



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved HOUSING COMMITTEE

Wednesday, December 3, 2008

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Chair Hirsch called the meeting to order at 5:05 PM.

Staff Present: George Hank and Meg Zopelis

Present: 10 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkel; Philip P. Ejercito; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield and David R. Sparer

Excused: 5 -

Greg L. Rosenberg; Detria D. Hassel; Susan K. Day; Judith M. Wilcox and Eli Judge

APPROVAL OF MINUTES

A motion was made by Sparer, seconded by Bosben Gebhardt, to Approve the Minutes of November 5, 2008. The motion passed by voice vote/other with Hirsch abstaining.

PUBLIC COMMENT

None.

PRESENTATIONS

[12789](#)

Presentation by Andrew Statz, Office of the Mayor
Neighborhood Indicators Project

Attachments: [NHI overview for Housing Committee 120308.pdf](#)
[Attachment 1.pdf](#)
[Attachment 2.pdf](#)
[Attachment 2a.pdf](#)
[Attachment 3.pdf](#)
[Attachment 4.pdf](#)

Presentation by Andrew Statz, Fiscal Efficiency Auditor for Mayor's office.

Statz tries to find ways for providing City services cheaper or better. David Long from UW Comp Lab was also present. Statz and Long have been developing a Neighborhood Indicators Pilot Project for the past year. The intention of this Pilot is to demonstrate the look and feel and potential applications for this type of system when it is brought to full scale.

Statz then went through his PowerPoint presentation (attached).

Statz asked for input from the Housing Committee on what they think would be useful to add to this or any changes to it. Brink said 4 members of the Housing Committee are still on the IZ Oversight Committee and a lot of money was wasted there. It would have been better to give it to Statz than how they did it. This information is hard to get and to tie it into households and affordability.

Porterfield asked how much this is going to cost and what the vision is for maintaining it. It is one thing to build it, which is a lot of work, but then there is the ongoing maintenance of it. What is the plan on that? This could be very valuable information and maybe it could pay itself back.

Statz said for over 2 years it will be built from zero to full scale. Full scale is wall-to-wall coverage, all geographies within the City are covered. All of those geographies have data for this year, the 2008 edition, and then there will be a 2009 edition. Over the 2 years it will be \$155,000 to contract with the company to build the system and then after that about \$35,000 per year to maintain. In the future, if this is helpful to others, people may be able to purchase a subscription to offset the maintenance costs. This system gives a good first pass on looking at the information. This is a "first trigger" tool to get a feel for the interesting spots or things where more questions should be asked.

Hirsch asked if over time they will be able to look at one neighborhood over time. Statz said yes, that they are working on date-stamping all of the generations so they could work on trend analysis as the project grows.

Konkel asked about the housing criteria and how this information can be more useful. The data has holes in it right now. Konkel does not think the square foot value does much for this website. Porterfield said realtors may be willing to share MLS data. Konkel said it is not useful.

Porterfield said HUD keeps a lot of this information and it is GEO-coded information. Statz said they do have some Section 8 information.

Ejercito left at 5:34 PM.

Bosben asked about the female head of household definition and if it was referring to single, female head of household. She brought up that they may have a significant other. Maybe it should be indicated as single adult, because it could refer to a single man with children as well.

Munson said some of the physical statistics would be of interest to him as a planner, such as the distribution of single-family/multi-family by type and the number of bedrooms by type. This is a good tool for Alders and commissions to use.

Konkel asked if Statz could give a list of what else they are looking at. Statz

indicated he would get the Housing Committee additional information after upcoming meetings.

The Housing Committee thanked Statz for his presentation.

ROLL CALL

Present: 9 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkel; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield and David R. Sparer

Excused: 6 -

Greg L. Rosenberg; Detria D. Hassel; Susan K. Day; Philip P. Ejercito; Judith M. Wilcox and Eli Judge

12790

Presentation by Mario Mendoza, Office of the Mayor
Property Tax Exemption for Not-For-Profit Providers of Income Restricted Housing and Tax Exemption for Low Income Housing Providers

Mario Mendoza was unable to be present. This presentation should be rescheduled for the January meeting.

UNFINISHED BUSINESS

ROLL CALL

Present: 10 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkel; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield; David R. Sparer and Eli Judge

Excused: 5 -

Greg L. Rosenberg; Detria D. Hassel; Susan K. Day; Philip P. Ejercito and Judith M. Wilcox

12575

THIRD SUBSTITUTE - Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Secs. 32.06(2)(a)1.j. and 32.06(4) of the Madison General Ordinances to govern installation and maintenance of smoke alarms in residential buildings.

