



# Work Plan and Recommendations to the Mayor and Common Council

2023

Equal Opportunities  
Commission

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

The wake of the COVID-19 pandemic has left its mark in many forms including economic, health, and housing crises disproportionately affecting Black and other marginalized communities. 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 dual public health crises of racism and housing.

The Commission continues to see opportunity amidst these challenges. At its annual retreat in 2022, the Commission recommitted to its focus on finding solutions to the complex housing issues in Madison, and 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 Equal Opportunities Commission 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 is the enforcement agency for the Equal Opportunities Ordinance; and

**WHEREAS** the Equal Opportunities Commission has witnessed that not all Madison residents enjoy equitable access to fair, accessible, safe 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 housing as a human right for all residents by advancing policies that support equitable access to

housing through its oversight and monitoring, staff funding, contracting, and coordination of services and stakeholders to promote efficient use of City and community resources to supporting housing.

## **ACCOMPLISHMENTS**

While the Commission continues to task itself in the upcoming year with addressing the dual public health crises of racism and housing, and the ongoing impacts of the housing crisis in Madison, they also took a moment to reflect on the following accomplishments of 2022:

- Creation of an ordinance protection against retaliation in housing for tenants that make complaints of unsafe or unsanitary living conditions.
- Creation of a Truth and Reconciliation Process.
- Awarding the Reverend James C. Wright Human Rights Award posthumously to Wayne Strong.
- Sustaining a meaningful partnership with the City of Madison Building Inspection Division to quickly process and address complaints of retaliation by housing providers.
- Eliminating a backlog and timely processing cases on appeal to the Commission.
- Creating connections with local media outlets to address portrayals and representations of people of color in the media.
- Work with the Disability Rights Commission and Affirmative Action Commission to address community concerns around the Madison Metro and Bus Rapid Transit redesign.
- Intervention around some of the policies and treatment of the community during the transition at Reindahl Park.

## **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 housing issues facing the community, the Commission heard from Dr. J. Revel Sims on housing insecurity and eviction landscapes in Madison. The Commission is committed to following the long-term impacts of the COVID-19 pandemic on housing as it relates to discriminatory or retaliatory treatment by housing providers in the form of non-renewal or eviction. Given the severe shortage of low-income housing in the City of Madison, residents are often faced with the choice of tolerating unacceptable housing provider behavior or living conditions, or facing eviction or non-renewal of their lease. This untenable situation has been exacerbated by the economic and other long-term health impacts of the COVID-19 pandemic.

Dr. Sims was able to confirm through his research what the Commission had already been hearing from the community, namely that reported housing code violations and eviction filings are closely linked. The percentage of the Black/African American and low-income populations at a neighborhood level is a consistent predictor of code violations. Dr. Sims reported that a “housing submarket” has been created by repetitive eviction filings in City of Madison neighborhoods with higher percentage Black/African American populations where there is a higher rate of documented housing code violations. The Commission also learned that a preemption in the law at the state level shifts what used to be a routine regulatory inspection function of a municipality to the tenant, which places the burden of reporting violations to the City of Madison Building Inspection Division on the tenant, often at the risk of their housing security.

The Commission also heard from staff at Metro and the City’s Transportation Departments on the planning process for the Bus Rapid Transit corridor and Metro Transit redesign and how it would impact historically marginalized communities throughout the City. Transportation shared that in the transit system as it exists currently, African American riders are three times more likely to need to transfer to reach their destination than White riders, while low-income riders are nearly twice as likely to have to transfer to reach their destination, with both groups being disproportionately impacted by longer travel times. The Commission held a meeting in April 2022 that was attended by members of the Disability Rights Commission and Affirmative Action Commission to learn and ask questions of City staff about the redesign. Concerns were raised over the distance some riders would need to travel to reach their new bus stops, the City’s response encouraging the use of paratransit as an alternative to Metro ridership, as well as the impact on folks who need to live on a transit corridor to reach their employment and how that is impacted by the lack of affordable housing in transit corridors. The Commission is committed to following the Metro Transit Redesign and Bus Rapid Transit amendment process to ensure the communities who have voiced their concerns are raised up and not lost in this process.

