

From: [Karen Aamotsbakken](#)
To: [Evers, Tag](#)
Cc: [All Alders](#)
Date: Tuesday, February 28, 2023 4:23:35 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The proposed "family" definition change from 2 to 5 unrelated adults is like opening the floodgates to a dam. It is much wiser to moderately increase the water flow and see the actual downstream effects before fully opening the floodgates.

So as a District 13 (Dudgeon Monroe) resident, **I am against the proposed "family" definition change from 2 to 5 unrelated adults (which is fully opening the floodgates), but I do support Alders Vidaver's and Ever's statement and reasons to increase the limit to 3 rather than 5.**

I also fear that by approving the current proposal you risk damaging the legitimacy of both this process and city staff as numerous and repeated questions and concerns have gone unanswered. I attended one listening session, watched the recording of another, and read through the public comments. Multiple residents asked city staff for data that support this proposal and were met with "We don't know", "We didn't ask", and "We think". The inability (one could almost say unwillingness) of staff to answer questions about how they determined the scope of the problem they are trying to solve with this solution; their inability (or unwillingness) to say what "success" looks like and how they will measure success; the total omission of any "cons" or potential adverse effects of their proposal in the public-facing materials (that read like marketing materials) are shameful and come across as incompetence if not actually an attempt to deceive the public.

Thanks and please **vote against the definition change to 5.**

Karen Aamotsbakken
Madison resident since 1998, Dudgeon-Monroe homeowner since 2003

From: [Doug Carlson](#)
To: [All Alders](#)
Subject: Doug Carlson Comments on 2/28/23 Agenda Item #3
Date: Monday, February 27, 2023 12:32:47 PM

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Dear Alders:

My wife and I bought our home at 1018 Oakland Ave. in 2000 and have raised our two kids here. It's a modest, 3-bedroom home on a 3,600 sq. ft. lot and is typical for this area. It's about half-way between Grant and Regent Streets and two blocks in from Mickey's Dairy Bar. Roughly one-half of the homes in this area are rentals and half are owner occupied. On my short block from Adams to the alley, three houses are rentals and three are owner-occupied. It's a diverse and vibrant mix of families and students. It's a great location that allows me to walk to work on Regent St., my wife to bike to UW Hospital, and my son to walk to West High School and to work at Trader Joe's.

City staff claims that the proposed occupancy change will cause few owner-occupied houses to be converted to rentals because the economics don't make sense. However, I have seen no quantitative examples and don't believe this to be the case, so I ran the numbers on my house.

Home stats: Assessed at \$484,200 with a fair market value of \$505,000.

Easy upgrade: The dining room becomes a bedroom by adding a wall, door, and outlets. <\$5,000.

The rental house across the street of the same size but with five bedrooms squeezed in rents for \$4,245/month (1544 Adams; Tallard) but has minimal amenities and no garage. My house with four bedrooms, garage, storage shed, deck, etc. would conservatively rent for \$4,000/month plus utilities.

Using a rule-of-thumb of value at 12x annual gross rent = \$4,000 x 12 months x 12 = \$576,000. That's a 15% premium over the current value as owner-occupied including costs to add a bedroom. Another calculation from Craig Stanley, a property investment consultant, calculated the following:

"Yes this works. I did some quick finance. Assuming 20% down and 6.5% interest rate with a 25-year amortization...you can make more than 6% return on your equity...basically a no brainer."

Enough to get me to move tomorrow? No. Enough that a landlord would likely out-bid an owner when we sell? Probably. It is obvious that no young couple, like my wife and I were 23 years ago, could outbid a landlord for this house. The thought that we would be the last owners to occupy it is heartbreaking.

To re-iterate my earlier comment: This is not a unique example. This is a typical

house for the area surrounding campus, and if the numbers scream “rental!” for my house, they also do for dozens of homes in my neighborhood and likely hundreds in close proximity to campus. As landlords purchase the remaining owner-occupied houses in this area, it will destroy the diverse mix of families and students in the neighborhood and decrease choices for families who want to own a home within walking distance of downtown jobs and schools.

I encourage the Council to either:

(1) Refer your decision to June and emphasize the fact that more analysis is required, including quantitative evaluation of the impact on owner-occupied housing near campus. OR:

(2) Adopt an overlay surrounding campus to limit occupancy to two or three unrelated occupants aside from the dozens of homes already grandfathered.

Thank you for your consideration,

-Doug Carlson, 1018 Oakland Ave.

From: [Justice Castaneda](#)
To: [All Alders](#); [Mayor](#)
Subject: Memo for The Record ICO Effects of Changes of the Definition of "Family"/ Legistar #74885
Date: Tuesday, February 28, 2023 5:59:10 PM

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Good Evening Members of the Common Council,

In December I was approached, by two separate interest groups (both in favor of the change of existing definition of “family”) and asked if I could put together an analysis of whether or not changes to the definition of “family” would affect speculative acquisition of housing units (single family and/or other), particularly for the purposes of conversion to for-profit short-term rental properties or to maximize profitability (beyond what the market already allows for. I convened a team and have been working on this for ~6 weeks. We were not paid by any group to do this, and ultimately I felt like it aligned with my current role and responsibilities both as a researcher and as the Executive Director of Common Wealth Development (Note: Personally, I am somewhat agnostic to this particular issue as I think there are other issues that are more directly relevant re: Speculative acquisition/housing shortage in general).

As of tonight’s meeting of the Common Council, our analysis is not complete, however I wanted to share what we have found thus far. Since 2010 there have been a number of cities in the US that have passed ordinances to change the definition of “family” as it pertains to zoning laws/policies/ordinances. Many of the changes (Portland, OR, 2010; Cambridge, MA, 2015; Austin, TX, 2016; Salt Lake City, UT, 2019) were made to accommodate zoning changes designed to allow for the creation of ADUs, with a handful done to accommodate co-living / co-op housing communities (Seattle, WA, 2010; Boulder, CO, 2015; San Francisco, CA, 2016).

Of the cities that changed the definition of family to accommodate either ADUs or co-living / co-op housing, there have been none that

demonstrated or experienced any significant correlations between the changes in the definition of family and any increase in speculative acquisition for the purposes of for-profit short-term rentals or to increase the stock of for-profit (i.e. above market) housing units, with a caveat that San Francisco presented somewhat of an outlier situation. When San Francisco changed its rules/definitions, again mostly to coincide with the ADUs allowances, there were two main developers (Star City, a national developer, and Patrick Kennedy) who were aggressive in creating co-housing, within the stated regulatory environment. However, as the policy matured, and largely coinciding with the most aggressive housing market in the US, San Francisco did have more developers taking advantage of the new definitions, resulting in the city having to tighten its regulations in 2021 to ensure new developments were more definitively designed in accordance with the intent of co-living and/or the creation of ADUs.

Again, there is more that we are doing with this, as there are a number of ordinance changes pertaining to zoning/density happening in any given year across the US, so we cannot say with certainty that there are not other cities that may have had zoning changes redefining what constitutes “Family” that may have had other secondary/tertiary affects re: Speculative acquisition.

However, from the cities that we have looked at and that have had similar political discourse around zoning to what we are experiencing in Madison, there has not been any significant increase in speculative acquisition of housing units for the purpose of increased profitability or for the creation of shorter-term rental units, as a result of changing the definitions of a family.

As always, I appreciate the work and considerations you all make as you navigate these policies and their potential ramifications. I absolutely recognize your work and investment, and am humbled by and appreciative of it. Definitely feel free to reach out if you have any

questions, or if any clarification is needed/requested.
Thank you for your service to the people of Madison.
R/

Justice

Respectfully Submitted,



Justice Castañeda

Executive Director

Common Wealth Development, Inc.

1501 Williamson St.

Madison, WI 53703

(608) 620.7745

Email: justice@cwd.org

Web: www.cwd.org

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From: [Jane Doughty](#)
To: [All Alders](#)
Subject: Family definition - Item 3 Legistar # 74885
Date: Tuesday, February 28, 2023 12:10:13 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing in opposition to the change in the definition of Family. This change needs to be reviewed in much more detail and more time needs to be provided for the Madison residents that live near campus to make their voices heard. Please table this item until this work can be done and the information can be presented to all Madison residents.

Respectfully,

Jane Doughty
2115 Bascom St.

From: [Jonathan Du Chateau](#)
To: [Evers, Tag](#)
Cc: [All Alders](#)
Subject: Comment on 74885 - "Family" definition proposal
Date: Tuesday, February 28, 2023 4:11:00 PM

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The proposed "family" definition change from 2 to 5 unrelated adults is like opening the floodgates to a dam. It is much wiser to moderately increase the water flow and see the actual downstream effects before fully opening the floodgates.

So as a District 13 (Dudgeon Monroe) resident, **I am against the proposed "family" definition change from 2 to 5 unrelated adults (which is fully opening the floodgates), but I do support Alders Vidaver's and Ever's statement and reasons to increase the limit to 3 rather than 5.**

I also fear that by approving the current proposal you risk damaging the legitimacy of both this process and city staff as numerous and repeated questions and concerns have gone unanswered. I attended one listening session, watched the recording of another, and read through the public comments. Multiple residents, myself included, asked city staff for data that support this proposal and were met with "We don't know", "We didn't ask", and "We think". As a proud civil servant since 1991 I take no pleasure in stating my dismay at such answers which are not befitting this proposal's possible impacts and the many concerns of residents.

Thank you.

Jonathan "J.J." Du Chateau

Madison resident since 1986 who has both rented and owned a home, and now currently rents.

From: bjernenb@wisc.edu
To: [All Alders](#)
Subject: [All Alders] "REDEFINING FAMILY ZONING PROPOSAL"
Date: Sunday, February 26, 2023 11:31:53 PM

Recipient: All Alders

Name: Barbara Erlenborn

Address: 2316 West Lawn Avenue, Madison, WI 53711

Phone: 608-512-2409

Email: bjernenb@wisc.edu

Would you like us to contact you? Yes, by email

Message:

Alders...I know you are extremely busy...but...please read this report listed below before casting your vote on revising the Family Zoning Ordinance. The Family definition can be updated, but the change to the zoning ordinance needs further study. The issue of single family housing in the near campus and downtown area is extremely complex as this report shows in great detail. The mayor has asked for further study and I beg you to create a task force utilizing the expertise on campus and in the State to evaluate all the unintended consequences of this zoning ordinance change before going forward.

<https://dpla.wisc.edu/wp-content/uploads/sites/1021/2017/06/UWEX-Report-Student-Housing-Report-Sorensen-Ohm-final.pdf>

From: [Wendy Fearnside](#)
To: [All Alders](#)
Subject: Regarding Agenda Item #74885 - Winners and Losers in the Proposed Change to the Definition of Family
Date: Tuesday, February 28, 2023 2:55:37 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

As City Council members, you have experience in dealing with issues that involve tough tradeoffs, where there are winners and losers and where your decision cannot possibly satisfy everyone. This is one of those issues.

Who benefits and who loses from the proposed family definition rewrite?

Those who benefit include:

- People in non-traditional families and other living arrangements not currently recognized in Madison's zoning code definition of family and who, for reasons of economics or lifestyle choice, want to share a home with three or more adults in an area zoned for single family use.
- People looking to share housing in Madison's tight rental market who may find more options available to them under the proposal. This includes students who want and need housing that is conveniently located to the UW.
- Individuals and real estate companies who invest in and manage rental units in near campus and other residential neighborhoods.

Those who lose include:

- Homeowners in single family zoned neighborhoods where the economics of housing will favor conversion from owner-occupancy to rentals over time. Their neighborhoods will become more transient and less family-friendly. In near campus areas, they will likely be exposed to more than average amounts of public drinking, late night partying, noise, trash, neglected maintenance and other problems that are already issues in largely student areas.
- People who have to pay more for housing if rents increase as a result of the change, as some real estate professionals are projecting.
- People have to share their space with a larger number of housemates in order to afford rising rents.
- People of modest means who want to become homeowners and find themselves priced out when home values increase due to the higher income-generating potential as rentals.

