



# Goals and Approaches to Housing Discrimination in Madison

2019

Equal Opportunities  
Commission

The City of Madison Equal Opportunities Commission (hereinafter “the Commission”) is committed to addressing the housing discrimination issues that are occurring in Madison, Wisconsin.

The Equal Opportunities Division (EOD), the enforcement agency for the Equal Opportunities Ordinance, has seen a steady increase in the amount of housing discrimination cases it handles each year. Over the past year, the Commission has been committed to increasing its knowledge of, and gathering information and data surrounding, the issues of housing disparities in Madison by reaching out to members of the community and various City agencies and community organizations that impact, or are impacted by, issues surrounding housing.

In 2017 EOD Division Manager Byron Bishop spoke at a Fair Housing Network Conference. Following that conference Mr. Bishop was approached by the U.S. Department of Housing and Urban Development (hereinafter “HUD”) about renewing the EOD’s status as a substantially equivalent agency for the purpose of processing discrimination cases for HUD. Mr. Bishop proposed the idea to the Commission, and the conversation surrounding the myriad housing issues in Madison got underway. In 2018 at their annual retreat, the Commission decided to focus on the complex housing issues in Madison.

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

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

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

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

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

**WHEREAS** the EOC is committed to supporting and providing advocacy for change, and working with the community and stakeholders to circumvent these barriers; and

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

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

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

**THEREFORE BE IT RESOLVED** that the City of Madison shall reaffirm its commitment to housing as a human right for all residents by advancing policies that support equitable access to housing through its oversight and monitoring, staff funding, contracting, and coordination of services and stakeholders to promote efficient use of City and community resources to supporting housing.

### **ACCOMPLISHMENTS**

While the Commission has tasked itself with addressing issues surrounding housing, they have achieved the following accomplishments in 2018:

- Approval of an EOD Paralegal/Mediator
- Approval for updated EOD Case Tracking software
- Confederate monument removal from Forest Hill Cemetery
- Assisted in the denial of a proposed alcohol moratorium
- Revised EOC manual process to include acceptance of electronic communications/submissions
- Completed and supported the Certified Community Partner training program
- Approved a new mediation process

### **HISTORY**

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

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

To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in its own employment, housing and public accommodation practices and in the use of City facilities. By adopting Sec. 39.05 of these ordinances, the Common Council has attempted to make sure that City facilities and programs that received City financial assistance are accessible to all persons [...].

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

### **OUTCOMES**

In an effort to learn more about the issues facing the community in the area of housing, the Commission, over the last year, met with individuals from Building Inspection, Public Health

Madison Dane County (hereinafter “Public Health”), Tenant Resource Center, Assistant City Attorneys (ACA) Jennifer Zilavy and Adriana Peguero, University of Wisconsin Neighborhood Law Clinic, Legal Action of Wisconsin, Community Justice, Inc., community members from the Allied Drive/Revival Ridge neighborhood, and members of the community at large. University of Wisconsin-Madison Assistant Professor for the Department of Planning and Landscape Architecture Revel Sims, Ph.D. provided the Commission a presentation titled “Eviction Communities in the Madison Area”. What the Commission learned was that some of the largest barriers facing the community in the area of housing are complicated by a lack of any type of central control or authority over housing issues, and that the City lacks the ability to effectively enforce the protections currently available to community members in the Madison General Ordinances. The Commission also learned that there is a lack of collaboration between City agencies, and in some cases competing interests, most notably in the area of Building Inspection/CDA housing. They also found that due to a number of tenant protection rollbacks at the state level, City agencies, particularly Building Inspection, are limited in the protections they are able to offer or enforce in the community.

While Dr. Sims was able to offer a large amount of data with respect to eviction communities in Madison, the Commission found that there was generally a lack of data surrounding evictions in Madison; notably, who was being impacted and why. They also found that when it came to housing issues subject to fines by building inspection that there were barriers the City was facing collecting unpaid fines from errant landlords.

Having delineated some of the larger issues, the Commission is prepared to offer the following recommendations to move the City’s housing issues forward.

### **GOALS AND APPROACHES**

The Commission has identified a number of goals that they feel will help improve some of the housing disparities existing in the City, and is committed to pursuing the following approaches to address these issues.