After hearing from the community about disparities in the portrayal of BIPOC folks in the media, members of the Commission met with staff at The Capital Times to discuss ways to decrease and

eliminate bias in reporting. The Commission is committed to continuing these conversations to ensure the fair and unbiased representation of people of color in the local media.

In the ongoing pursuit of a just and equitable housing landscape, the Commission sought to connect with other municipalities in the state of Wisconsin to learn how preemptions in the law at the state level may be impacting other communities, and to discover how municipalities might be able to partner or collaborate to effect greater change. Madison has long been a leader in the area of civil rights, having one of the most robust and comprehensive Equal Opportunities Ordinances in the country. The erosion of tenant rights at the state level, however, has done much to undermine this progress.

On November 1, 2022, the City of Madison completed annexation of a portion of the Town of Madison, adding approximately 6,000 community members to Madison's population. On October 25, 2022, the City of Madison Common Council approved a change to Madison General Ordinance 39.03 that added a protection from retaliation for community members who complain of unsafe or unsanitary housing conditions. This Commission will be carefully monitoring how the change to the ordinance and addition to the population of the City of Madison impacts service delivery to ensure that the Equal Opportunities Division staff can continue to be effective and responsive in processing complaints of discrimination.

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.

In its efforts to continue to address housing discrimination in the City of Madison, the Commission would like to encourage continued partnerships between Public Health Madison Dane County, the City of Madison Building Inspection Division, and the Department of Civil Rights in the enforcement of the recently enacted ordinance change protecting members of the community from retaliation for making a complaint of unsafe or unsanitary housing. The Commission knows that it is our most vulnerable community members impacted by this type of retaliation in the form of eviction and lease non-renewal, and that housing security is a large factor in social determinants of health. It is imperative that the City of Madison stay at the forefront in providing these protections to our resident.

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 will continue to connect with other local governments with similar goals to expand the voice of housing advocacy beyond the City of Madison. This Commission will work toward engaging groups where there is natural synergy on civil rights issues affecting our community such as the City of Madison Planning and Zoning Division, the City/County Homeless Issues

Committee, the Landlord Tenant Issues Committee, and other City commissions dealing with civil rights issues to identify any natural fusion partnerships.

The Commission also seeks to have ongoing and robust engagement with the residents of the City of Madison, including those who recently joined the City on completion of the annexation of the Town of Madison on November 1, 2022. This Commission is committed to expanding the reach of its education and outreach on the work of the Equal Opportunities Commission, the City's Equal Opportunities Ordinance and how its protections work, what protections are available to the community and how to engage and access the Commission and its work. This Commission is committed to employing new, alternative and improved ways of communicating messaging and opportunities for engagement to the public it serves, and to making this messaging culturally competent, and available in as many languages and formats as possible to create the most robust and meaningful engagement with the community. This Commission is interested in connecting further with voices from the community including faith-based organizations, our homeless community, and our disability community. To further the work on this goal, the Commission intends to resume conducting some of its regular meetings periodically in communities throughout the City.

The Equal Opportunities Commission will be celebrating its 60<sup>th</sup> Anniversary in 2023. This Commission remains committed to the vision of a Madison where all of its residents can live, work and play free from discrimination.

## **RECOMMENDATIONS**

### **Policy Recommendations:**

1. Create a subcommittee to review the Equal Opportunities Ordinance.
2. Protect the safety and rights of transgender and queer people.
3. Housing is a human right.
4. Evaluate City of Madison zoning changes as a function of the maintenance and creation of affordable housing.
5. Change policy that discriminates against felons with drug charges from being accepted into CDA housing.

### **Strategic Initiatives:**

1. Participate and partner in a statewide coalition on housing to push for housing reform.
2. Coordinate and ensure access to trainings and materials are made available to the community in a culturally competent and accessible way.
3. Continue/increase engagement with our homeless and disability community members.
4. Coordinate with Outreach to help address discrimination issues in the adult and teen trans community.
5. Make MMSD aware of DCR resources available to students and staff facing discrimination.
6. Have significant city-wide zoning change resolutions referred to the Equal Opportunities Commission.

12/08/2022

7. Work on changing the policy that restricts ex-convicts that have drug charges from fair housing opportunities in subsidized CDA units.
8. Continued support and engagement on the Truth and Reconciliation Process.
9. Ask the City for an Equity Impact Analysis within citywide transportation.