You have the right to prioritize and to make the decision you believe is best. But you also owe it to those who will potentially be harmed to do what you can to anticipate, acknowledge and mitigate the potential negative impacts of your decision.

Thank you.

From: [Fred](#)
To: [All Alders](#)
Subject: 74885 and Tag Evers amendment
Date: Sunday, February 26, 2023 2:51:59 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I oppose this 74855 proposal.

As a least worst alternative I urge you to support the amendment proposed by Alder Evers if you chose to advance this at all.

This proposal will turn the Dudgeon/Monroe neighborhood into a real estate investor dream, enrich landlords maximizing their profits renting to the elite at rents the diverse population can not afford and devastate central city schools while driving families to the suburbs.

This has been done before so there is no doubt of the consequences.

More troubling trust in the process has been eliminated by the publishing of only obscure statements of intentions initially, an under the table rushed process during the holiday season, the lack of timely consultations with the neighborhoods and publishing of unsupported "facts."

Vote No or at least for the Tag Evers amendment.

Sent from my iPhone

From: [Gary Gruenisen](#)
To: [All Alders](#)
Date: Tuesday, February 28, 2023 6:24:38 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hate the higher density, unrelated zoning change

Poor public policy.

Gary Gruenisen
5810 Piping Rock Road
Madison WI 53711
608-445-4855

From: [George Hall](#)
To: [All Alders](#)
Subject: Comments on Legistar #74885
Date: Tuesday, February 28, 2023 2:58:13 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: All Madison Alders
Re: Legistar #74885

I support the revised “family” designation changes, but only if the proposed amendment by Alders Vidaver and Evers passes.

Unfortunately, Legistar does not contain an “if-then” option for registering opinion, and was only recently updated (over the weekend?) to include the proposed Alders Vidaver and Evers amendment. Those registering earlier in support or in opposition may likely be miscounted, depending on their level of support or opposition to the amendment. I also think the drafter’s headnotes are defective as they omit any historical discussion of this matter before you.

Thanks to changes to the original 1966 zoning code, followed by the subsequent zoning code rewrite that became effective January 1, 2013, the origins and rationale for the limited family definition affecting non-owner-occupied rental houses became decidedly muddled. What was once apparently applicable only to R4A (see Building Innovation's 2008 summary of the then-existing zoning found at: <https://www.buildinginnovations.org/wp-content/uploads/96fe1d36-51e0-43da-9fb4-59ffcf73cc2.pdf>), was later applied city-wide by 2018 Madison Ordinance #18-00102.

I can appreciate why this restriction should not apply outside of the UW campus area, as the unique situs circumstances are not present elsewhere in the city: large houses once occupied by faculty and staff, who wanted to be within walking distance of the UW campus, are equally suited to being rented to students, resulting in competition between two sets of prospective buyers, families and landlords, so long as an affordable student housing gap exists to incentivize purchase based on rental income. Whether all of the near-campus high rises either existing, under construction, or proposed, will adequately address the lower end of student housing market is debatable. Where is the evidence that demand for truly affordable student housing will taper off any time soon?

This is why I support the Alders Vidaver and Evers amendment, as it is limited to the very geographic area partially subsumed by the earlier R4A. It provides a momentary time-out to consider whether maintaining this rationale is needed today, how school attendance areas might be affected, whether housing would remain affordable for first-time home buyers, and whether neighborhood stability matters at all. Building and Zoning staff presented a telling indication for some of the family/renter externality issues likely resulting from nuisance occurrences, in their “Housing Occupancy Enforcement Map 2012-present,” illustrating that the only real cluster on the map just happens to coincide with the UW-campus area covered by the sketch map included with the Alders Vidaver and Evers amendment.

Thank you for considering my statement in support of the proposed amendment.

George Hall
Aldermanic District 5

From: [Michael Havey](#)
To: [All Alders](#)
Subject: Agenda item 74885 for the common council meeting on Feb 28 2023
Date: Sunday, February 26, 2023 9:29:10 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I wish to communicate my strong opposition to the proposed zoning change regarding the number of unrelated individuals who may reside in houses in neighborhoods close to the UW campus. My family has resided in the Regent neighborhood for 30 years, and both of our children attended Madison Public Schools (Franklin-Randall, Velma Hamilton, and West High). My family has greatly benefited from the closeness of our neighborhood allowing for daily interactions and deep friendships. Everyday I walk to the UW campus through areas with rental properties and see the poorly maintained housing, junk laying around, cars parked everywhere, etc. Increasing the number of unrelated people in houses in our neighborhoods will not reduce rents, only lead to the deterioration of the neighborhoods by those who have no long term interest in the community.

Respectfully,
Michael J Havey
2641 Van Hise Ave, Madison, WI 53705

From: Rahavey@aol.com
To: [All Alders](#)
Subject: [All Alders] Re: Amending city regulations to update the definition of "family."
Date: Monday, February 27, 2023 3:33:03 PM

Recipient: All Alders

Name: Rita Havey
Address: 2113 Monroe St, Madison, WI 53711
Phone: 608-251-0180
Email: Rahavey@aol.com

Would you like us to contact you? Yes, by email

Message:

City council meeting Feb 28 - I am strongly opposed to amending city regulations to update the definition of "family."

My souse & I have been home owners & taxpayers on Monroe St for the past 48 years. Many changes have occurred in this area during that time with traffic, etc.

Changing the definition of "family" regarding allowed occupants of housing for the city would greatly change this neighborhood for the worse-likely increase parties, drugs, etc that worsen the neighborhood for family life and safety.

Please seriously what you consider & vote for regarding the above for the future of families, safety, and the city!

Thank you.

From: [Dave Hughes](#)
To: [All Alders](#); [Vidaver, Regina](#)
Subject: Update Definitions of "Family" - Item 74885
Date: Tuesday, February 28, 2023 1:33:03 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please consider this my public comment on 74885.

I've read much about the proposed change to the definition of "family" and pros and cons. I've read some of the public comments available on the web.

I live in the 2600 block of Mason Street and am not in favor of the proposed change. I can very easily see how such a change would dramatically and quickly change the nature of neighborhoods that are now primarily SFH. I understand the need for housing, however I feel this is taking the easy way out by our city leadership.

On the same topic, with all of the bedrooms that are being added to the city via new construction, and the recently passed Transit Oriented Development (which will also change neighborhoods) it is hard for me to understand the need for this change. If it is for the sake of affordable housing, why don't the new projects have a requirement for affordable units to gain approval?

David Hughes

From: ianjamison@gmail.com
To: [All Alders](#)
Cc: [Benford, Brian](#)
Subject: Support changing family definition item 74885
Date: Tuesday, February 28, 2023 11:51:26 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon,

I would like to share my strong support for Agenda Item 74885. The current family definition discriminates against renters, students, and others whose “family” does not meet the preferred definition of the city. It forces landlords and others to discriminate against these groups in violation of the city’s own Equal Opportunities Ordinance. And it’s more than overdue for a change.

The proposed change would address this issue and make the City a fairer, more tolerant place for everyone to live. Homeowners should not live by a different set of rules than renters, period – especially considering the class and racial differences between each of these groups. Discrimination against renters all too often becomes a thin façade allowing for racial, age, and class discrimination. The current standards not only foster this discrimination – they require it! Some will argue for more time to study this change, or to exclude certain parts of the city from updates. But discrimination shouldn’t be tolerated anywhere, ever in any city. Especially in progressive Madison. No additional time studying is worth the cost of allowing discrimination to continue in the meantime.

Narrow tweaks or expansions to the family definition still leaves the City in charge of determining who does and doesn’t count as family. That’s wrong. People determine who they consider their family. Not the government. Leaving this in the hands of the city perpetuates a cycle where reporting and enforcement is selectively targeted at groups younger, poorer, and less white. It’s wrong.

I urge this committee to do the right – and equitable – thing and end this city-mandated policy of discrimination with greatest urgency.

Thank you,

Ian Jamison

District 6 Resident

From: jkoykkar13@gmail.com
To: [All Alders](#)
Subject: [All Alders] zoning change
Date: Monday, February 27, 2023 2:31:31 AM

Recipient: All Alders

Name: Joseph Koykkar
Address: 5205 Hammersley RD, Madison, WI 53711
Email: jkoykkar13@gmail.com

Would you like us to contact you? Yes, by email

Message:

Having studied both sides of the proposed zoning changes, I am contacting to request you do NOT vote for this. It will have a serious negative effect on the city, and especially the neighborhoods that are designated for this change.

The entire concept of the BRT and related costs need to revisited.

I have owned a home in SW Madison since 1995.

From: [Matthew Kulcyk](#)
To: [All Alders](#)
Subject: Family Definition Petition
Date: Monday, February 27, 2023 8:40:13 PM
Attachments: [Family Definition Petition.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We are writing to you regarding the proposed Family Definition change. We fully support the city's objectives to make Madison's housing more equitable and accessible. However, we are concerned that the family definition change proposal, as written, will have unintended consequences and will increase housing costs in some Madison neighborhoods due to speculative investment.

In many areas of Madison this change will make housing more affordable because rent can be split between multiple adults, lowering the cost per person. However, in the areas adjacent to campus, this will increase housing costs. Studies have been done that show that properties near high undergraduate populations have higher rents than properties that are farther away. Instead of making housing more affordable in these near-campus neighborhoods, it makes it LESS affordable. Groups of people pooling five incomes together will price out residents and families with only one or two incomes. This will ultimately make our community less equitable and less affordable. This was not the original intent of this proposal, and is a critical consequence that must be addressed through modifications to the proposed plan.

We are requesting that the planning committee make an amendment to the current proposal in order to mitigate the impact of speculative investing that will drive up housing prices as a result of the changing the family definition. We are petitioning to create an overlay zone in portions of Greenbush, Dungeon Monroe, Vilas, and Regent neighborhoods. The overlay zone would keep current zoning regulations in place. We are open to alternative solutions such as increasing the limit of unrelated people to three instead of five or implementing a functional family definition.