Attachments: [Version 1](#)
[Version 2](#)
[Version 3](#)

Hirsch recommended moving to item 8 on the Agenda, Legislative File No. 12575. Ed Ruckriegel of the Madison Fire Department was present to discuss this item.

Ruckriegel outlined how the proposal for this legislative file came about. In 2007, the City of Madison experienced 7 fire fatalities in residential properties. Towards the end of the year, they came to realize there is a lack of smoke alarms. Peter Talan died on November 18, 2007, and there were six alarms in

the home. The one in the basement is the only one that worked. Channel 3 did an interview with a young lady who lived next door to Peter and there were 8 alarms in that home, and none of them worked. After that, there was a significant outpouring of interest from people in the community that something needed to be done. George Hank and Ruckriegel put together a team and met a few times. Instead of responding to the emotional response, they decided to slow things down and make sure this was done right. There was an AASPIRE Intern over the summer that assembled the data and looked at national and local data. The team met with the Apartment Owners Association of South Central Wisconsin, Madison Landlord Coalition and Ald. Konkel at Tenant Resource Center. A document was developed that Ruckriegel believes is a consensus document. All of the groups referenced support this legislative file.

Since then there has been discussion with the Madison Builders Association. The Madison Builders Association has some concerns about getting into the Uniform Codes, the State one and two-family Dwelling Code is a mini/maxi code. It says locals cannot be more or less restrictive. They have also said they are huge advocates of smoke alarms so this puts them in a situation where they do not necessarily like the City going in and doing things retroactively in homes that once they are built are supposed to be left alone, but yet to say they oppose smoke alarms is really a quandary for them. The Ordinance intent is to discontinue the use of 9-volt operating smoke alarms. They are the ones that people pull the batteries out of when there is humidity in a bathroom from showering, and they use the batteries for something else.

Judge arrived at 5:43 PM

It is a device that can easily be rendered inoperable so they would like to replace all of those 9-volt smoke alarms with either 10-year lithium batteries or hard-wiring (110 volt). In the smoke alarms with 10-year lithium batteries, the battery is actually sealed in the device so that the battery cannot be removed. To remove it, you have to destroy the alarm. With these new alarms, they also have a hush button, so if you get a nuisance alarm, you can push the button and it will silence for a few minutes, rather than taking it down and putting it in a drawer or taking a battery out. In terms of occupant use and occupant maintenance, the 10-year lithium batteries are much more reliable. That is what they are trying to accomplish. They will offer property owners the option of either using the 10-year lithium batteries or going ahead and making the investment to install hard-wiring, powered by the building power system with a battery back-up.

In addition to specifying either the 10-year lithium or 110 volt with battery back-up, it will also be required that there is an additional alarm. Currently the State Code says that you can install an alarm in the sleeping area, and it defines the sleeping area as the bedroom floor within six feet of the bedroom door. Data shows that when you sleep with the bedroom door closed, there is a barrier between you and a potential fire. There was an infant in Sheboygan who had a fire start outside of the bedroom and the people were forced to jump out of a window two weekends ago and the child died from the blunt-force trauma of dad jumping out the window with the infant. So if you protect both the bedroom where people are sleeping and the path out, that is providing good safety and it will improve safety for occupants.

So the Ordinance specifies the type and also proposes to acquire additional smoke alarms. As they spoke with the various landlord groups, it became very clear that there is an interest in having tenants be responsible for leaving the smoke alarms alone. There is a penalty provision so that if there is a fire call or EMS call and they see that the alarm has been removed, the tenant can receive a citation. If Building Inspection is doing routine program inspections and the device is down and/or inoperable, the tenant can receive a citation.

The landlord would be required to install it and the landlord and tenant would sign a document that it is installed and it is present, and the document would also outline the responsibility of the tenant to maintain it. This would be to push the button on it occasionally, but basically leave it alone. There was suggestion by the Apartment Owners Association of South Central Wisconsin that there is a provision for fire safety education. Landlords would be required to provide tenants with fire safety information. The Fire Department would develop that information and put it on their website.

