



Work Plan and
Recommendations to the
Mayor and
Common Council

2021/2022

Equal Opportunities
Commission

The City of Madison Equal Opportunities Commission (“the Commission”) is committed to addressing issues of discrimination Madison, Wisconsin.

The year 2021 has already presented numerous challenges including the ongoing global pandemic that has continued to result in economic, health and housing crises disproportionately affecting the Black community. The continued deaths and brutality at the hands of law enforcement in the Black community continue to perpetuate the racism that has long been a public health crisis.

The Commission is committed to continuing to address the ongoing housing crisis in the City of Madison and its disparate impact on low-income members of the community and community members of color, and to continuing to understand and challenge the systems and policies that perpetuate the public health crises of racism and housing.

The Commission sees opportunity amidst these challenges, and a call to action in this unprecedented time. In 2021 at their annual retreat, the Commission committed to focus on continuing to find solutions to the complex housing issues in Madison, and to addressing the policies and practices in place within the City of Madison perpetuating systemic racism.

Pursuant to the authority granted the Commission under MGO 39.03(10)(b), this body sets forth the following statement of intent to further effectuate the goals and purpose of this ordinance:

WHEREAS in 2011 the Madison City Council passed a resolution declaring “that housing be recognized as a human right and that all people who desire a place of shelter and stable long-term housing be prioritized to have this basic need met both temporarily and permanently”; and

WHEREAS the City and community have made progress toward developing housing for low-income residents; and

WHEREAS despite significant gains, housing remains unaffordable and unsustainable for many residents, including low-income and moderate-income earners, creating a disparate impact on a number of different protected classes; and

WHEREAS the laws of the State of Wisconsin preempt the City from enforcing dozens of housing protections for its residents; and

WHEREAS the EOC is committed to supporting and providing advocacy for change, and working with the community and stakeholders to reduce all barriers; and

WHEREAS the Equal Opportunities Commission (EOC) is the enforcement agency for the Equal Opportunities Ordinance; and

WHEREAS the EOC has witnessed that not all Madison residents enjoy equitable access to fair, accessible, and sustainable housing; and

WHEREAS community residents demand and deserve that the City of Madison be a leader in promoting equitable access to housing and protecting individuals in protected classes;

THEREFORE BE IT RESOLVED that the City of Madison shall reaffirm its commitment to creating a place where all residents have the opportunity to prosper by advancing policies that promote equality and support safe and fair community growth.

ACCOMPLISHMENTS

While the Commission continues to task itself in the upcoming year with addressing the public health crises of racism and housing, they also took a moment to reflect on the following accomplishments of 2020/2021:

- Recommendations to various committees, commissions and Common Council on use of tear gas and other non-lethal uses of force by Madison Police, policy recommendations around use of body-worn cameras, the temporary permissible encampment at Reindahl Park and other considerations around members of our community experiencing homelessness, including the impact of COVID-19.
- Eliminating a backlog and timely processing cases on appeal to the Commission.
- During the ongoing COVID-19 pandemic continuing to meet consistently and continuing to engage speakers and subject matter experts to address issues before the EOC.
- Improvements in voting, recognizing and honoring the nominees and recipient of the Reverend James C. Wright Human Rights Award.
- Completing the go-live of the Department of Civil Rights Equal Opportunities Division online complaint portal; allowing access to file a complaint of discrimination or report a problem from anywhere a person has internet access.
- Continued connections with landlords and the community to continue to educate and issue spot disparities, primarily in the area of housing.
- Continued partnership and information sharing with Building Inspection.

HISTORY

The charge of the Equal Opportunities Commission as set forth in MGO 39.03 – Equal Opportunities Ordinance is, in part, as follows:

In order that the peace, freedom, safety and general welfare of all inhabitants of the City may be protected and ensured, it is hereby declared to be the public policy of the City of Madison to foster and enforce to the fullest extent the protection by law of the rights of all of its inhabitants to equal opportunity to gainful employment, housing, and the use of City facilities and public accommodations.

To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in its own employment, housing and public accommodation practices and in the use of City facilities. By adopting Sec. 39.05 of these ordinances, the Common Council has attempted to

make sure that City facilities and programs that received City financial assistance are accessible to all persons [...].

The Commission is committed to fulfilling their charge through an educated, thoughtful and action-oriented approach to the issues facing the community they serve.

