

Increasing Equity and Housing Supply by Changing the Family Definition

Plan Commission Work Session

Thursday, September 29

Outline

- Family Definition
- Background and History
- What's Changed?
- Enforcement Today and Negative Impacts
- Options for Change
- Feedback and Questions

Family Definition

A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:

In the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R- AND TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer...

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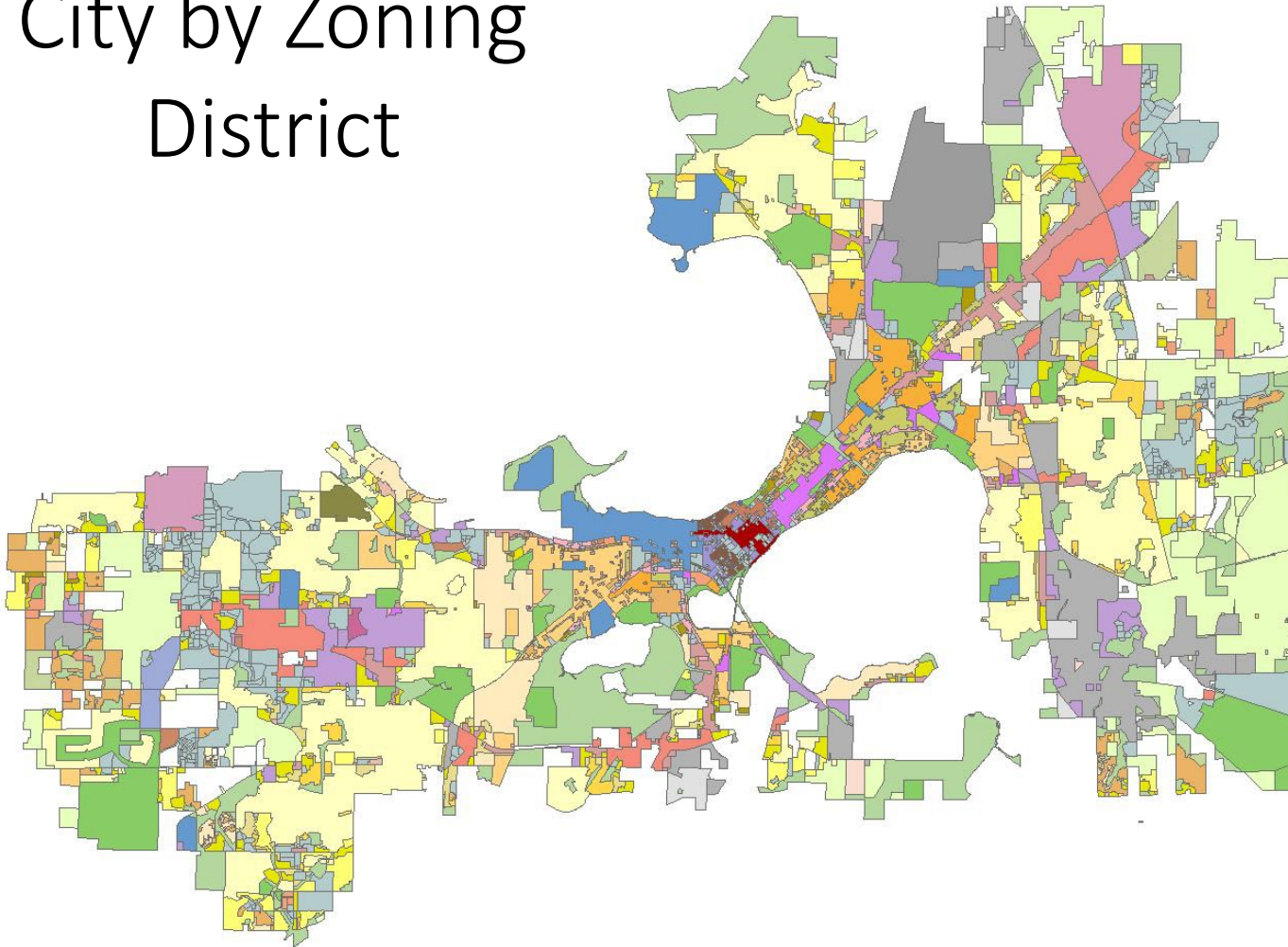
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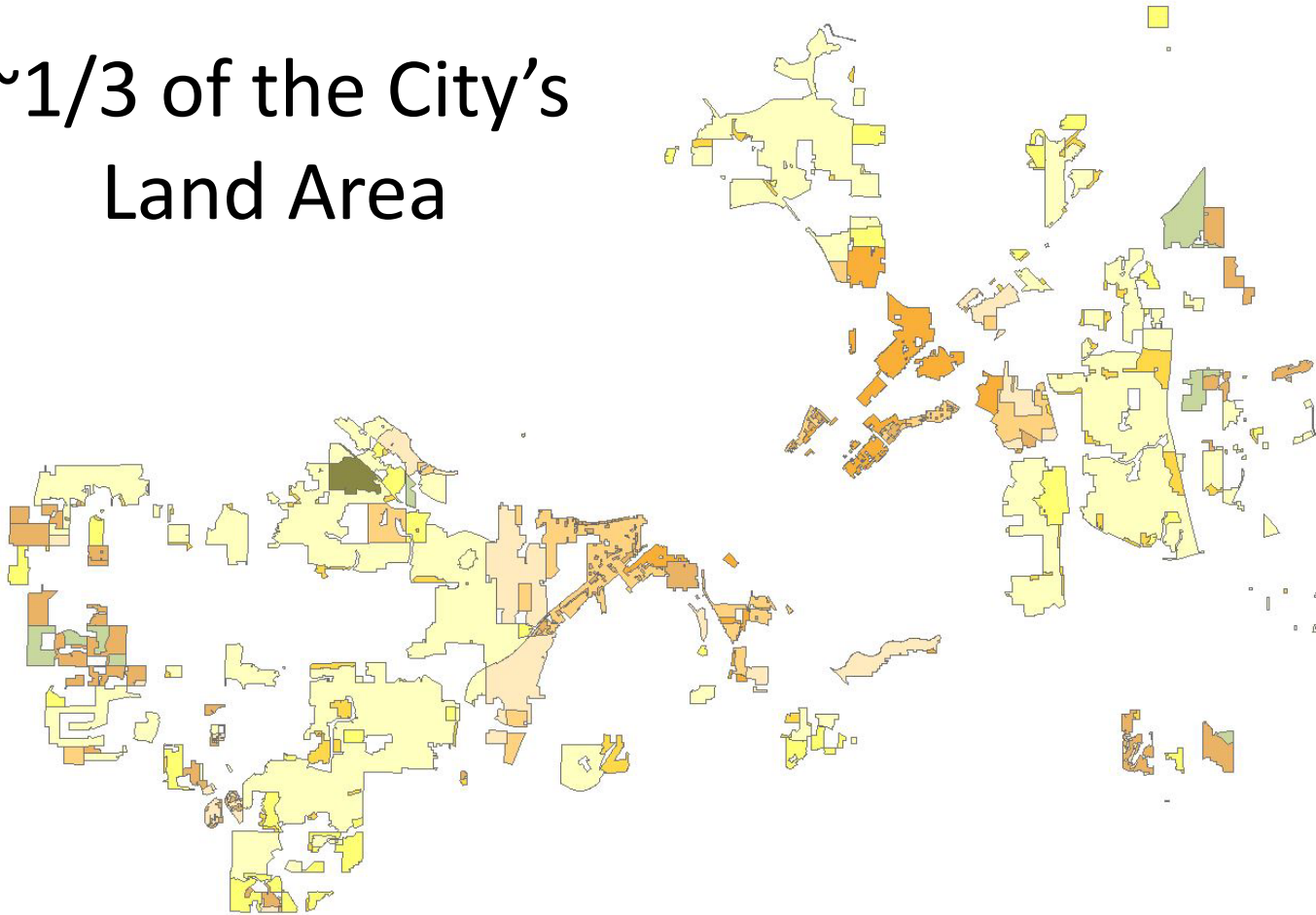
- If renter-occupied in these districts, maximum two unrelated individuals.
- If owner-occupied in these districts, maximum five unrelated individuals.
- Other districts, maximum five unrelated individuals.

