and understand local rental markets, there are other opportunities to support housing affordability. For example, local governments can steer and support development that provides affordable housing. It is especially important that these interventions support affordability across a range of unit types and sizes, and with low-barrier screening criteria. Public housing agencies, including the City of Madison CDA and Dane County Housing Authority should revise their screening criteria to give a fair chance at housing for people with adverse rental histories, including homeless persons, persons with eviction records, and arrest and conviction records. The City of Madison CDA and Dane County Housing Authority also should revise their eviction policies and practices as necessary to reduce avoidable displacement and homelessness.

Beyond Luxury Housing

Development priorities need to go beyond simply adding new luxury units if we want to create more equitable outcomes for Dane County's 45% of residents with incomes below 80% AMI. The concomitant trends of an increasing amount of rental units above \$1,000 per month and a decline in the number of units that are \$500 per month or less aggravates the overall unaffordability of Dane County's rental market. Madison and Dane County need to prioritize expanding the lower end of the rental market with policies and subsidies that explicitly meet this market need.

Appendix

Table 17. Top 100 Plaintiffs in Eviction Cases in Dane County 2000-2015

Top 100 Plaintiffs in Eviction Cases in Dane County 2000-2015			
Organized by rank, name of plaintiff, then number of evictions cases in Dane County in which this was the plaintiff			
1. MADISON PROPERTY MANAGEMENT INC	1444	51. TUCSON TRAILS	124
2. WISCONSIN MANAGEMENT COMPANY	1389	52. JSM PROPERTIES LLC	123
3. HARRISON RENTAL PROPERTIES	780	53. GLACIER HILLS APARTMENTS	122
4. FUTURE MADISON	721	54. GALLINA MANAGEMENT INC	121
5. MISTWOOD	573	55. NAKOMA HEIGHTS	118
6. RIDGEWOOD	515	56. PACKER APARTMENTS CORPORATION	118
7. FORWARD MANAGEMENT INC	460	57. FAIRCREST	116
8. COMMUNITY DEVELOPMENT AUTHORITY OF CITY OF MADISON	459	58. METRO APARTMENT RENTALS LLC	114
9. PMM LLC	459	59. ERVIN BENDORF	114
10. VILLAGE APARTMENT	442	60. GLENDALE TOWNHOMES	111
11. RAY PETERSON	418	61. LAKE POINT TERRACE	111
12. FAIRWAYS APARTMENTS LLC	417	62. ANSONIA	111
13. ARBOR LAKES	414	63. GROSSO	106
14. COLONIAL PROPERTY MANAGEMENT	399	64. CHT APARTMENT RENTALS LLC	105
15. PINES	399	65. ANCHOR PROPERTY MANAGEMENT LLC	104
16. PORCHLIGHT INC	386	66. MCBRIDE COMPANIES LLC	103
17. NIMROD REALTY GROUP INC	369	67. BANNER PROPERTY MANAGEMENT	101
18. RIPPLE MANAGEMENT	359	68. AMERICAN MOBILE HOME COMMUNITIES	100
19. OAKBROOK CORPORATION	353	69. NORTHPORT APARTMENT CORPORATION	97
20. MEYER	346	70. OAK HILL INVESTMENTS LLC	97
21. SBA MANAGEMENT SERVICES INC	345	71. RESIDENT SERVICES INC	96
22. PARAMOUNT ENTERPRISES	311	72. ABBEY HILL APARTMENTS LLC	94
23. NEW FOUNTAINS	284	73. BAYVIEW HEIGHTS INC	94
24. NOB HILL APARTMENTS	258	74. LAKE CITY MANAGEMENT LLC	93
25. HOFFMANN MANAGEMENT LLC	258	75. PREMIER REAL ESTATE MANAGEMENT LLC	92
26. APEX PROPERTY MANAGEMENT INC	244	76. LAKE TOWNE APARTMENTS LLC	90
27. GOLDLEAF DEVELOPMENT LLC	229	77. EQUITY PROPERTY SERVICES	89
28. ROLLING PRAIRIE APARTMENTS	225	78. EASTGATE DOWNS APARTMENTS	86
29. BIRNAMWOOD APARTMENTS LLC	223	79. ARBOR HILLS	86
30. VERN ACKER	209	80. ALPHA LAMBDA ALUM INVESTORS LLC	86
31. MUNZ CORPORATION	208	81. MADISON COMMUNITY COOPERATIVE	85
32. OAK TREE TERRACE	203	82. DAVID ALBER	84
33. MADISON MOBILE HOME PARK LLC	190	83. MCKENZIE	84
34. VALLEY VIEW	183	84. TELLURIAN	82
35. ELVER PARK APARTMENTS	178	85. STERLING MANAGEMENT LLC	81
36. GORMAN & COMPANY INC	171	86. MPM	80
37. MEADOWS APARTMENTS	168	87. PARK VILLAGE APARTMENTS	80
38. CASTILLE AFFORDABLE HOUSING LP	162	88. MADISON AREA RENTALS LLC	79
39. FITCHBURG SPRINGS APARTMENTS	155	89. HEATHER DOWNS LLC	78
40. AUGUSTA REALTY INC	149	90. XIONG	77
41. WILLOW POINTE APARTMENTS	147	91. OPITZ MANAGEMENT INC	76
42. AVALON MADISON VILLAGE LLC	145	92. EAGLE RIDGE APARTMENTS	76
43. PRIMA MANAGEMENT INC	141	93. THOMAS KING	76
44. JOHN DORE	138	94. LILY MANAGEMENT LLC	74
45. FITCHBURG SQUARE APARTMENTS	137	95. FORTUNE INVESTMENTS LLC	73
46. MADISON DEVELOPMENT CORPORATION	135	96. XILIN SU	73
47. YWCA	133	97. FIDUCIARY REAL ESTATE DEVELOPMENT INC	73
48. HIGHLAND MANOR ASSOCIATES	133	98. VS PARTNERSHIP	70
49. DUTCH MILL HOMES	133	99. MCKEAN REAL ESTATE LLC	70
50. SUNDANCE BAY PROPERTY MANAGEMENT	133	100. OAKLAND PROPERTY SERVICES	70