The Ordinance also provides identical language in Chapter 27 and Chapter 32, Rental Agreements and Receipts. It would be included in that list so that the landlord knows they need to have the documents prepared and presented to the tenant, as well as the tenant knows what their rights are in terms of receiving that information.

They met with the Department of Commerce to discuss concerns about the Uniform Codes and whether this Ordinance is infringing on that and they basically said that it is an additional device. We are not requiring people to pull a building apart. We are not requiring people to open ceilings and walls in order to install an additional smoke alarm. They felt that this was not treading on the construction aspects of the uniformity. There are going to be a couple of revisions based on that meeting. Marcy Paulson, George Hank, and Ruckriegel will be working on that. Ruckriegel does not believe those are substantive changes. Right now as it reads, the new smoke alarms or the additional smoke alarms, the one on both sides of the door, would have to be hard-wired. That was not the intent. So, those additional alarms can be the 10-year lithium batteries. The owner can install hard-wired if they wish.

Hirsch asked what the cost of a 10-year lithium battery is. Ruckriegel said a 10-year lithium battery is about \$8.42. He found that information online. So the \$8.42 for a 10-year period versus 9-volt batteries for 10 years is much more cost effective. It would be about \$40.00 to maintain a 9-volt alarm for 10 years. Hirsch then asked if for ongoing rental properties is there a timeframe for installing new alarms. Ruckriegel said the proposal for that is August 15, 2009.

Brink asked about carbon monoxide and when that program is going to come through from state. Ruckriegel thinks it will be 2011. There will be a lot of education provided. All smoke alarms only last 10 years.

Porterfield asked if there are similar Ordinances for the surrounding communities in Dane County. Ruckriegel said there are not at this time, but other communities should come on board. Porterfield asked Hank if they would inspect for this and Hank said yes.

Hank said when they met with the Department of Commerce, then mentioned that when this got to press, other communities in Wisconsin contacted them

and said they thought this was a very good idea. So there may be some movement to try to make this statewide.

Konkel questioned some of the language in 3(g). She asked if it would be easier, instead of having a separate form, to put it in the standard rental provision. Bosben-Gebhardt did not think it would fit. Bosben-Gebhardt said she already has a separate smoke detector form and her smoke detector sheet is a full page right now. Brink would want a separate sheet because then you would know everyone saw it and signed it.

Sparer asked if this should be referred to the Landlord & Tenant Issues Subcommittee. Ruckriegel was okay with referral and then have it come back at the January Housing Committee meeting. Konkel said the timing was okay for this.

A motion was made by Sparer, seconded by Villacrez to refer Legislative File 12575 to the Landlord & Tenant Issues Subcommittee. The motion passed by voice vote/other with Chair Hirsch abstaining.

This Ordinance was Refer to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE.

NEW BUSINESS

ROLL CALL

Present: 10 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkel; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield; David R. Sparer and Eli Judge

Excused: 5 -

Greg L. Rosenberg; Detria D. Hassel; Susan K. Day; Philip P. Ejercito and Judith M. Wilcox

12597

Authorizing the Mayor and the City Clerk to sign an agreement with Thomas LaFleur, his 2009 contract for professional services as Rent Abatement Hearing Examiner for the Building Inspection Division of the Department of Planning and Community and Economic Development.

Attachments: [LAFLEUR 2009 CONTRACT.pdf](#)

George Hank presented on this. In the contract with Boykoff, the only thing that has been changed in the contract are the dates, which were changed to 1/1/09 – 12/31/09.

Brink left at 6:00 PM.

In the contract for Lafleur, the alternate, LaFleur asked to be replaced. We asked him to stay on until we can find a replacement. We have agreed to pick-up his insurance for this contract to get him to stay. Hank did not know

why we paid insurance for Boykoff and not LaFleur. It seems fair to pay for his insurance. The provision in the contract has a \$500 cap and states that if the contractor receives a rebate, which many of them do, the rebate has to be refunded to the City.

A motion was made by Sparer, seconded by Konkol, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Excused: 5 -

Greg L. Rosenberg; Detria D. Hassel; Susan K. Day; Philip P. Ejercito and Judith M. Wilcox

Ayes: 9 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkol; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield; David R. Sparer and Eli Judge

Abstentions: 1 -

Thomas E. Hirsch

12600

Authorizing the Mayor and the City Clerk to sign an agreement with Thomas Boykoff, his 2009 contract for professional services as Rent Abatement Hearing Examiner for the Building Inspection Division of the Department of Planning and Community and Economic Development.