Family Definition Petition

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Number	Submission Time	First Name	Last Name	Initials
1	Dec 30 10:53 PM	Matthew	Kulcyk	Mk
2	Dec 31 2:32 AM	Cynthia	Koschmann	Cak
3	Dec 31 2:33 AM	Edward	Mason	Egm
4	Dec 31 9:23 PM	Karen	Stevenson	KS
5	Jan 1 7:18 PM	David	Schroeder	DAS
6	Jan 1 7:59 PM	Malorie	Hepner	Myh
7	Jan 1 7:59 PM	Jeanette	Froehle	JF
8	Jan 1 8:39 PM	Gary	Stults	Gws
9	Jan 1 8:55 PM	Juliet	Aylward	JLA
10	Jan 1 9:38 PM	ann	Niedermeier	AN
11	Jan 1 9:56 PM	Susan	Thibeault	slt
12	Jan 1 9:56 PM	David	Yang	dtty

13	Jan 1 9:58 PM	Stacy	Schuman	SS
14	Jan 1 10:38 PM	Nate	Zimmerman	WNZ
15	Jan 1 11:44 PM	Douglas	Raubal	djr
16	Jan 2 12:41 AM	Elizabeth	Newsom	EN
17	Jan 2 1:37 AM	Roger	Maes	RM
18	Jan 2 4:08 AM	Kristin	Daugherty	ksd
19	Jan 2 2:19 PM	Leslie	Shear	LDS
20	Jan 2 2:48 PM	Betty	MacEwen	BLM
21	Jan 2 3:02 PM	Andrew	MacEwen	ACM
22	Jan 2 3:17 PM	John	McGuigan	JM
23	Jan 2 3:21 PM	Tim	Mathison	TRM
24	Jan 2 3:36 PM	Daniel	O'Connell	DOC
25	Jan 2 4:10 PM	Barbara	Jacobs	bj
26	Jan 2 5:02 PM	Emily	Kohlhase	EK
27	Jan 2 6:26 PM	Barbara	Sanford	BS
28	Jan 2 6:30 PM	Thomas	Richardson	TPR
29	Jan 2 6:40 PM	Chris	Shaw	CS
30	Jan 2 6:41 PM	Robert	Schroeder	Rks
31	Jan 2 6:51 PM	Shannon	Kleiber	SHK
32	Jan 2 7:18 PM	Jeff	Henriques	JBH
33	Jan 2 7:21 PM	Lauren	Craddock	LC
34	Jan 2 7:34 PM	David	Bolles	DB
35	Jan 2 7:54 PM	Betty	Zeps	BSZ
36	Jan 2 7:58 PM	Leo	Richardson	LAR
37	Jan 2 8:31 PM	Michael	Havey	MJH
38	Jan 2 8:33 PM	Olcha Eileen	Borowiecka-Havey	OBH
39	Jan 2 9:03 PM	Hornberger	Thompson	EHT
40	Jan 2 9:40 PM	Katya	Maes	KM
41	Jan 2 10:13 PM	Juliana	Cranley	JC
42	Jan 2 10:48 PM	William	Aylward	WA
43	Jan 2 11:48 PM	Melanie	La Barre	MEL

44	Jan 3 12:04 AM	Susan	Ketchum	skk
45	Jan 3 12:06 AM	Mary	Unmuth	MJU
46	Jan 3 12:13 AM	James	Yockey	JFY
47	Jan 3 12:23 AM	John	Penner	JP
48	Jan 3 12:44 AM	Laurie	Frost	LAF
49	Jan 3 1:12 AM	Cary	Forest	CBF
50	Jan 3 1:28 AM	margaret	schwarze	mls
51	Jan 3 1:29 AM	joshua	mezrich	jdm
52	Jan 3 2:00 AM	Jason	Beren	jrb
53	Jan 3 5:49 AM	Jeffrey Craig	Thompson	JCT
54	Jan 3 8:38 AM	Sarah	Marty	SLM
55	Jan 3 2:31 PM	Michelle	Hackworthy	MH
56	Jan 3 2:31 PM	James	Hackworthy	JH
57	Jan 3 3:15 PM	Erin	Luken	EML
58	Jan 3 3:44 PM	Lara	Collier	LC
59	Jan 3 4:07 PM	Gary	Edelstein	GAE
60	Jan 3 5:21 PM	Heather	O'Neil	Hao
61	Jan 3 5:50 PM	Jeremy	Levin	JPL
62	Jan 3 6:03 PM	Laura	McClure	LKM
63	Jan 3 6:10 PM	Mary	Brush	MB
64	Jan 3 6:10 PM	Julia	Voss	JV
65	Jan 3 6:29 PM	Patricia	Forbes	pf
66	Jan 3 7:03 PM	Heidi	Notbohm	HN
67	Jan 3 7:37 PM	Thomas	Notbohm	TN
68	Jan 3 7:46 PM	Ann-Marie	McNamara	AMM
69	Jan 3 7:48 PM	Brian	McNamara	BMc
70	Jan 3 7:49 PM	Fiona	McNamara	FRM
71	Jan 3 7:56 PM	Judy	Wagner	Jw
72	Jan 3 8:01 PM	Sally	Bruner	SB
73	Jan 3 8:13 PM	Mary	Lindstrom	MJL
74	Jan 3 9:03 PM	Sarah	Levin	SCL
75	Jan 3 10:48 PM	David	Wood	DAW

76	Jan 3 11:11 PM	Mike	Maloney	MM
77	Jan 3 11:46 PM	Kerry	Breit	Kjb
78	Jan 4 1:51 AM	joseph	cassinelli	JPC
79	Jan 4 2:12 AM	Joseph	Hines	JBH
80	Jan 4 2:33 AM	Michael	Monahan	MTM
81	Jan 4 2:53 AM	JOAN	NUGENT	JN
82	Jan 4 4:30 AM	Danielle	Webster	Dcw
83	Jan 4 2:17 PM	Marilyn	Lavin	MI
84	Jan 4 2:34 PM	Rita	Miller	RMM
85	Jan 4 3:23 PM	Michael	Miller	MM
86	Jan 4 3:44 PM	Brad	Ricker	DBR
87	Jan 4 5:13 PM	Gail	Jacob	GJ
88	Jan 4 5:57 PM	Keegan	Thompson	KAHT
89	Jan 4 6:39 PM	Sandra	Gorman	Ssg
90	Jan 4 7:59 PM	Susan	Ihler	SI
91	Jan 4 9:09 PM	Catherine	Durham	CJD
92	Jan 5 1:00 AM	JoAnn & Dan	Feeney	Jf
93	Jan 5 2:29 AM	Nils	Wyosnick	Npw
94	Jan 5 3:24 AM	Melanie	Askay	MA
95	Jan 5 3:32 AM	Sean	Askay	SA
96	Jan 5 5:00 PM	John	Santarius	JFS
97	Jan 5 6:42 PM	Mary	Santarius	MGS
98	Jan 5 11:29 PM	Brenda	Baker	Bb
99	Jan 7 5:25 AM	Roger	Pierson	RP
100	Jan 7 1:36 PM	Barbara	Erlenborn	BE
101	Jan 7 1:36 PM	James	Erlenborn	JE
102	Jan 7 2:20 PM	Edward P.	Cranley	EPC
103	Jan 8 7:47 AM	Katrin	Wilde	KW
104	Jan 8 1:37 PM	Patrick	Scheckel	PS
105	Jan 9 6:39 PM	Wayne	Kuenzi	Mr
106	Jan 9 6:40 PM	Bonita	Kuenzi	Ms
107	Jan 9 6:48 PM	Thomas	Earley	TE

108	Jan 9 9:53 PM	Angelica	Bolduc	AB
109	Jan 10 2:51 AM	Christina	Ruhaak	CSR
110	Jan 10 1:17 PM	Marc	Bourgeois	MWB
111	Jan 12 4:16 AM	Patti	Choncholas	Pc
112	Jan 12 9:50 PM	Patricia	Carr	pc
113	Jan 12 10:04 PM	Tammy	Klaproth	TEK
114	Jan 13 1:51 PM	Kathryn	Miller	KM
115	Jan 14 2:30 PM	Timothy	Virnoche	Tpv
116	Jan 14 2:32 PM	Karen	Virnoche	KV
117	Jan 15 10:40 PM	Richard	King	RLK
118	Jan 16 3:20 PM	brian	barnes	BDB
119	Jan 16 7:12 PM	Jonathan	Du Chateau	JJD
120	Jan 17 2:57 AM	Jill	Barnes	JNB
121	Jan 17 4:59 PM	Janet	Schuresko	E
122	Jan 18 3:48 PM	Katya	Fassett	KF
123	Jan 19 4:11 PM	Sue	Riseling	Sr
124	Jan 23 4:29 AM	denise	garlow	DG
125	Jan 26 8:00 PM	Catya	Mandt	C E M
126	Jan 26 9:49 PM	Mary	Mekemson	MM
127	Jan 26 9:55 PM	Larry	Mandt	LJM
128	Jan 28 2:36 PM	Martha	Mallon	Mjm
129	Jan 28 4:36 PM	Brian	Shore	BGS
130	Jan 29 2:40 PM	Barbara	Schrsnk	bms
131	Jan 29 10:35 PM	Diane	Bless	DB
132	Jan 30 12:57 AM	Tom	Turnquist	Tnt
133	Jan 30 4:35 AM	Nancy	Nesvet	Nn
134	Jan 30 11:24 PM	Ellen	Wilson	Ew
135	Jan 30 11:30 PM	Ginny	White	VDW
136	Jan 30 11:43 PM	Nick	Havey	j
137	Jan 31 1:40 PM	Tibi	Light	TL
138	Jan 31 8:47 PM	Jack	Heimerl	JH
139	Feb 1 7:16 PM	RICHARD	REALE	RR

140	Feb 1 7:20 PM	Mary Ann	Reale	MR
141	Feb 3 2:11 PM	Elizabeth	Urban	EAU
142	Feb 3 7:24 PM	Gwen	Long	GSL
143	Feb 3 7:28 PM	Donna	Silver	DLS
144	Feb 3 7:29 PM	George	Savage	GES
145	Feb 3 8:15 PM	Michael	Morgenthaler	MLM
146	Feb 6 1:33 PM	Alta	Johnson	AAJ
147	Feb 6 2:29 PM	Timothy	Johnson	tdj
148	Feb 7 6:24 PM	Victor	Toniolo	VT
149	Feb 7 9:20 PM	Jonathan	Standridge	jhs
150	Feb 8 6:52 PM	Jason	Burmania	JB
151	Feb 9 1:14 PM	Sue	Morovits	S.M
152	Feb 9 3:07 PM	Dan	Ryan	DMR
153	Feb 10 1:05 PM	Gregg	Waterman	GEW
154	Feb 11 2:53 AM	Jared	Pelski	JP
155	Feb 11 2:00 PM	Kathy	Losby	KI
156	Feb 11 9:14 PM	Julie	Sager	JS
157	Feb 12 12:06 AM	Sean	Drucker	Srd
158	Feb 12 12:07 AM	Katie	Drucker	Kkd
159	Feb 12 4:09 PM	Tomas	Nettum	TN
160	Feb 12 4:14 PM	Molly	Kulcyk	MK
161	Feb 13 10:22 PM	Jennifer	Zellner	JAZ
162	Feb 14 12:57 PM	Daniel	Kerwin	DWK
163	Feb 14 2:44 PM	Nancy	McMahon	NM
164	Feb 16 8:50 AM	Tre	Younger	TFY
165	Feb 24 9:49 AM	Patricia	Grindle	PRG

Definition of household

The proposed ordinance would require, if more than one person lives in the dwelling unit, that the persons are "living together as a single household." What does it mean to live together as a single household? "Household" is not defined, but the Census essentially defines household as all people sharing the housing unit. How will people know whether their arrangement constitutes "living together as a single household?" How will Building Inspection determine whether people are "living together as a single household", or will they know it when they see it?

Other cities have taken a range of approaches to defining a family/household. The staff memo mentions that Minneapolis removed its non-safety limit in 2021. It did, however Minneapolis requires registration as an "intentional community" and a property owner can only own one dwelling occupied as an intentional community. St. Paul allows 6 or fewer adults but in the student overlay district only 4 students can live together and there is a dispersion requirement (minimum of 150 feet between lots). Fort Worth and Los Angeles use "single housekeeping unit" and define that term, and both also exclude other housing options that might overlap (e.g. lodging houses). Iowa City also uses "single housekeeping" but requires 100 square feet of shared living space per each bedroom in the unit. Attachment A contains the ordinances from these municipalities.

Some specific suggestions:

1. Either the term "living together as a single household" should be defined or it should be deleted. As noted in the staff memo, asking questions about the nature of relationships can be intrusive.
2. If "living together as a single household" is removed, other limiting factors could be considered to help ensure neighborhood quality of life as well as good landlord behavior. Some factors which have been used in other municipalities include: requiring 100 square feet of shared living space per each bedroom in the unit; having a dispersion requirement; requiring landlords to register with the City in order to use the expanded definition of family*; and, placing a limit on the number of properties owned by a landlord that can use the expanded definition.
*State laws allows the City to "require that a rental unit or residential rental property owner be registered if the registration requires only one name of an owner or authorized contact person and an address, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the person may be contacted."
Wis. Stats. 66.0104(2)(e)4.
3. If "living together as a single household" remains, the proposed ordinance is more restrictive for two unrelated adults. Currently, those two unrelated adults can just be roomies – they do not need to be living together as a single household/housekeeping unit.
4. Ensure that there is not overlap between definitions for various types of structures. For example, the Zoning Code defines a lodging house as "a house that contains a minimum of five (5) lodging rooms where paying guests are provided with lodging on a monthly or longer-term basis." If a 5-bedroom single family house was inhabited by 5 unrelated persons, would that fall within the definition of a lodging house?