OUTCOMES

In an effort to learn more about the issues facing the community during the ongoing COVID-19 pandemic the area of housing, the Commission, over the last year, met with individuals from the City of Madison, Commonwealth Development, Madison College Free Legal Clinic and Public Health Madison Dane County. The Commission learned that some of the most immediate issues experienced by community members in the area of housing, even as the COVID-19 pandemic wears on, are discriminatory or retaliatory treatment by landlords or property managers, and the threat of non-renewal or eviction for speaking out against discriminatory or retaliatory behavior. Given the severe shortage of low-income housing in the City of Madison, residents are often faced with the choice of accepting unacceptable landlord behavior or facing eviction or non-renewal of their lease. This untenable situation has only been exacerbated by the economic impacts and lifting of eviction moratoria by federal, state and local governments.

While there have been a number of extensions to the original eviction moratorium, at the time of the writing of this work plan, all moratoria covering the residents of the City of Madison have expired. This Commission will continue closely monitoring the effects of the moratoria being lifted and the impact on eviction filings and non-renewals. This Commission also continues to follow the actions of Common Counsel as it pertains to the temporary permissible encampment at Reindahl Park, and is committed to elevating the voices of the marginalized populations that encampment serves.

This Commission was able to provide feedback on several other initiatives during the past year, including the Body Worn Camera Feasibility Review Committee, initiatives on use of non-lethal force options in policing, including use of mace, tear gas, and impact projectiles, obtaining property from the Defense Logistics Agency, as well as providing feedback and recommendations on the Police Civilian Oversight Committee and Independent Police Monitor.

This Commission also heard from City Clerk Mary Beth Witzel on pandemic voting access and what the City of Madison was doing to support voting access for all of its residents during the COVID-19 pandemic. It is vital that access to the ballot is preserved and expanded so that all community members have the opportunity to make their voice heard.

Having engaged in ongoing learning and input in these many areas, the Commission is prepared to offer the following recommendations:

GOALS AND APPROACHES

The Commission has identified a number of goals that they feel will help advance some of the outcomes identified above, and is committed to pursuing the following approaches to address these issues.

The Commission identified a lack of authority to push for tenant-focused change in ordinances at the local level due to a number of preemptions in statutory governance at the state level. The Commission is pursuing various means of connecting with other local governments with similar goals to expand the voice of housing advocacy beyond the City of Madison to other municipalities. This Commission will work toward engaging groups where there is natural synergy on civil rights issues affecting our community such as the City/County Homeless Issues Committee, and by working with other City commissions dealing with civil rights issues to identify any natural fusion partnerships.

It is vital that the City address the needs of the community members at the Reindahl Park encampment, and throughout the City, who are experiencing homelessness. For too long the City has delayed progress in permanent and temporary supportive housing options, and the needs of this population will only grow with the expiration of the various eviction moratoria and the ongoing COVID-19 pandemic. Removing and displacing this portion of our community to less desirable areas with fewer amenities and services is not the answer. This Commission encourages and supports efforts to effectively and permanently address the needs of this group of our City's residents.

Public Health Madison Dane County has declared racism a public health crisis. The Commission would like to encourage Public Health Madison Dane County, the City of Madison Building Inspection Division, and the Department of Civil Rights to continue to work together and leverage partnerships that effectively deter discrimination and retaliation in housing, healthcare, public safety, and employment, and that combat the issue of racism at a systems and policy level. The issues of housing insecurity and unsafe housing disparately impact people of color. Public Health Madison Dane County has named housing security as one of the indicators directly impacting education and health outcomes.

The Commission also seeks to have ongoing and robust engagement with the residents of the City of Madison, and those joining the City on completion of the annexation of the Town of Madison, in offering education and outreach on the City's Equal Opportunities Ordinance, how its protections work, and what protections are available to the community. The Commission is committed to engaging new, alternative and improved ways of communicating messaging and opportunities for engagement to the public that it serves. This Commission is interested in connecting with further voices from the community including faith-based organizations and the disability community.

RECOMMENDATIONS

Policy Recommendations:

1. Formalize a Truth and Listening Proposal.
2. Identify specific laws and practices that cause inequality and develop proposals to remove or modify.

Strategic Initiatives:

3. Organize a statewide coalition on housing to push for housing reform.