City by Zoning District



Areas currently zoned to limit occupancy in renter-occupied homes to 2 unrelated individuals or a “family” and 1 “roomer”

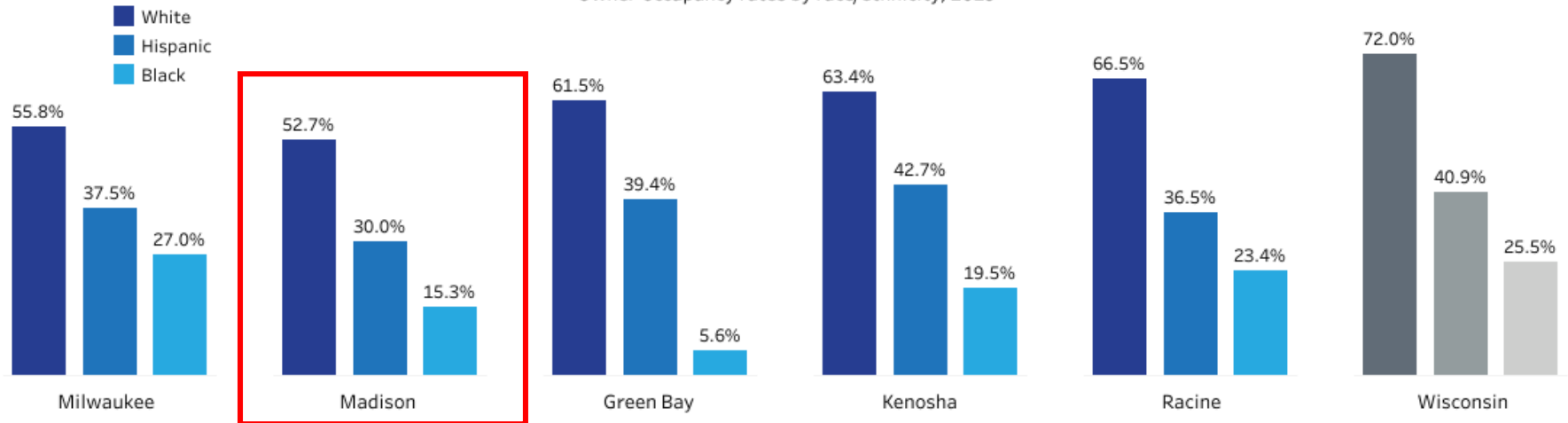
~1/3 of the City's
Land Area



Disproportionate Impact on Black and Latino Households

Figure 1: Large Racial Gaps in Homeownership in Wisconsin and its Biggest Cities

Owner-occupancy rates by race/ethnicity, 2019



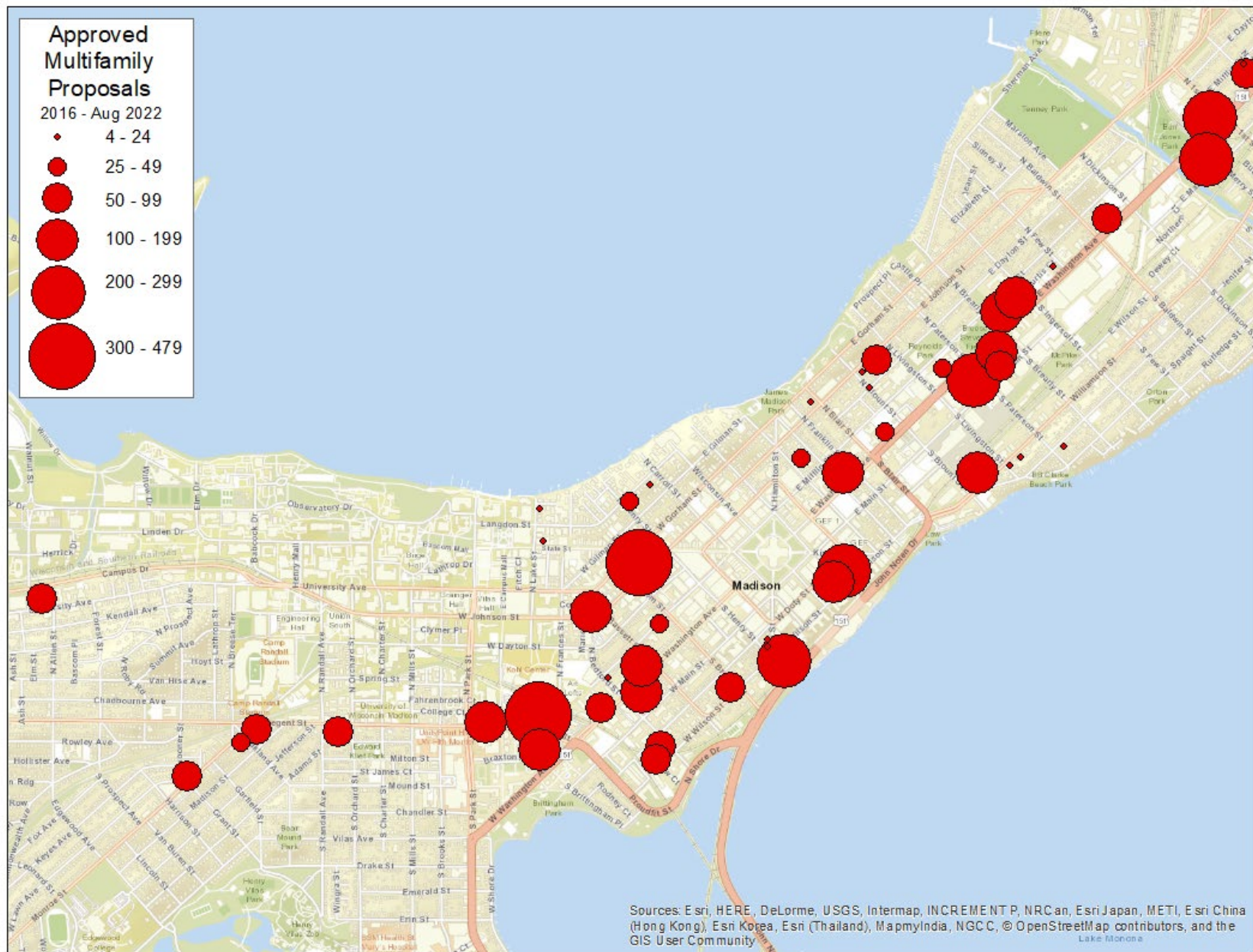