5. The existing ordinance specifies that a legal ward counts as a child. The proposed ordinance does not address legal wards.

Increasing Housing Choice

The staff memo says about 1/3 of Madison's land area restricts renter occupancy to two unrelated people "not including the Planned Development (PD) single family districts that often have similar restrictions" and that "specific occupancy standards are unique to each PD zone."

In addition to PDs, there are also many areas covered by restrictive covenants that include occupancy standards.

For example, Blackhawk restrictions state:

- "Each Lot shall be used for single family residential purposes ..."
- "A Lot shall be deemed to be used for "single-family residential purposes" if it is occupied by no more than one family (defined to include persons related by birth, marriage or adoption) plus no more than one unrelated person."

Maple Grove has similar restrictions:

- Lists lot numbers that "shall be utilized exclusively for single family structures."
- A family is defined as "an individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit in a single dwelling or one unit of a duplex structure, same including foster children, domestic servants and, where owner-occupied, not more than four (4) roomers and where not-owner occupied, not more than one (1) roomer.

Some areas have restrictive covenants that limit use to single family residential purposes, but do not define "family" (e.g., Sauk Point Estates and Acacia Ridge). In these areas, the proposed ordinance's definition of family could likely take effect. *Crowley v. Knapp*, 94 Wis.2d 421 (1980)

Significant portions of the City would not be affected by any change to the "family" definition. The potential to treat these areas the same as the rest of the City should be explored. For example, could the City initiate an alteration to the PD occupancy standards? This would not affect PD areas covered by a restrictive covenant which defines family, but could affect areas where family is not defined.

Kitchens

The proposed ordinance would allow more than one kitchen if "the dwelling is designed, arranged or used as living quarters for one family only." "Designed, arranged or used" is subject to interpretation and offers no definable standard. If more than one kitchen is allowed, what is the line that differentiates between a single-family structure and a two, or more, unit structure? It could be possible for a single-family home to have two (or more) separate sets of bedroom/bath/kitchen. I am aware of a 3-story single-family home that was remodeled to include a kitchen and bath on each floor, and City Assessor records still label it as a single-family. How will the City know if this is operating as a 3-unit or if all residents are living together as a single household, especially since the City cannot conduct proactive inspections?

MGO 28.151 is not being modified. That ordinance provides: "An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed

when the arrangement is discontinued.” If all dwelling units are allowed more than one kitchen, this provision should be deleted.

Campus Housing

Version 2 includes a separate definition of family for the area south/southwest of the UW. It is unclear why this area was exempted. If it is due to concerns about student housing, that concern would also be applicable to the isthmus area. Nor is it clear why this separate definition of family would sunset in less than 3 years. Is there a particular issue that will go away in the next several years?

For a good analysis of how other Wisconsin municipalities have addressed student housing, see: <https://dpla.wisc.edu/wp-content/uploads/sites/1021/2017/06/UWEX-Report-Student-Housing-Report-Sorensen-Ohm-final.pdf>

Miscellaneous Comments

The staff memo states that many of the restricted areas are walkable to employment opportunities. Yet if one compares the map of restricted areas on page 10 of the staff memo to the map developed in connection with the bus redesign of residential density/employment, there are very limited walkable employment opportunities in the restricted areas. (For the bus redesign map, see page 10 of

<https://madison.legistar.com/View.ashx?M=F&ID=9621850&GUID=759FA1C4-FBE7-4EAB-A014-ACE56E0B4F97>.)

The staff memo discusses complaints. In the restricted single family areas there were 118 complaints over a 10 year period. That is an extremely small number of complaints, considering that there were over 40,000 structures in the restricted areas during each year of that 10 year period.

Although the proposed ordinance removes the distinction between owner-occupied and rental properties, the proposed ordinance allows more adults to live in a dwelling when there is a familial relationship: there is not a limit to the number of related adults that can live in a dwelling (and 4 roomers are also allowed), but if there is not a familial relationship the maximum is 5 adults. A 1974 Wisconsin Attorney General Opinion states: “generally speaking, the breadth of impact of restrictive definitions of “family” suggests serious constitutional vulnerability.” 63 Atty. Gen. 34 (1974) That opinion mentions cases where the definition of family was successfully attacked (and a few cases where it was unsuccessfully attacked): “Moreover, definitions establishing the number of unrelated persons that may live in the same dwelling have been successfully attacked as denials of equal protection (in that the number of related persons living in a single dwelling is not regulated) and, as undue infringements on such fundamental rights as freedom of association and the right to privacy. *Boraas v. Village of Belle Terre*, 476 F.2d 806 (1973).” For the entire opinion see pages 34-43 of: https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1974/Volume%2063_1974.pdf

Respectfully Submitted,
Linda Lehnertz

ATTACHMENT A

Minneapolis Code 244.820. - Dwelling unit to be occupied by one (1) family.

(a) No dwelling unit shall be occupied by more than one (1) family. However, unrelated persons may occupy a dwelling unit when such occupancy is permitted and authorized.

(b) When, in the opinion of the director of regulatory services, it is necessary for the protection of the health, safety and welfare of the occupants, the owner or agent of dwelling units let to another may be required to post in a conspicuous place, with a transparent cover, a card issued by the director of regulatory services setting forth the maximum number of persons who may lawfully occupy such a dwelling unit. Said card shall be posted inside the dwelling unit at eye level on, or within four (4) feet of, the main entrance door.

(c) For purposes of this section, a family may include a group of two (2) or more unrelated adults living together in a dwelling unit when operating as an intentional community.

(d) Occupation of a dwelling unit as an intentional community shall be subject to the following limitations:

- (1) A dwelling unit in which the various occupants act as separate roomers may not be deemed to be occupied by an intentional community.
- (2) A rental property owner may have an ownership interest in no more than one (1) dwelling occupied as an intentional community. Cooperatives whose members live in the dwellings they own will not be subject to this limitation, nor will rental property owners which are nonprofit organizations registered with or organized pursuant to the laws of the State of Minnesota.
- (3) No registration may be accepted for any intentional community to be located at a property at which a rental property owner with any ownership interest in properties classified as Tier II or Tier III by the director of regulatory services has an ownership interest.
- (4) If the representative member of the intentional community ceases residence in the intentional community, the intentional community must provide a representative member to update the registration required by this section.
- (5) If a household or the members of a household registered as an intentional community do not meet or no longer meet the standards of this section, the household shall not qualify for recognition as an intentional community and shall be subject to enforcement for violation of this section or any other applicable section of this Code. Additionally, intentional communities and the members thereof shall comply with all provisions of this Code involving noisy and unruly assemblies or other regulations protecting the public health, safety, and repose and violation thereof may constitute good cause to determine that such standards have not been met.
- (6) An intentional community that dissolves shall inform the director of regulatory services of its dissolution within ten (10) days. Furthermore, if any of the information required to be provided with the initial registration of the intentional community should change, the intentional community shall inform the director within ten (10) days.

- (7) A dwelling unit in which various occupants are part of a residential program of the type regulated by sections 535.120 and 535.130 may not be deemed to be occupied by an intentional community.

(e) In order to occupy a dwelling unit as an intentional community pursuant to this section, the community shall file a registration with, and on a form approved by, the director of regulatory services, which shall include the following information:

- (1) The name and address of the intentional community;
- (2) The name and current contact information of a representative member of the intentional community;
- (3) The name and current contact information, and a notarized statement of approval of the intentional community, from the property owner;
- (4) A notarized statement from the representative member of the intentional community, attesting that the intentional community meets the standards established by this section and that it will be operated in compliance with all other applicable requirements of this Code;
- (5) An accurate and current floor plan of the dwelling unit, so that the maximum legal occupancy pursuant to the housing maintenance code and building code can be determined;
- (6) If applicable and available, a cooperative registration number or other legal documentation establishing the existence of the intentional community as a recognized and legal entity; and
- (7) A copy of any applicable lease, if one exists or is required by law.

St. Paul Code Sec. 60.207. - F. and Sec. 60.209. - H. and Sec. 67.703
Family. See Household.

Household. Six (6) or fewer adults, and minor children in their care, living together in a dwelling unit.

Within the SH student housing neighborhood impact overlay district, the following standards and conditions shall apply for student dwellings:

- (1) A student dwelling shall be located a minimum of one hundred fifty (150) feet from any other student dwelling located on a different lot, measured as the shortest distance between the two (2) lots on which the student dwellings are located.
- (2) Parking shall be provided in accordance with the requirements of article 63.200 for new structures.

Fort Worth Code 9.101

FAMILY. Any individual or two or more persons related by blood, adoption, marriage or guardianship, or not more than five unrelated persons operating as a single housekeeping unit and expressly excluding lodging, boarding, fraternity, and sorority houses.

SINGLE HOUSEKEEPING UNIT. Individuals occupying a dwelling unit that have established ties and familiarity with each other; share a lease agreement, have consent of the owner to reside on the property, or own the property; jointly use common areas and interact with each other; and share the household expenses, such as rent or ownership costs, utilities, and other household and maintenance costs, or share responsibility for household activities. If the unit is rented, all residents over the age of 18 have chosen to jointly

occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises.

Los Angeles County Code 22.14.060-F

Family. One or more persons living together as a single housekeeping unit in a dwelling unit. This term shall not include institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, or residential care facilities, nor does it include such commercial group living arrangements as boarding houses, hotels, or motels. For this term, single housekeeping unit means the functional equivalent of a traditional family, whose members:

1. Are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas;
2. Share household activities and responsibilities such as meals, chores, household maintenance, and expenses; and
3. If the dwelling unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the dwelling unit is determined by the residents of the dwelling unit rather than the landlord or property manager.

(The prior definition defined family as "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.")

Iowa City Code 14-2C-5, 17-5-18 N., 14-9A-1

The residential occupancy of a household living use is limited to one "household" per dwelling unit, as this term is defined in chapter 9, article A, "General Definitions", of this title. The residential occupancy of a household living use is constrained by the provisions of title 17, chapter 5, "Housing Code", of this Code. Occupancy of properties that are not in compliance with the minimum Zoning Code requirements may be limited as set forth in subsection 17-5-18S, "Regulation Of Noncompliant Situations", of this Code.

Dimensional Requirements: Within household living uses, as defined in title 14 of this Code, a minimum of one hundred (100) square feet of shared living space shall be provided for every bedroom within the dwelling unit. By way of illustration, for a two-bedroom single-family dwelling, there must be at least two hundred (200) square feet of shared living space within the dwelling. Any lawful dwelling unit in existence prior to January 1, 2018 that is not in compliance with this provision may continue as currently configured. However, if and when the shared living space is brought into compliance with the current minimum dimensional requirements, it may not be converted back to a substandard size. Any change that would increase the noncompliance with this provision is not allowed. This dimensional requirement is subject to administrative review.

FAMILY: One person or a group of persons that meet the definition of "household".

HOUSEHOLD: An individual or group of individuals that reside within a single family dwelling or within a dwelling unit of a two family dwelling or multi-family dwelling as a single housekeeping organization, where the responsibilities and expenses of maintaining the household are shared among the members; also a group of individuals that meet the definition of a group household, as defined in this title.