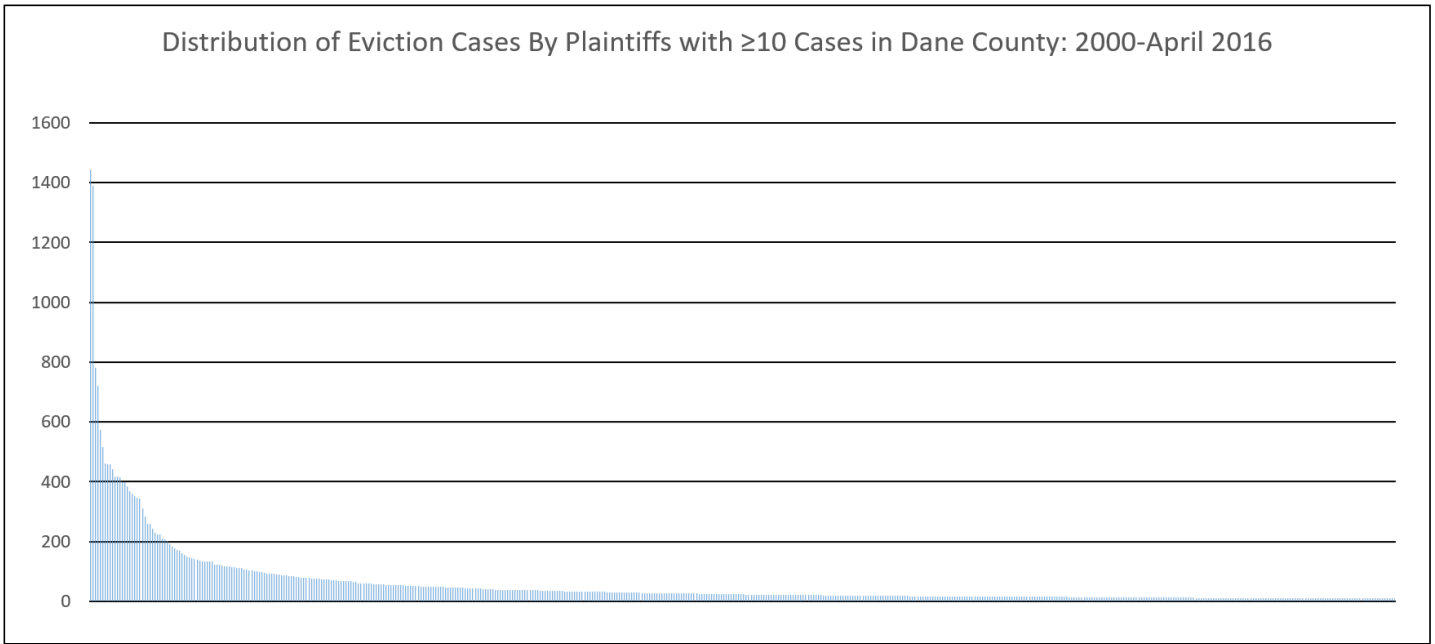


Figure 13. Distribution of Eviction Cases By Plaintiffs with ≥ 10 Cases in Dane County: 2000-April 2016

Table 18. Correlations Matrix

	EVICTIONS	PERCENT NONWHITE	MEDIAN HH INCOME	PERCENT RENTER HH 65 AND OVER
EVICTIONS	1			
PERCENT NONWHITE	0.728***	1		
MEDIAN HH INCOME	-0.465***	-0.445***	1	
PERCENT RENTER HH 65 AND OVER	-0.190***	-0.255***	0.0935	1
* p < 0.05; ** p < 0.01; *** p < 0.001				