Note: Owner-occupancy rates are for non-Hispanic white households, Hispanic households of any race, and Black households (which may include some who identify as both Black and Hispanic). Source: U.S. Census Bureau. American Community Survey 5-year estimates.

Graphic from Wisconsin Policy Forum report, "Racial Disparities in Homeownership Extend Beyond Milwaukee"

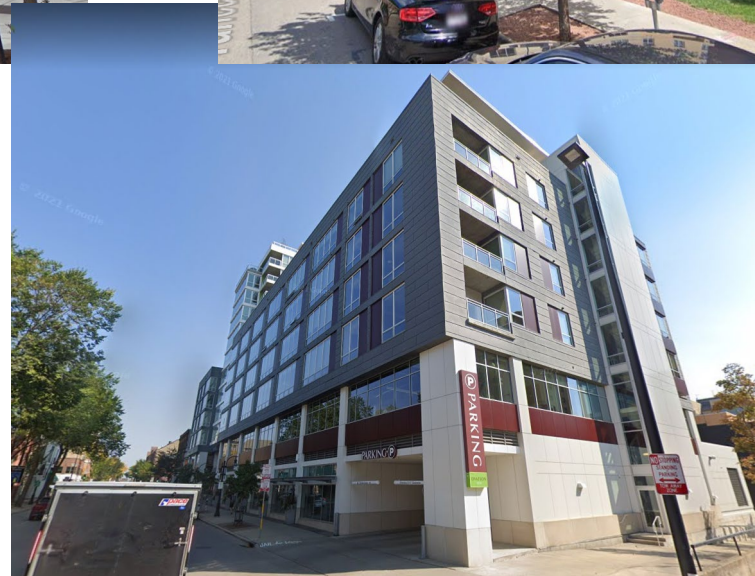
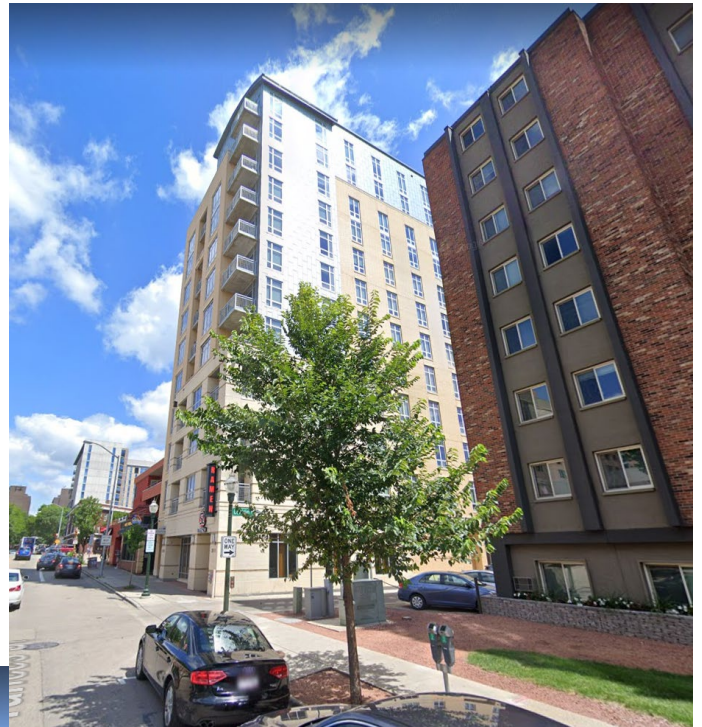
History and Background