GROUP HOUSEHOLD: A "family care home", "elder family home", "parental group home", or "elder group home", as defined in this title, wherein a collective number of individuals live together in one dwelling unit as a single housekeeping unit, where the relationship between the individuals is of a regular and permanent nature and has a distinct domestic character, similar to a family.

From: [Jeremy Levin](#)
To: [All Alders](#)
Subject: "Family Definition" Revision--#74885
Date: Monday, February 27, 2023 8:13:49 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders:

As someone who has literally been “in your seat” I know how as a local policymaker you look to standardize policy and lean on staff guidance to help make things “black and white,” but you also know there is a lot of gray. The proposed ordinance #74885 (Family Definition) change may have laudable goals, but its “simplification” of the zoning code is likely to have negative effects in campus-adjacent neighborhoods (like Regent, Dudgeon-Monroe, Vilas, and Greenbush which are adjacent to the UW Campus, Edgewood College, and the UW Hospital). A delay in the proposal to further study consequences and obtain public input is the best course of action, but failing that, an amendment, with alteration, being forwarded by Alders Evers and Vidaver that revises the “family definition” to limit unrelated individuals renting in campus-adjacent neighborhoods to 3 (instead of 5) is a better choice.

Unfortunately, the Plan Commission has recommended the measure without adequate evidence and research of unintended consequences when this broad-reaching proposal seeks to increase to 5 the number of unrelated persons (excluding dependents) who may occupy a single family-type residence. There seems to be a lack of staff research and analysis commensurate with such a broad sweeping proposal. The potential effects have not been adequately researched or analyzed. The staff's FAQ sheets contain more policy rhetoric than relevant data and analysis. It would be premature for the Council to take the action proposed, without an analysis of specific "real world impacts" voiced by concerned homeowners. Taking more time for more public input and further in-depth research would lead to the best policy implementation.

The main concern from resident homeowners is the strong likelihood that landlord investors will purchase single-family homes in these campus-adjacent neighborhoods and convert them to rentals. By increasing the decades-long limitation on tenant occupancies in the current family definition, the City is fundamentally changing the economic playing field for housing generally relied upon by homeowners. The current family definition, especially in the number of unrelated renters, is a practical ordinance regarding preservation of already blended (rental/single-family) neighborhoods. The wholesale change throughout the city with such limited public input and insufficient understanding about potential consequences on the zoning code's fundamental classification of properties for purposes of neighborhood balance and preservation of

the values of the City's property tax base, is reckless to say the least.

Landlords, however, see the change as a profit opportunity, especially where they see the high-demand housing near the UW campus, Edgewood College, and the UW hospital. Landlords reasonably see 5 income streams (income sources being the renter's job or a renter's parent) behind the tenants to support higher rents covering their costs. In contrast, a family is much more likely to have only 1 or 2 incomes supporting its cost of housing. Families will be essentially starting from behind in seeking homes in the near West neighborhoods, a result exactly contrary to the proposal's goal to enhance housing affordability. In these adjacent neighborhoods landlords would be able to outbid most families for the existing housing, and thereby ultimately convert largely family neighborhoods to predominantly higher rent housing. Further, landlords tend to put the minimum amount of improvement into their properties, while older homes in these neighborhoods tend to need more care, and renters in these areas seem to also have less incentive to improve or maintain upkeep to the property. I have lived in the Regent Neighborhood, near Camp Randall, for almost 17 years and have witnessed the good, bad and ugly with rental properties. That is not to say there are not homeowners who allow their properties to fall into disrepair, but I have witnessed it less often. Additionally, without better enforcement, few landlords have incentives to do above the bare minimum it takes to rent their properties.

If the Council feels compelled to do something, the amendment being forwarded by Alders Evers and Vidaver, which revises the "family definition" to limit unrelated individuals renting in campus-adjacent neighborhoods to 3 (instead of 5) is a reasonable compromise. The change to 3 individuals would likely reduce incentive for landlords to seek homes for conversion to rental properties.

Personally, I do not support a sunset provision and one that would be less than 3 years from enactment is unlikely to see enough data on property ownership from the initial change in "family definition." I disagree that the building of a significant number of housing units along Regent Street and downtown, will diminish the potential for housing speculation in campus-adjacent neighborhoods, which will still be desirable, especially if landlords' ability to rent to a broader audience and potentially just undercut rents at newly built properties.

I respectfully request that the Common Council oppose, re-refer or amend the proposed zoning change. This could be a huge issue for homeowners in Madison, and especially those of us living in campus-adjacent neighborhoods. The full impact of this proposed zoning change has yet to be fully considered or studied to know what negative consequences it could have.

Respectfully,

Jeremy Levin

1715 Hoyt St. (Regent Neighborhood)

Former Dane County Board Supervisor—District 10, 2008-2022

(608) 577-9335

From: [Marjorie Lewis](#)
To: [All Alders](#)
Subject: Support revision of family definition in zoning code
Date: Monday, February 27, 2023 6:20:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am a resident of Madison.

I support ending the discriminatory double standard that prevents more than two unrelated renters from living together in portions of Madison. Please make the standard equal to that of homeowners. Ordinances regulating occupancy, sanitation and safety are adequate to address concerns that may arise in these households. There is no need to add barriers to people attempting to find affordable housing options - we have a housing shortage already.

Thank you,

Marjorie Lewis
105 Dunning St.
Madison, WI 53704

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From: [C.L](#)
To: [All Alders](#)
Cc: Rosner7@charter.net; [Ruth Kearley](#)
Subject: That priceless sense of neighborhood
Date: Monday, February 27, 2023 5:43:12 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear City Council,

I'm copying below an email I wrote last week to Ron Rosner, a neighbor in the Regent Neighborhood.

Sincerely,
Chamond Liu

Hello Ron,

I saw your article in the February RNA newsletter and would like to share this quick note, about a house 10 doors down the street from us.

After moving here 22 years ago, we gradually learned who lived in all the dwellings down our street, including that particular one (and even beyond). We were aware of the people, their age ranges, family structures, dogs, and so on. Of course over those 22 years, houses changed hands, but in every case sooner or later we became aware of the “new” occupants. With one exception:

Like others, that house 10 doors away changed hands a couple of times too. Whenever we developed a sense that a different family had moved in we assumed that we'd eventually come to know something about them, like always. It's part of the serendipity of neighborhoods and just because it hadn't happened, there was no reason to suspect that it never would. One day, our neighbor 9 doors down told me that the "family" next door consisted of college students, and one night they got a little rowdy so she called one of their moms, who lives in Minnesota. (Good news: within minutes it got quiet.) That's when I realized that we would never meet this "family" or its children or pets; they would live as an isolated island of people, never to join the neighborhood, and they would come and go anonymously every 4 years.

Please don't imagine that this is a one-of-a-kind occurrence. I could also tell you about the house 6 doors down on the other side of Summit Avenue, or the one 7 doors away around the corner on Hoyt Street. We no longer know those occupants, and have finally understood that we never will; they too will come and go every few years.

The shamolic existing ordinance catalyzes this degradation of neighborhoods, and now we learn that the city proposes a further weakening. Neighborhoods are priceless; why deliberately accelerate their decline? An enlightened city government should instead be considering the opposite, namely a repeal of the existing ordinance.

Thanks for listening, Ron. Feel free to forward this to anyone who may care.

Chamond
202 N Spooner St

P.S. Let me know if you'd like property records for any of these examples.

From: [Mary Malloy](#)
To: [All Alders](#)
Subject: Redefining family
Date: Tuesday, February 28, 2023 12:11:30 PM

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I am asking all alders and the mayor to do more research on the impacts of redefining “family” for housing before making changes. There are possible negative consequences that have not been fully studied. The best informed decision is important no matter the issue. Please take the time to be sure it has been sufficiently studied.

Mary Malloy

From: [Sheila Martin](#)
To: [Mayor](#); [All Alders](#)
Subject: Unintended consequences of rezoning
Date: Sunday, February 26, 2023 9:47:08 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear City of Madison Mayor and Alders,

I'm writing today to express concerns with the rezoning proposal you are considering on Tuesday, 2/28/23.

While I strongly applaud the goals of reducing discrimination, increasing affordable housing, and expanding diversity in neighborhoods across the city, this issue is very complex. The proposal being put forward by the Plan Commission is unlikely to achieve these goals as written, especially in the near-campus neighborhoods, and is likely to actually diminish housing opportunities for anyone other than students. If the definitions proceed as proposed, existing single-family homes in these neighborhoods will be purchased by wealthy landlords and investment companies, and leased to 5 students for exorbitant amounts of rent. The math is very simple, as the outside investment firms have the capital to make high purchase offers without financing contingencies on houses that come available, and they can charge a LOT more rent to 5 college students (and their associated families) than to a functional family with only 1-2 incomes. History demonstrated this well in the 1970's when UW dramatically increased its student population and many near-campus homes were quickly converted into student rentals, existing residents were edged out of their homes, and schools closed, which led to the current zoning language being put into place. I understand that the UW continues to accept more students than they can house, but this is the UW's issue to fix, not the community's. And let me be clear, I love living in a college town and having students interspersed into our neighborhoods; they are a great part of our community! However student-consumed neighborhoods are generally not very conducive places for non-students to reside.

What the community needs is for functional households to stay downtown, utilizing the infrastructure already invested in neighborhood schools, safe after-school alternatives, pre-schools, libraries, parks, senior care facilities, and medical and social services. We need mixed-use housing added into neighborhoods allowing increased options for families of all kinds to rent and/or shift into home ownership, if desired. We need townhouses with 2-3 bedrooms so young people with dependents can live in neighborhoods near the schools. We need starter homes for working people to be able to live near downtown jobs. We need condos added into downtown neighborhoods to allow our elderly to age in the places where they've loved living for decades.

The existing definition of "family" in the zoning regulations is outdated and requires changes. That said, I am confident there is more to research and learn from the experience of other cities who have tackled this previously. There are many revamped definitions of "family/household" out there that could eliminate the discriminatory language and expand housing options, while not opening the Pandora's box that this proposed shift is likely to entail. As someone who has spent much of my life in diverse and inclusive neighborhoods in many cities, with a healthy mix of students, functional families, multigenerational households, young adults, retirees, and elderly folks, it's a gift to see how well these communities can support each other, assuring healthy, safe transitions throughout life's various stages.

What I hear so many of your represented citizens, and even several city leaders, asking is to please pause, rather than approving something half-baked just to get it "done". Pause long enough to thoughtfully evaluate ALL the options available, analyzing and researching thoroughly what the potential unintended consequences might be of the Plan Committee's proposal. Pause long enough to consider whether there are more moderate proposals that could better accomplish the shared goals above, or at least do less potential harm. And if, after careful consideration of alternatives, the current proposal still seems the best pathway, pause long enough to mitigate the many unintended consequences.

Appreciatively,
Sheila Olk Martin

From: [Jim Murray](#)
To: [All Alders](#)
Subject: Please vote against Family Definition Revision, Common Council Agenda # 74885
Date: Tuesday, February 28, 2023 1:09:46 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

Tonight please vote against rezoning Madison to allow 5 unrelated renters in most “single family” neighborhoods, so that unintended consequences can be fully investigated before such dramatic and potentially irreversible changes are made to many of Madison’s residential neighborhoods. This well-intended proposal does not make sense for neighborhoods like mine.

We live on the near west side and are very concerned that houses on our quiet residential street (Zwerg Dr.) and other blocks adjoining both sides of Franklin Ave., will fall prey to real estate investors who will outbid new families and then rent to college students

Our block is close enough to the U.W. that commuters already regularly park on our block (since we are just outside the residential permit zone) and walk or bike to campus. Some years ago, we had a student (or more likely his well-off out-of-state family) buy a house on our block just to live in for a few years until he graduated (and the frequent loud parties in his backyard ended). We are a short walk to both the 6 & 8 bus stops, a manageable bike or moped ride to campus.