Table 19. Overview of Nonprofit Housing Organizations in Madison

Organization	Population Served	Type of Housing Offered	# of Units Offered	Fair Housing Training	Affordability of Units	Member of AASCW*
The Bayview Foundation	Low income to moderate income people, many refugees and seniors, primarily immigrants	Privately funded, Section 42	102	Yes, for select staff	Most 30% of income, 15 market rate	No "Never will be."
Common Wealth Development	Low to moderate income singles and families	Section 42	139 (scattered site)	Yes		Yes
Community Action Coalition	Low income, disabled (on HSC list)	Permanent Supportive Housing	Approx. 19 (scattered site)	Yes		No
Independent Living Inc.	Low income seniors (over age 62), adults with disability	HUD Senior Housing, Section 8	42	No	30% of income ("usually")	Yes
Movin' Out	Low income people with disabilities	Section 42, Project-Based Section 8, private investment in mixed-income housing projects	Unknown (many in multiple developments)	Yes	Combination of market rate and below market rate units	Unknown
The Road Home	Families (self defined, but requires at least 1 adult and 1 child under age 18) (on HSC list)	Housing for Families	28	Yes	Rent is \$200 or 30% of monthly income (whichever is more) *	No
Port St. Vincent (St. Vincent de Paul)	Men	Privately funded	9 dormitory beds,	No	Program fees	No
YWCA-Madison***	Women: single, single with 1-2 children, survivors of domestic violence	Section 42, project based Section 8 (6-8 units)		Yes		Yes

*AASCW is the Apartment Association of South Central Wisconsin.

**Grey-area requirements, meaning that the organization is flexible with their rules (with the purpose of being favorable toward tenants).

***The YWCA is in the process of reviewing all of its policies using a racial equity impact assessment tool; a representative noted that their policies and program might change in the future.

Table 20. Tenant Screening Process for Selected Housing Providers

Organization	Application Required?	Formal Policy?	Income	Criminal History	Past Eviction	Non-Standard Requirements	Right to Appeal Denial
The Bayview Foundation	Yes	Yes		May result in denial*	May result in denial*	No	Concerns informally discussed in interview
Common Wealth Development	Yes	Yes	2.5 x rent*	May result in denial	May result in denial	Must provide extensive list of all income sources	No
Community Action Coalition	No	Yes: The policy is solely to pull from top of HSC list**	No	No***	Irrelevant		Irrelevant-tenants are pulled from HSC list
Independent Living Inc.	Yes	Yes	<80% county median income	Yes: Mostly concerned with theft, abuse, identity theft	May result in denial	No	No
Movin' Out	Yes	Yes				No	
The Road Home*	No	Yes: The policy is solely to pull from top of HSC list**	No	Mostly irrelevant: severe criminal background (e.g. homicide) results in denial by property management***	Irrelevant	No	Yes
Port St. Vincent (St. Vincent de Paul)		Yes: Short interview with the director	No	Irrelevant		Ability to maintain sobriety; completion of a 20-30 minute interview; good fit with other residents	No
YWCA-Madison*	Yes	Yes	Yes: Verify ability to pay rent, income below \$32,600	Past 2 years reviewed, limited to convictions related to housing and violent crime	Past 2 years reviewed-may result in denial		yes

*Grey area rules: rules may be bent in tenants' favor.

**The coordinated intake list operated by the Homeless Services Consortium is a HUD-mandated list of those most in need of housing. An individual's or family's place on the list is determined by their VI-SPDAT score. The VI-SPDAT is a tool for assessing an individual's or family's (there are separate assessments for each) vulnerability and triaging their intake into housing programs. The policy of the double-starred organizations is to pull directly from the top of the coordinated intake list.

***Who the organization accepts is up to them; however, these organizations work with private landlords and property management companies who may deny potential tenants. A denial from private landlords or property managements companies does not necessarily mean that the potential tenant will not be accepted into the program.

Table 21. Tenant Eviction Process for Selected Housing Providers

Organization	Formal Policy?	Most Common Eviction or Renewal Causes	Criminal Behavior	Non-Standard Behavior requirements?
The Bayview Foundation		Non-payment		No
Common Wealth Development				No smoking
Community Action Coalition				No
Independent Living Inc.	No	Behavioral issues		Vague “get along with others in the community” requirement
Movin’ Out				No
The Road Home	No	No longer a family (youngest child turns 18); behavioral issues	Relevant only if affecting safety of other tenants	No
Port St. Vincent (St. Vincent de Paul)**	Yes	Non participation (not working towards goals outlined with the director), non-sobriety		Sobriety, working toward goals outlined with program director
YWCA-Madison	Yes*	Behavioral issues	Relevant only if affecting other tenants	No male visitors overnight; maximum of 14 overnight guests (women and children over 12) per six months

**Grey area rules: rules may be bent in tenants’ favor.*

***Port St. Vincent residents are not formally tenants: they pay “program fees,” not rent. Therefore, residents “are not entitled to Wisconsin rental property tenant rights,” or presumably any other legal protection provided to tenants.*

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