The greatest overarching goal the Commission identified was **accountability**. The Commission would like to see **collaboration** between City services that touch the area of housing such as Building Inspection and Public Health to ensure that members of the community are being served in an effective manner. **This may require a restructuring of CDA and Building Inspection**, because as they currently exist, there are apparent conflicts of interest in the reporting mechanisms available under these agencies.

The Commission would also encourage **education and outreach** opportunities for the community on issues that surround housing **for both property owners and tenants**. There are a number of Ordinances in place right now that do offer some protections to tenants in the City of Madison, notably rent abatement and chronic nuisance ordinances. **The Commission would recommend increased tenant education surrounding rights and responsibilities, how and where to report problems, and what services and support are available to tenants through the City (i.e., Section 8 and 42 rights, responsibilities, and paths forward; remedies available through the rent abatement procedure, etc.).**

The City of Madison currently has a Landlord Tenant Committee to address housing issues in Madison. The Commission understands that this body is in the process of outlining a landlord “best practices” or “gold star standard” for landlords who provide housing in the City of Madison. **The Commission would propose that the City use these “best practices” as an education and enforcement tool, and that the use of these “best practices” be incorporated into contracts for housing providers requesting TIF funds from the City.**

**The Commission would also encourage more aggressive TIF contracting** to help ensure inclusive, affordable, accessible scattered-site housing developments exist in the City, and use of the TIF process to include establishing an Affordable Housing Trust Fund, as well as standards for TIF funds being directed to blight remediation efforts versus new housing construction.

The Commission heard repeatedly from the community that the City has a number of landlords ineffectively taking care of issues of pest infestations in tenant’s homes, as well as issues of mold and other public health issues. **The Commission would recommend strengthened enforcement mechanisms for Public Health to be able to hold landlords accountable for the public health issues facing the community. The Commission would recommend putting a process in place for Public Health to declare an emergency if necessary, allowing the City to step in to treat pest issues for landlords who fail to do so after repeated reports of pest infestation by their tenants. The Commission would propose establishing enforcement procedures that could include a fund for public health or pest issues, and fines or forfeitures for landlords that repeatedly fail to remediate pest issues.**

The Commission would recommend authoring policy for special assessments on the property tax roll for landlords who fail to pay fines or forfeitures to the City. ACA Zilavy informed the Commission that there are mechanisms in place to collect fines and forfeitures from property owners, but that the process can take several years and may require an action or judgement to be filed in Circuit Court.

The Commission would like to see the City itself take a more active role in addressing the housing issues discussed above, and would recommend having an individual in the **City Attorney’s office with expertise in housing, and/or having an individual within City government act as a liaison between the public and the various City agencies** that touch housing as a public facing employee to guide residents to the appropriate agency to have issues addressed in a timely and effective manner. The Commission would recommend increased use of the Racial Equity and Social Justice (RESJ) tools being used in decisions made and policies implemented surrounding housing in Madison, and would like a role in and revitalization of the Housing Strategy Committee.

## **POLICY RECOMMENDATIONS**

### **Immediate Wins:**

1. Landlord/Tenant Committee “Best Practices” standards incorporated into TIF contracts.

2. TIF contracting that more aggressively includes scattered site affordable/workforce housing and blight remediation funding for existing properties.
3. Pursue more effective utilization of the Affordable Housing Trust Fund established through use of TIF.
4. Increase accessible unit requirements in City funded projects from the current 2% and 5% thresholds for sensory and physical access to 12% and 15% thresholds respectively.

Short Term Strategies:

5. Establish stronger enforcement mechanisms for Public Health.
6. Establish a process for the City to cure repeat offender pest remediation.
7. Establish the ability to collect fines/forfeitures from landlords through special assessments attached to property taxes.
8. Create a position for a public facing Housing Specialist/Liaison for community assistance with housing issues.

Long Term Strategies:

9. Create an independent Building Commission.
10. Set forth recommendations on realigning the CDA/Building Inspection relationship to eliminate apparent conflicts of interest and barriers to the community in resolving housing issues within the purview of those agencies.
  - a. Identify and implement best practices for equitable housing policies through Madison's CDA, including a review of local strategies in screening and eligibility, background checks, wait list management, guest and key policies, and resident feedback mechanisms.

Education and Outreach (Ongoing):

11. Education/outreach to property owners (with emphasis on those receiving City funding) – Best Practices/Gold Star Standard.
12. Education/outreach to tenants – Section 8 & 42 – rights and responsibilities/paths forward/remedies available