We all know that the most expensive homes in University Heights are safe from rental speculators since they cost too much to turn a profit from renting to 5 or fewer people. The more modest homes in our neighborhood are probably close to the sweet spot for speculators looking to rent to groups of students. When houses go on the market rental speculators are going to be competing against working families and the middle class, not wealthy Madisonians. Residential rental speculators don't just exist "down south" as some proponents of zoning change have claimed; these investors are already very active in Milwaukee. See, e.g:

<https://www.jsonline.com/in-depth/news/2021/04/15/milwaukee-rentals-overtaken-corporate-landlords-raking-profits/6989234002/>

Rezoning our neighborhood will not solve housing problems for the most needy. Poor people and young families are not going to outbid the speculators to buy these houses. Poor people and young families will not be able to pay as much rent as the college students will. Some of the college renters will be loud and some of the long-term residents will want to move away making more houses available for speculators to buy and rent out. Rinse and repeat. Neighborhoods where residents typically lived for decades will become in large part high-turnover rental districts as more families, retirees and other folks who liked living in a quiet residential district leave the city.

Madison shouldn't just be for rich people and college students who come and go. Please protect Madison’s residential neighborhoods.

Sincerely,

Jim Murray
3722 Zwerg Dr.

From: [Nancy Nesvet](#)
To: [All Alders](#)
Subject: Family definition for Madison housing
Date: Tuesday, February 28, 2023 2:50:40 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Re: the occupancy limit for non-related individuals non-related to homeowner

We live in Dudgeon-Monroe, where the housing limit for non-related individuals also non-related to the homeowner is 2. Presently, there are five young men on the lease, living next door. We have a shared driveway and there are often five cars in the driveway, and on the grass in front and in the backyard. There is one bathroom servicing all five plus one girlfriend who is not on the lease. In deciding how many non-related individuals, not part of a family of each other, or of the homeowner, I wonder at the amount of vehicles required to be parked on premises and the access to one bathroom by those individuals. Frankly, this approaches a rooming house without adequate parking, and I don't want this neighborhood turned into one of rooming houses without adequate facilities. I don't know that any alders or anyone has considered the facilities available to individuals residing together.

From: [Doug Raubal](#)
To: [All Alders](#)
Subject: Revising the Family Definition - Zoning
Date: Tuesday, February 28, 2023 8:02:11 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing in strong opposition to the proposed changes to the city of Madison zoning regulations which would revise the definition of "family" and thereby allow up to five unrelated adults and their dependents to live in a single housing unit everywhere in the city. If this proposal is enacted, it will displace permanent residents in the near-campus neighborhoods (renters and homeowners alike) in favor of students. There is no evidence to support the idea that this will increase the density of the neighborhoods or make these neighborhoods more affordable for lower-income or minority communities.

While I don't disagree with general goals of the proposed change, I have no doubt increasing the unrelated occupancy limits would have a devastating impact on the traditional single-family neighborhoods immediately surrounding the UW-Madison campus. These neighborhoods have traditionally been close-knit communities of working-age and retired adults and their families; people who are deeply invested in their neighborhood and have developed long-term relationships with their neighbors and the health of their community. These are neighborhoods where people watch out for one another, take care of their neighbors and have built a true sense of community. All you had to do was look out my window during the last snowstorm; people shoveling out the driveways of their elderly neighbors, those with snowblowers helping those who just have shovels, etc. If properties in these neighborhoods are bought by real estate companies and rented out to students, who are immature, transient in nature and have no interest in the community in which they live in, it will forever change their nature for the worse. Transient students have no interest in getting to know their neighbors, taking care of their property or even not having a party in their backyard late at night when their neighbor has small children or has to get up to go to work in the morning. These neighborhoods would soon come to feel more like Mifflin Street than the family-friendly, mature neighborhoods they are.

The pressure on the neighborhoods around the campus are real and unique in the city of Madison. Madison planning personnel would have you believe that the new apartment housing being built around campus has decreased this pressure to the point where students/developers would not have an interest or motivation in buying houses in these neighborhoods and converting them to student housing. This is demonstrably false. Despite many new apartment buildings north of Regent St. and on State St, students continue to occupy near-campus neighborhoods to the fullest extent possible. If students were migrating north, as has been argued, there would be a gradual transition from student housing to non-student housing. In reality, there is a clear dividing line between students and non-students, marked by the zoning border. There is a huge demographic of students who seek to live in houses in the near-campus neighborhoods, and oppose living in the new amenity-rich high-rise apartments due to their premium costs and occupancy limitations. For example, the property at 10 South Spooner was purchased in 2018 by a CEO of a real estate and management company, for his son to reside in with his friends while attending college here. By transferring the property over his son he was able to have his UW-student son live there with several other college students since the student's name was officially on the deed. The result was neighbors having multiple complaints about parties, people urinating in their backyard, trash, the sidewalk not getting

shoveled, grass not being mowed and the other problems that come from student housing in single family neighborhoods. If someone is willing to go through the expense and hassle of paying \$485,000 and then put that property into their student son's name, you can't say there is not pressure on these neighborhoods. There is a high percentage of students who want to live in a house and not an apartment and are willing to pay handsomely for it. For example, at the Lark Apartments, just up Monroe Street from my neighborhood, students are paying \$1000/month (+250 parking) to share a 4 bedroom apartment, much more for a smaller apartment. A landlord could easily command \$5000/month rent or much more for a larger house in this neighborhood, which is quite an impressive return on investment. The financial motivation is clearly present.

This change would also have the opposite effect intended by the city in the neighborhoods around campus; the additional competition for rental housing by students would drive rental prices up, making these neighborhoods less affordable for everyone else.

I strongly support the idea proposed by the Vilas, Dudgeon-Monroe and Regent neighborhood associations to create an overlay district in the neighborhoods which are walk-able to the UW-campus. In this way, the city can meet its overall goal while protecting vulnerable near-campus neighborhoods. I often hear city officials talking about the need to protect communities and neighborhoods, and there is no reason this logic should not apply to neighborhoods like mine.

Douglas Raubal
1826 Rowley Avenue
Madison, WI 53726

My name is Ron Rosner.

The proposal before the Council tonight will affect all 50,000 single family homes in the city, it will increase by 150% the occupancy limits for single family homes held for rental and it threatens the integrity of family neighborhoods.

I understand that an amendment will be placed before the Council by alders Evers and Vidaver to temporarily exclude neighborhoods which are highly vulnerable to conversion. I fully support that proposal. Based on a 1974 US Supreme Court Decision as well as many lower court decisions I believe the Evers-Vidaver amendment would easily pass legal muster if challenged.

At the root of the City's proposal is the contention that different occupancy limits for rental properties and owner-occupied properties is inequitable.

The City is correct in its contention that most cities apply similar occupancy limits for both classes but its proposal fails to recognize that most occupancy limits for unrelated are in the 2 to 4 range. Madison is proposing that, for the sake of equity, the limits on rental property be upped to 5, not recognizing that 5 is largely an outlier, especially among college towns.

A common explanation for not exceeding 3 or 4 occupants is that the prospect of higher gross rents that can be earned from renting to 4 and especially 5 unrelated is an invitation to landlords to compete in the market for single family properties

In campus communities where the demand for rental housing is strong, the conversion to rental use accelerates, significantly altering the character of the neighborhood. As the proportion of rental housing increases it can reach a tipping point, sometimes as low as 15% rental, at which point the neighborhood is unable to reverse the trend to rental and to recover.

The zoning code is the tool cities use for controlling where and how development occurs but by abandoning the limits on occupancy, as would be true under the proposal before you tonight the City is effectively leaving the residential planning decision to the marketplace, while sweetening the rewards for landlords who wish to bid on single family properties.

In short I believe the City fails to appreciate the potential harm this proposal will inflict on near campus neighborhoods, which is my reason for supporting the Evers-Vidaver amendment.

I also fell that 5 unrelated has no place in the code for single-family properties, regardless of ownership.

And finally I ask that the City undertake an objective study of alternative measures to protect fragile neighborhoods from the unintended effects of the original proposal.

Ron Rosner
1819 Summit Ave

From: [Alex Saloutos](#)
To: [Haas, Michael R](#)
Cc: [All Alders](#); [Mayor](#)
Subject: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?
Date: Tuesday, February 28, 2023 5:08:21 PM
Attachments: [230228_DEFINITIONOFFAMILY_LETTER_HAAS.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Michael:

Please see attached letter regarding the promulgation of the legislation related to the definition of family.

Respectfully,

--

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish extending from the bottom right.

Alex Saloutos

District 5

Cell: (608) 345-9009

Email: asaloutos@tds.net

February 28, 2023

Email: MHaas@cityofmadison.com

Michael Haas
City Attorney
City of Madison
210 Martin Luther King Jr. Blvd, Room 401
Madison, WI 53703

Re: Walking Quorum regarding promulgation of ordinance to update the definition of family and records request

Mr. Haas:

Was there a walking quorum in the promulgation of the legislation to update the definition of family in the Code of Ordinances,¹ in violation of Wis. Stat. § 19.81?^{2,3} If so, what are the consequences of this walking quorum for the adoption of the proposed legislation? Given the facts, evidence, and case law, it appears there was a walking quorum.

Factual Background

1. September 29, 2022. Item No. 3, Legistar No. 73874, regarding “Staff presentation and discussion related to potential [emphasis added] changes to the Zoning Code's Family Definition” is on the Plan Commission agenda.⁴⁵
2. September 29, 2022. At the Plan Commission meeting, “Zoning Administrator Katie Bannon presented an overview of potential [emphasis added] changes to the zoning code related to the family definition. The Plan Commission asked questions and provided general input. No action was taken.”⁶
3. September 29, 2022 to December 6, 2022. During this time staff meet with alders who had expressed an interest in making a change to get their feedback.⁷
4. “After staff drafted the proposal, staff met with all willing alders at small ‘Lunch and Learns’ and one-on-one meetings. At the meetings, staff presented the proposal and answered questions. Several alders and the Mayor offered to sponsor the legislation.”

¹ “Amending Supplemental Regulations within Section 28.151 MGO and Definitions within Section 28.211 of the Madison General Ordinances to Update Definitions of ‘Family’,” Legistar No. [74885](#), (updated February 28, 2023).

² Under *Showers*, [135 Wis. 2d 77](#) (1987), the open meetings law may apply to a walking quorum. A walking quorum is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. To establish a walking quorum, members of a governmental body must purposefully engage in discussions of governmental business and that the discussions were held between a sufficient number of members so as to affect the vote. *Zecchino v. Dane County*, [2018 WI App 19](#), [380 Wis. 2d 453](#), [909 N.W.2d 203](#), [17-0002](#).

³ “The [Wisconsin Supreme] Court has also held that a ‘walking quorum,’ when sufficient members of a body are consulted individually to determine the outcome of a matter, violates the Open Meeting Law.” Michael P. May, [Formal Opinion 2019-003 on Negative and Walking Quorums](#), (October 8, 2019).

⁴ [Agenda](#), Plan Commission, (September 29, 2022).

⁵ Legistar [73874](#), Plan Commission, (updated February 28, 2023).

⁶ [Minutes](#), Plan Commission, (September 29, 2022).

⁷ Matt Tucker, Katie Bannon, [Staff Report](#), (February 13, 2023).

5. December 6, 2022. Proposed legislation is made public and introduced to the Common Council sponsored by 10 of 20 alders and the mayor.⁸
6. February 13, 2023. The Plan Commission unanimously approves proposed legislation without changes.⁹

In summary, after the Plan Commission declined to take action on the “potential” legislation related to the definition of family, alders, the mayor, and city staff met secretly to discuss and draft the legislation. When it was made public and introduced by the Council, it was sponsored by half of the Common Council and the mayor. Any public participation in the actual legislation occurred after alders, the mayor, and city staff had met secretly to discuss and draft the legislation. After being made public, no changes to the proposed legislation have been made as a result of any public participation that was offered or the hearing before the Plan Commission.