Attachments: [BOYKOFF 2009 CONTRACT \(2\) \(2\).pdf](#)

George Hank presented on this. In the contract with Boykoff, the only thing that has been changed in the contract are the dates, which were changed to 1/1/09 – 12/31/09.

Brink left at 6:00 PM.

In the contract for Lafleur, the alternate, LaFleur asked to be replaced. We asked him to stay on until we can find a replacement. We have agreed to pick-up his insurance for this contract to get him to stay. Hank did not know why we paid insurance for Boykoff and not LaFleur. It seems fair to pay for his insurance. The provision in the contract has a \$500 cap and states that if the contractor receives a rebate, which many of them do, the rebate has to be refunded to the City.

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Excused: 5 -

Detria D. Hassel; Susan K. Day; Philip P. Ejercito; Judith M. Wilcox and Greg L. Rosenberg

Ayes: 9 -

Tobi L. LeMahieu; Alicia Bosben Gebhardt; Brenda K. Konkol; Brian A. Munson; Victor E. Villacrez; Curtis V. Brink; David C. Porterfield; David R. Sparer and Eli Judge

Abstentions: 1 -

Thomas E. Hirsch

UNFINISHED BUSINESS

[12268](#)

Alternate Rent Abatement Hearing Examiner
Direct Landlord & Tenant Issues Subcommittee to find a replacement Alternate Rent Abatement Hearing Examiner

Landlord & Tenant Issues Subcommittee did not meet in November so the issue will be taken up at the December 18, 2008 meeting. No action necessary on this item.

REPORTS

[08595](#)

Landlord & Tenant Issues Subcommittee

No report as the Landlord & Tenant Issues Subcommittee did not meet in November.

[08596](#)

Affordable Housing Subcommittee

Konkel said they finished the Affordable Housing Trust Fund. There was also discussion about housing diversity.

[11431](#)

Common Council Update - Judge/Konkel

Konkel said they added a member of the Housing Committee and one from the current IZ Oversight Committee to the Housing Diversity Committee, so there is now 9 members instead of 7 members. There will be 5 Alders, 2 people yet to be named, 1 person from Housing Committee and 1 person from the IZ Oversight Committee. There was a thought to make it a subcommittee to Housing Committee, but the Mayor's Office, Ald. Bruer, and Ald. Clear did not agree. The deadline was also extended from May to July, but that was just because the appointments will not happen until the end of January. Konkel was unsure of who would be staffing this committee.

Hirsch asked who appoints the Housing Committee member. Konkel said the Mayor's office will make the selection. Konkel said that a recommendation could be forwarded to the Mayor's Office. Villacrez asked who will chair this new committee and Konkel said that person has not appointed yet. Villacrez asked what diversity meant and Konkel said it was income diversity.

UNFINISHED BUSINESS

[08594](#)

2009 Goals Discussion

Attachments: [Goals Discussion](#)
[2009 Work Plan Items.pdf](#)

Hirsch made a brainstorming sheet of 15 items which could be the beginning of a work plan for the Housing Committee for 2009. Konkel requested information from Statz for the next Housing Committee so that the Committee could give Statz a recommendation. Konkel also brought up the production of an annual report and would like to see that on the next Agenda. Sparer referenced that the items on the list should be prioritized at the next Housing Committee meeting.

Villacrez commended Hirsch on his service to the City of Madison and for being an advocate for housing in Madison. Sparer said that Hirsch has done an excellent job. Hirsch indicated that he has enjoyed working with the Committee and is leaving comments for the Housing Committee. Konkel said the Affordable Housing Trust Fund would not be what it was without Hirsch and that is a part of his legacy. Konkel thinks that environmental and accessibility items should be kept in mind, and Hirsch was very good about keeping that in people's minds.

[11764](#)

Parliamentary Procedure at a Glance and Pamphlet

Attachments: [Parliamentary Procedure.pdf](#)

This item was not discussed.

DEPARTING CHAIRMAN'S REMARKS - TOM HIRSCH

[12870](#)

Departing Chairman's Remarks - Tom Hirsch

Attachments: [TH Exit Housing Committee.pdf](#)

Hirsch provided written comments for the Housing Committee.

ADJOURNMENT

A motion was made by Villacrez, seconded by Bosben Gebhardt, to Adjourn at 6:16 PM. The motion passed by voice vote/other.