“It is inconceivable to me that we would allow the exercise of the zoning power to burden First Amendment freedoms, as by ordinances that restrict occupancy to individuals adhering to particular religious, political, or scientific beliefs. Zoning officials properly concern themselves with the uses of land - with, for example, the number and kind of dwellings to be constructed in a certain neighborhood or the number of persons who can reside in those dwellings. But zoning authorities cannot validly consider who those persons are, what they believe, or how they choose to live, whether they are Negro or white, Catholic or Jew, Republican or Democrat, married or unmarried.”

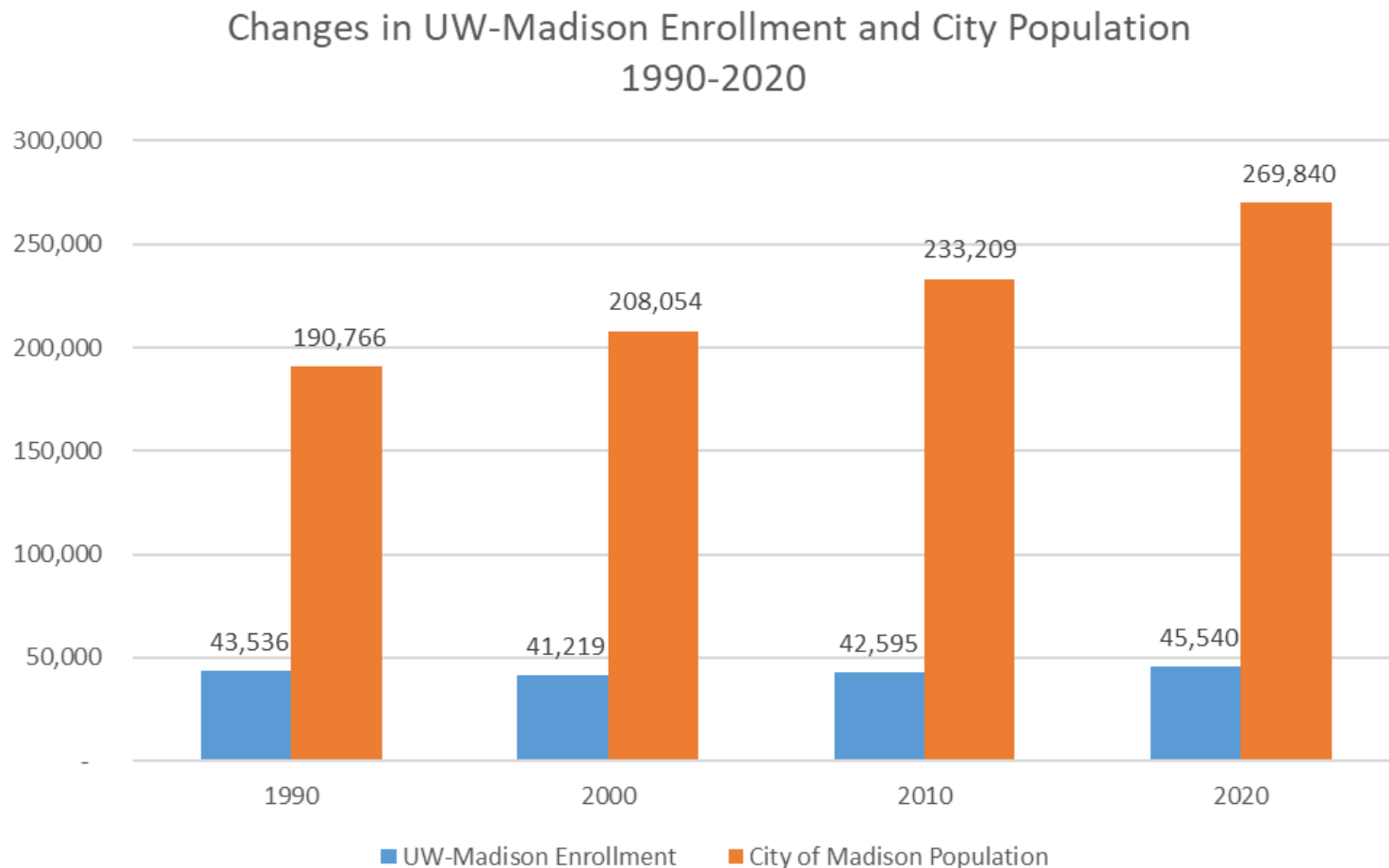
- Supreme Court Justice Thurgood Marshall, Dissenting Opinion, *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974)