Records Request

In light of the evidence currently available, which appears to show there was a walking quorum, this is a request for all records related to the promulgation of this ordinance for the period of November 1, 2022 to present. This request is for all written and electronic records including, but not limited to, emails, notes, reports, memos, letters, correspondence, calendars, text messages, invitations, agendas, and meeting minutes.

On a personal level, I support updating the definition of family to remove all discrimination. However, I’m sad and disheartened to see that important legislation like this appears to have been promulgated in violation of the letter and the spirit of Wisconsin’s open meetings law, and feel that the way city staff and our elected officials have handled this has been disrespectful to the citizens of Madison.

Thank you for your time and consideration, I look forward to your reply.

Sincerely,



Alex Saloutos

pc: Satya Conway-Rhodes
All Alders

⁸ “Amending Supplemental Regulations within Section 28.151 MGO and Definitions within Section 28.211 of the Madison General Ordinances to Update Definitions of “Family’.”, Legistar No. [74885](#), (updated February 28, 2023).

⁹ Plan Commission, [Minutes](#), Plan Commission, (February 13, 2023).

From: [Alex Saloutos](#)
To: [Haas, Michael R](#)
Cc: [All Alders](#); [Mayor](#)
Subject: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?
Date: Tuesday, February 28, 2023 7:06:25 PM

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Great, thank you for the quick response, Michael. I only became aware of this issue today, otherwise I would have asked about it sooner. –Alex

From: Michael Haas

Date: Tuesday, February 28, 2023 at 6:20 PM

To: "asaloutos\;tds net"

Subject: RE: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?

Hi Alex,

I have been in meetings all afternoon but wanted to get you a brief reply since this is on the Council agenda tonight. There is no violation of the Open Meetings Law when staff meets with individual alders or with small groups of alders as long as there is not a negative quorum of alders in any one meeting, and as long as the meetings are not used to essentially create a walking quorum where input from one alder is passed along in subsequent meetings. I have been informed that staff was careful to keep the meetings small and to simply collect feedback from alders rather than convey information from one alder to the next. It is also not unusual to have multiple alders sponsor a proposal. Staff often reach out to multiple alders to ask about their willingness to sponsor an ordinance or resolution.

The Open Meetings Law is enforced by the District Attorney or the Attorney General or by an action brought by a private party. When violations are found, a court may impose monetary penalties. In some cases, a court can invalidate an action taken in violation of the Open Meetings Law.

I hope this information is helpful. I will follow up regarding your public records request.

Mike



Michael Haas

City Attorney ~ City of Madison

210 Martin Luther King Jr. Blvd, ~ Room 401

Madison, WI 53703

608-266-6598 Direct Line

FAX: 608-267-8715

mhaas@cityofmadison.com

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From: Alex Saloutos

Sent: Tuesday, February 28, 2023 4:48 PM

To: Haas, Michael R

Cc: All Alders ; Mayor

Subject: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Michael:

Please see attached letter regarding the promulgation of the legislation related to the definition of family.

Respectfully,

--

A handwritten signature in black ink, appearing to be 'A' followed by a stylized flourish.

Alex Saloutos

District 5

Cell: (608) 345-9009

Email: asaloutos@tds.net

From: [Alex Saloutos](#)
To: [All Alders](#); [Mayor](#)
Cc: [Haas, Michael R](#)
Subject: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?
Date: Tuesday, February 28, 2023 8:18:32 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings, Mayor and Alders!

I appreciate the prompt response of Attorney Haas. It appears inconsistent with City Attorney Michael May's recent [Official Opinion](#), "The Court has also held that a 'walking quorum,' when sufficient members of a body are consulted individually to determine the outcome of a matter, violates the Open Meeting Law." Based on the facts and the evidence, it appears enough alders were consulted individually to ascertain their position and determine the outcome of a matter.

Respectfully, Alex

From: Michael Haas

Date: Tuesday, February 28, 2023 at 6:20 PM

To: "asaloutos\;tds net"

Subject: RE: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?

Hi Alex,

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I hope this information is helpful. I will follow up regarding your public records request.

Mike



Michael Haas

City Attorney ~ City of Madison

210 Martin Luther King Jr. Blvd, ~ Room 401

Madison, WI 53703

608-266-6598 Direct Line

FAX: 608-267-8715

mhaas@cityofmadison.com

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From: Alex Saloutos

Sent: Tuesday, February 28, 2023 4:48 PM

To: Haas, Michael R

Cc: All Alders ; Mayor

Subject: Was there a walking quorum in violation of Wis. Stat. § 19.81 promulgating legislation that defines family?

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Michael:

Please see attached letter regarding the promulgation of the legislation related to the definition of family.

Respectfully,

--

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish extending from the bottom right.

Alex Saloutos

District 5

Cell: (608) 345-9009

Email: asaloutos@tds.net

From: [John Santarius](#)
To: [All Alders](#)
Cc: [Shiva Bidar-Sielaff](#); [John Santarius](#); [Mary Santarius](#)
Subject: Family neighborhoods; Common Council agenda item 74885
Date: Monday, February 27, 2023 10:05:05 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Re: Common Council agenda item 74885 related to family neighborhoods

Dear Alders,

Madison appears on many national lists of great cities to live in, and Madison's high-quality, family friendly neighborhoods contribute substantially to that reputation. Please vigorously resist and vote *No* on the zoning change that would otherwise allow absentee landlords to rent to multiple renters. Owners maintain their homes well, as any walk through an historic or other neighborhood demonstrates. Houses containing multiple renters and owned by absentee landlords get very poorly maintained, as easily witnessed by walking through what has become largely a student slum south of the UW-Madison campus. Absentee landlords and their renters have zero incentive to enhance quality, and they have financial motivations for minimal maintenance, inevitably leading to deterioration of the house and grounds—as surely anyone who has lived, perhaps as a student, in such housing must in all honesty admit. We owners care about our homes and neighborhoods, and only a *No* vote can protect these neighborhoods.

Large amounts of data support these conclusions, as witnessed by several documents that have been circulated by concerned neighbors but apparently ignored by city planners. It is surprising and, frankly, appalling that the planning and zoning commissions have not done detailed studies of these important questions, nor have they assessed the economic consequences on the affected historic and other neighborhoods. That lack of research into this neighborhood deterioration issue was admitted by city planning personnel during their December 19 Zoom “information” session (certainly not a session to *listen* to our neighborhoods' concerns, from which with weak arguments they rationalized away every comment). They also failed to understand that the proliferation of Capitol area high-rise apartment buildings stems from young Epic, UW, and other professionals wanting to live near downtown and who can afford very high rents; this draconian zoning measure will do nothing to help students find near-campus housing, except those who can afford expensive rooms and apartments, and likewise it will not help the area's diversity problem.

Madison owes it to itself to retain its high quality neighborhoods. The only solution is not to allow multiple rentals unless the owner lives in the house and has that incentive to maintain it. Please vote *No* against this unfair and anti-neighborhood zoning change.

Sincerely,
John and Mary Santarius

--

2001 Van Hise Ave, Madison, WI 53726
jfsantarius@gmail.com
cell ph: 608-692-4128

From: [Shawn Schey](#)
To: [All Alders](#)
Subject: Agenda #74885
Date: Monday, February 27, 2023 10:46:22 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Madison Alders:

I am a near west side resident and homeowner of nearly four decades. I was also a move-every-August renter in my 20s on the near east side, so I've been on both sides of the tenant-owner issue. My husband and I live in a four-bedroom house and rent one of the bedrooms to a friend. (His contribution helps us pay our steep property taxes.)

I read the "Housing Snapshot Report 2022" produced by the City of Madison, and agree with those of you supporting a family definition ordinance change in our zoning laws. Citizens looking to rent would have more options if they could pool their resources and live in bigger groups unconstrained by the current definition of what makes a "family".

However, I echo Alders Vidaver and Evers' concerns that there are some unfortunate outcomes that could *possibly* result by increasing the number of adults that can occupy households be they rental or owned such as:

#1 - private equity firms and local institutions continually out-bid same-sex couples, throuples, families of all races trying to get into the market for the first time; housing stock swiftly goes from owner-occupied to rental

2 - groups of 3-5 adult renters out-bid two-earner income couples w/kids; traditional families can't compete for higher rental rates; depart for satellite communities; Madison schools close

#3 - well-to-do homeowners and investors pursue demolition permits to raze existing houses situated side-by-side for construction of multi-unit buildings, thereby decreasing home ownership options in the future for everybody else

In summation, what if this family definition ordinance change turns out to make housing neither affordable or more accessible as we hoped?

And the balance of majority owner-occupied houses in Madison's older neighborhoods start to decline? Personally, I don't care who lives where, related or not. I just know that houses---when owner-occupied---have greater value and longevity, making for healthier neighborhoods.

At the Plan Commission hearing on Feb 13th, Planning Staff Matt Wachter said 25-30 TIF loans were given to Greenbush neighborhood buyers in the last decade to convert student rentals BACK into owner-occupied housing because, in his words, students left them for downtown high-rises, and the houses were in disrepair. Can that program be reinstated if it becomes apparent that this new experiment is a bust?

There is currently a city-run Affordable Funding program and TIF program for developers to produce new housing. What about a program that incentivizes landlords to do a land contract arrangement with tenants so that more citizens can eventually purchase the house they're living in? I know this can be tricky for the tenants, but if restructured with the bank that gave the landlord the loan, perhaps it could work well. Could there be a city law that this arrangement must be offered to tenants if, say, a landlord crosses a certain threshold in the number of properties they purchase (just trying to think outside of the box here)!

In other words, what can be done today, tomorrow, or this week to structure the language for this new ordinance *before* it's taken to a Common Council vote? A new "family definition" is being enacted all around the country; it's the "flavor of the month", so to speak. And on the face of it, it seems like a decent, more fair concept. But it's a relatively new concept, and not enough time has passed to prove how well it actually works in anyone's community.

So, here are these suggestions for potential ways to deal with the enactment of this:

- 1) engage with the banking industry in partnership to help groups of adults afford down-payments for home purchases. If mortgages remain only for two-party couples, that won't fit this new ordinance change.
- 2) create a policy to aid and prioritize individuals who are first-time homebuyers - what else can be done to preserve home ownership

options for them so that it isn't corporate interests gaining a monopoly on housing stock?

3) consider replicating a program to incentivize home ownership after rentals fall into disrepair as was done in Greenbush

4) stipulate there is a program to incentivize landlords to do land contract arrangements with tenants

In other words, come up with some proactive measures---either these or others---to mitigate and remedy the unexpected adverse effects this change might induce. That way Madison will have the tools to navigate its way successfully.

We all know it's so much harder to hit the rewind button.

Thank you ~~~~~

Shawn Schey

878 Woodrow St
Madison 53711

From: [Anna Shen](#)
To: [All Alders](#)
Subject: 74885 family definition
Date: Sunday, February 26, 2023 8:47:35 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I have been a resident of the Hill Farms neighborhood for 45 years. I am writing to urge you to support, without delay and without exception, the proposal to remove the restrictions on unrelated persons living in rental housing in the city of Madison. In this day and age, the city of Madison has no business investigating how people are related. The limit of 3 is clearly ridiculous and I would submit that raising it to 5 is in principle still a violation of privacy. Most importantly, the change should apply to the entire city without exemptions for special circumstances such as preservation of neighborhood character or anecdotal stories designed to keep people out of their neighborhoods. Exempting these neighborhoods would seriously dilute the outcome of the proposal. City staff estimates 20 complaints/year with 14 of these arising in the neighborhoods with rental restrictions. Of these 14/year, 4/year occur in the Vilas, Greenbush, Regent, and Dudgeon-Monroe neighborhoods. Exempting these neighborhoods from the new definition would remove 28% of the families that the city has identified as targeted by the current exclusionary family definition, thus denying benefits of this proposal to a significant fraction of the very families it is designed to help. If parking is a problem, impose a limit of 1-2 residential permits/dwelling unit. Or impose parking minimums/number of bedrooms. If noise or garbage is a problem, enforce the relevant ordinances.

I am also opposed to delaying action on this proposal. It has been thoroughly analyzed by city staff and presented at numerous informational meetings with ample time for citizens to provide input. As has been emphasized repeatedly by the mayor and alders, we are in a housing crisis and Madison needs to address its long history of exclusionary housing policies now.

Sincerely,
Anna Shen

From: garystebnitz@yahoo.com
To: [All Alders](#)
Subject: [All Alders] Zoning change
Date: Tuesday, February 28, 2023 3:23:55 PM

Recipient: All Alders

Name: Gary Stebnitz
Address: 915 waban hill, madison, wi 53711
Email: garystebnitz@yahoo.com

Would you like us to contact you? Yes, by email

Message:

Won't those folks who stand up tonight from near west neighborhoods look rather foolish asking for an overlay exemption from what all of the rest of the city's neighbors will be subjected to?

I SUPPORT THE CHANGE AND OBJECT TO THE "OVERLAY ".

From: [Shawn Stephenson](#)
To: [All Alders](#)
Subject: In support of agenda item 3
Date: Tuesday, February 28, 2023 7:57:44 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

My name is Shawn Stephenson and I'm a resident of the Indian Springs neighborhood in district 14.

I was registered to speak tonight at the meeting, but due to time constraints, I'm unable to remain on the call.

I am commenting in support of the proposal to increase the number of unrelated people that can occupy a residence.

As a general sentiment, I believe it is imprudent to have laws that cannot be enforced.

Such laws create an environment where only those that wish to remain lawful are bound by them, while those that disregard these laws, knowingly or unknowingly, are not bound by them.

Additionally, such laws undermine the legal system by opening the door to selective enforcement.

A law restricting the number of unrelated people in a residence is one such unenforceable law.

Regarding the definition of "related": genetic or "blood" relationship, is not a matter of true or false, but of degree.

A law requiring two people to be related, but not specifying a minimum strength of that relationship is too vague.

Whether or not a strength of relationship is specified, verifying the claims made by the members of a household would be impractical and problematic for a variety of reasons. For example, even if genetic testing of residents wasn't completely untenable, the non-genetic ways in which people can become related would make genetic testing irrelevant.

Also, a law limiting the rights of people to cohabitate infringes on the rights of individuals without sufficient proof of benefit that should be required of such infringements.

While the revised definition of family that is being proposed actually solves this, it would be a step in the right direction.

Thank you,
Shawn Stephenson

From: [Michael Varda](#)
To: [All Alders](#)
Cc: [Michael Varda](#)
Subject: Item 74885 Common Council Mtg for 2/28/2023 -- Supplemental Comments
Date: Sunday, February 26, 2023 8:23:11 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To all Alders:

On Friday, February 24, I submitted comments on the proposed zoning ordinance change that is the subject of Item 74885.

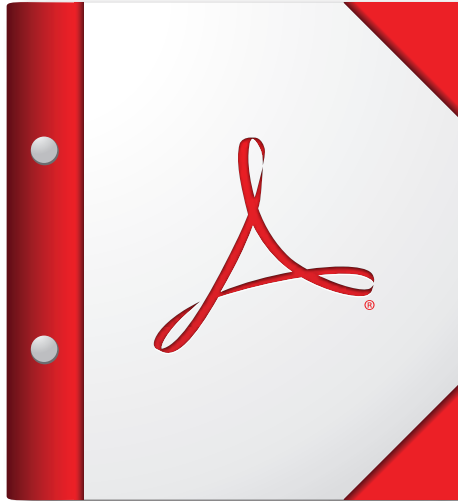
Since then, I have learned that Alders Tag Evers and Regina Vidaver are proposing an amendment to create essentially a buffer zone around the campus area for three years during which the increase in the number of unrelated occupants in a rental would be limited to 3. This proposal has much in common with my previous comments, and appears to find a reasonable middle ground.

I think the Evers/Vidaver amendment is the best, albeit short-term, compromise solution for all stakeholders and is worth adopting.

In most of the city the increase in the number of unrelated renters to 5 has not caused a problem, but in the campus area the change is problematic. The Evers/Vidaver amendment is important because it removes from the proposed ordinance the undesirable incentive for landlord investors to buy and convert single family residences into rentals in the campus area. Higher rents would likely follow, as more fully outlined in my original comments.

The amendment should be adopted so that the principal changes in the main proposal do not cause unintended harm to the near-West neighborhoods.

Respectfully,
Michael Varda
1724 Hoyt St.



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From: [Larry and Ginny White](#)
To: [All Alders](#); [Conklin, Nikki](#)
Cc: [Mayor](#)
Subject: Vote NO on Change in Zoning Regularions
Date: Tuesday, February 28, 2023 7:23:55 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We were disappointed that the Planning Commission voted unanimously to change the definition of “family” for single-family homes in Madison. They may not know—or care—that Mifflin Street, West Washington Avenue and other downtown neighborhoods used to be occupied by families with children.

The proposed zoning change will lead to the hollowing out of UW-Madison-adjacent neighborhoods like Vilas, Dudgeon-Monroe and Greenbush. Real estate investors (foreign and domestic) will buy up single-family homes and fill them with individuals whose combined rent will price families out of the rental market and home ownership. More schools will close as families move to the suburbs and nearby towns.

We urge you, as an elected city official, to look at the big picture and consider the unintended consequences of such a well-intentioned change.

Sincerely,

Ginny and Larry White
71 Oak Creek Trail
Madison, WI 53717

From: [Olivia Williams](#)
To: [All Alders](#); [Mayor](#)
Subject: Support Family Definition Changes
Date: Monday, February 27, 2023 6:25:46 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello alders and mayor,

I urge you to support the family definition changes that Plan Commission unanimously recommended to Common Council on Feb 28.

This change clearly will provide greater housing access and choice for low-income people, and it needs to be passed. The longer we wait to pass this change, the more this ordinance can be weaponized against low-income renters, who are threatened into accepting sub-par living conditions or else evicted for violating this ordinance. Staff have provided clear data and anecdotes about the harm this ordinance causes to renters *right now*. It is fairly commonplace already to live in groups of unrelated people to afford rent in a housing market where housing costs outstrip incomes. The more prices increase in Madison, the more this change becomes necessary to allow for our existing housing to actually house the people who work here.

The change should be passed across the City. Keeping an overlay without changes means we are okay with discrimination in some parts of the City and not in others. This is unjust.

Passing this ordinance change across the City is a no-brainer. It should have never been on the books at all, and it is very much related to old practices of exclusionary zoning and redlining. Madison should be a leader in Wisconsin in standing up for renters, who make up more than half of the population of the City and are statistically less white than homeowners.

thanks for your consideration,

Olivia

--

Olivia R. Williams, PhD
oliviareneewilliams.com | [Twitter](#)

From: [M.W](#)
To: [All Alders](#)
Subject: Proposed city wide zoning change 7488
Date: Sunday, February 26, 2023 9:12:13 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Madison Alders,

My wife and I would like to express our concerns regarding this zoning issue. We are long term residents who have lived in our current home for 33 years. We believe if this zoning proposal passes it will irreversibly change the character of the residential neighborhoods which are in the immediate vicinity of the UW campus and, in our case, UW Hospital. Currently the vast major majority in these homes are owner occupied and, of those, most are families, many with small children. There is a very strong sense of community with annual events including neighborhood block parties and a very popular July 4th celebration with a parade, food and games on West High Field. Because of the sense of community and pride we have in our neighborhoods, and the feeling of belonging here where neighbors know each other and are friends, many such as ourselves have made Regent Neighborhood our permanent home. Additionally, since many homes are owner occupied, good maintenance and upkeep are the rule.

If however, upwards of five unrelated individuals are permitted to live in one residence, there will be tremendous commercial interest in moving towards a rental property model dominated by a heavy presence of student housing and/or, in our case, short term UW hospital employees. We already have some experience with this on our block. At times there have been up to two rental houses and one non-owner occupied home on our block. Two have worked out well. One has been exceptional in that it has been (and continues to be) rented to families. The second was bought with cash, by a UW student's parents to serve as housing while he and one other roommate completed their graduate studies. They were rarely seen but they were considerate neighbors. This home was resold and is now occupied by a young family. The third has, at times, been more problematic. During summers the same family returns to use it but, over the school year it is routinely rented out. One semester there were four unrelated young university students living there and each one had their own vehicle. Not only was the driveway completely filled with these four cars but, at various intervals, all of their current partners would be staying over and thus there would be yet another set of 4 cars occupying our limited street parking. On weekends there were a number of parties in their side yard that involved even more individuals in attendance and included open intoxicants and loud music late into the night. It was very inconvenient for those neighbors who had to work early the next day or who were trying to get their kids to bed. One home with four unrelated individuals can indeed be problematic for all those who live on the same block or behind. It finally became necessary to register a complaint so that the city zoning could be enforced, a cumbersome but workable process.

Although the example above illustrated the negative effect on our neighborhood of just one rental home, this scenario is far from unique as our friends and colleagues on other blocks prone to student rentals have experienced similar issues and frustrations with unrelated tenants who are there on a short term basis and often have little interest in assimilating into the neighborhood or being considerate of other neighbors. With this proposed zoning change of up to five unrelated individuals we can well imagine that there will be significant commercial

pressure to replicate this model to as many homes as possible in our neighborhood. The influx of a large number of transient renters will dramatically and irreversibly change things. There will be a large number of additional private vehicles, each of which will vie for the limited street parking which is already in short supply due to the many University, UW Hospital employees, and West High students and staff who park on our residential streets. As the character of the neighborhood changes there will be less of a community and a stronger push to relocate, both because of the less attractive nature of the block towards families and, additionally, inevitably higher assessments and property taxes.

We can suggest a few solutions that could be adopted on a trial basis. These would include reducing the number of unrelated individuals allowed as renters and/or reducing the allowed density of homes with more than two unrelated renters in a buffer zone near the UW campus and the UW hospital. In this way the impact of these changes can be carefully assessed and then more easily remedied if things prove problematic. We highly value both our neighborhood and our neighbors and would like to preserve this community as much as reasonably possible.

Thank you for listening to our concerns.

Susan and Michael Winokur
2511 Chamberlain Ave

From: [SOONG KIT WONG](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Madison Family Definition
Date: Monday, February 27, 2023 1:25:28 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders, Dear Commission,

Madison, due to our nature as a university town perpetually suffers from an undersupply of housing.

Increasing the number of unrelated renters that can live together is not only a solution to this problem but will also go towards addressing numerous issues that such a provision has namely:

1. It excludes families that are formed outside of the law, whether it is found families, or merely families that do not seek state sanction. As a community that understands how people on the margins and minorities (such as the LGBT community) can often be excluded from many benefits of the state due to their status, we should seek to reduce it by shifting away from such rules.
2. Second, this exclusion seems to be designed to "protect" areas where a change could strongly benefit the community given their central locations. Travel times for many could be reduced if housing were affordable near where they actually worked, and this would bring us towards that goal.
3. Our city remains as one of the most segregated in the country. While we do not have explicit rules that exclude people, provisions such as this makes such segregation happen de facto through its impacts on affordability.

Please consider using the powers given to you by your constituency to improve their community.

Respectfully,

Soong Kit Wong
PhD Student
517 Taylor Hall
Department of Agricultural and Applied Economics
University of Wisconsin-Madison