City of Madison Growing More Rapidly than UW-Madison



UW-Madison enrollment is fall enrollment and includes full-time, part-time, undergraduate, and graduate students

RACE TO EQUITY

A Baseline Report on the
State of Racial Disparities in Dane County



Wisconsin Council on Children & Families

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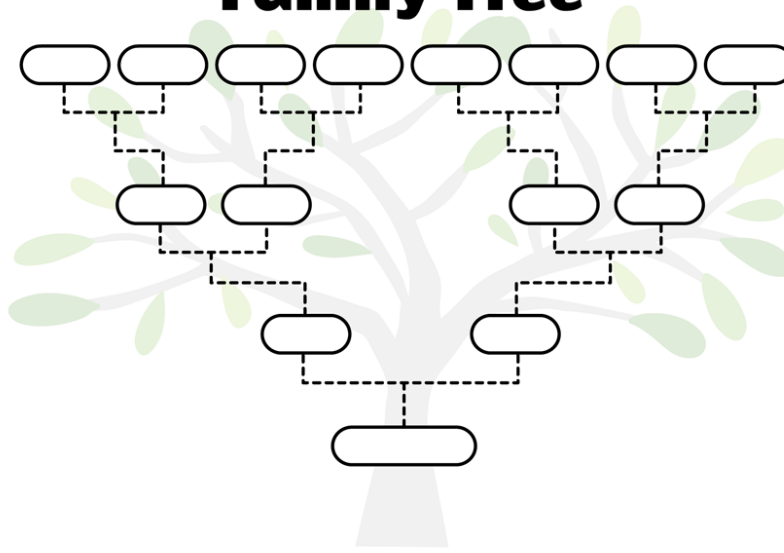


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Family Tree



www.FreeFamilyTreeTemplates.com

What We Can Do Instead

- Base occupancy limits solely on the number of people per bedroom, number of people per square foot, or some other objective measure that will allow reasonable use of property while preserving resident safety.
- Set a maximum number of adults, regardless of relationships to one another and regardless of renter or owner, while allowing an unlimited number of dependents.

Possible Concerns

1. Are we putting residents in unsafe living conditions?

Safety Limits Already in Place

- Not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
- The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required.

Often Used Against Tenant Safety



Lili Pike

Possible Concerns

2. What about the impacts that the family definition attempts to address?

A Blunt Tool



Dmytro Varavin

“But I think it clear that the means chosen to accomplish these purposes are both overinclusive and underinclusive, and that the asserted goals could be as effectively achieved by means of an ordinance that did not discriminate on the basis of constitutionally protected choices of lifestyle.”

- Supreme Court Justice Thurgood Marshall, Dissenting Opinion, *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974)

We Have More Precise Tools



Why Change?

- Improve Equity

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- Increase Housing Supply and Choice

Why Change?

- Improve Equity
- Increase Housing Supply and Choice
- Current Practice Has Negative Impacts

Questions

- What thoughts or concerns do Plan Commissioners have about eliminating the family definition?
- Should we have a zoning occupancy limit?
 - If so, by bedroom, absolute number of adults, or both?