



City of Madison

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

Meeting Minutes - Approved HOUSING COMMITTEE

Wednesday, April 2, 2008

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room LL-110 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Chair Hirsch called the meeting to order at 5:02 PM.

Staff Present: Tom Adamowicz, Doran Viste & Meg Zopelis

Present: 10 -

Brenda K. Konkell; Susan K. Day; Philip P. Ejercito; Thomas E. Hirsch;
Brian A. Munson; Victor E. Villacrez; Tobi L. Rutten; Judith M. Wilcox;
Detria D. Hassel and David C. Porterfield

Absent: 3 -

Howard Mandeville; Curtis V. Brink and David R. Sparer

Excused: 2 -

Rose M. LeTourneau and Eli Judge

APPROVAL OF MINUTES

A motion was made by Konkell, seconded by Porterfield, to approve the Minutes of January 9, 2008. The motion passed by voice vote/other with Hirsch abstaining.

A motion was made by Wilcox, seconded by Konkell, to approve the Minutes of March 5, 2008. The motion passed by voice vote/other with Hirsch abstaining.

PUBLIC COMMENT

Judy Wilcox said there is a bus tour at 8:00 AM on April 3, 2008 of the affordable housing alternatives in Stoughton. Board buses at Lakeview Church, 2200 Lincoln Avenue, Stoughton between 8:00 AM and 8:20 AM.

Jennifer Feyerherm, Sierra Club, spoke in support of Ordinance 07734. Ms. Feyerherm wanted to remind the Committee of the progress we can make with an Ordinance about changing light bulbs. She also is present to introduce Carter Dedolph, the second registrant, who is with Wisconsin Energy Conservation Corporation.

As she has noted before, global warming is the most important issue of our time and our future. This Ordinance would change out light bulbs and reduce global warming pollution by 35,000 tons. Last week, the Committee approved the common area part of the Ordinance. The in-unit part of the Ordinance is just as

important. There is a lot of energy savings that we can get at by switching out the bulbs in units. That piece of the Ordinance is also very important so that the 35,000-ton reduction of global warming pollution can be achieved.

In Madison there are also challenges with fine particulate matter and ozone. One of the biggest sources of those two pollutants is coal-fire power plants that provide the electricity for our homes. To the extent that we would reduce energy use with this Ordinance, it will also cut fine particulate and ozone pollution in our County. The Ordinance will reduce electricity use enough to power over 4,100 homes. This is an easy step that we can take to really affect our environment, health and livelihood.

Ald. Palm & Ald. Solomon have worked really hard to address the concerns of many people with this Ordinance. They looked at mercury and the many places you can go to recycle compact fluorescents to keep mercury out of the environment. The compact fluorescent light bulbs are really a mercury-reduction strategy because we will burn less coal if we use them. If you think about the safety of fluorescent light bulbs, we have used tube fluorescent light bulbs in schools and hospitals for decades. The mercury in these bulbs is about twice as much as in a CFL. This is an issue that has been around a long time and it has not caused huge problems.

One of the last remaining concerns about the Ordinance is the cost to landlords for installing light bulbs in units. There is a program through Focus on Energy that is administered by WECC. Carter Dedolph is present to discuss the program. This program will provide a way for landlords to sign-up before this Ordinance goes into effect and get the lights switched out for free. This really eliminates the last hurdle of the cost of the Ordinance. There should be no reason to oppose this Ordinance and it is something that we can do easily, safely and cheaply, and reduce global warming pollution.

Carter Dedolph, Wisconsin Energy Conservation Corporation, spoke, but neither supports nor opposes Ordinance 07734. Mr. Dedolph is the Multi-Family Program Manager for WECC. Jennifer Feyerherm brought WECC's support letter for the Ordinance to the last Housing Committee Meeting.

Focus on Energy is a statewide energy efficiency program and WECC administers several components of that program. Mr. Dedolph is the Program Manager for the apartment and condo efficiency services for Focus. The WECC position is that that they support trying to get energy efficiency measures into buildings. That is their goal and purpose.

WECC has a direct install program, in which they go into apartment buildings and replace bulbs that can be replaced with CFL's and replace showerheads and faucet aerators with low-flow, high-pressure models. That program covers both materials and installation, and is no cost to the landlords/owners. WECC generates plenty of energy savings through the installations so they can offer this at no cost. Mr. Dedolph indicated he would answer questions for the Committee.

Sparer asked if landlords in Madison are required to make the change by the Ordinance, can they still use the WECC program and have the installation at no cost? Mr. Dedolph said no, they could not use the WECC program at that time. The program is evaluated by a standard baseline. WECC provides incentives and tries to get energy efficiency measures in that are above the standard. So once

the CFL Ordinance gets put in effect, then it becomes the standard in Madison and the landlords/owners cannot use the program. Landlords/owners can use the program up until the effective date of the Ordinance. Sparer also asked if all landlords want to use the program, are there sufficient resources? Dedolph said it would strain the program, but they could do it. Since the program started July 1st, they have done 17,000 units and about 170,000 light bulbs in the State.

Hirsch asked how WECC tells landlords about this program and the resource availability. Mr. Dedolph said they let people know through the Apartment Association trade shows and conferences. They write articles for the Apartment Association newsletters. Mr. Dedolph also manages several other components of the program and they try to cross-promote the different components of the program. If they are going in to replace a boiler in an apartment building, WECC will give them information about the direct install. WECC cannot advertise in the newspaper, but does promote through word of mouth and through newsletters and presentations.

Porterfield asked about people renting and the program. Is it a building style or just the tenancy that WECC looks at? Mr. Dedolph said it is based on tenancy, 4 units and above. Porterfield then asked if someone had a 3-unit, duplex or single family if they would be eligible for the program. Mr. Dedolph said there is a pilot program in Madison for 2 and 3 units, but the pilot program is only targeting 100 – 200 buildings at this time, through December 1st. If it goes well, the pilot program will be extended. Typically his program deals with 4 units and above. Porterfield asked if it was a different division that ran the other program. Mr. Dedolph said it is a cooperated between him and the Program Manager.

Villacrez asked what type of bulb/brand WECC uses. Mr. Dedolph said everything is Energy Star. The common size is 13/14 watts. Villacrez asked if a property owner has any say in the type of lights. WECC does provide different wattage CFL's, depending on what the landlords want in places. Some places do not warrant a higher wattage. WECC provides the standard CFL's (curly ones). WECC does not provide the globe style or more of a vanity-type light. If a CFL does not fit the fixture, then WECC does not replace the bulb. WECC will only replace the bulbs that are appropriate to be replaced with the bulbs WECC has. Generally, WECC replaces 8 – 10 bulbs per unit.

[10217](#)

Registration Statements for 4/2/08 Housing Committee Meeting

Attachments: [Registration Statements 4-2-08.pdf](#)

UNFINISHED BUSINESS

ROLL CALL

Present: 13 -

Brenda K. Konkell; Susan K. Day; Howard Mandeville; Philip P. Ejercito; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Tobi L. Rutten; Judith M. Wilcox; Curtis V. Brink; Detria D. Hassel; David C. Porterfield and David R. Sparer

Excused: 2 -

Rose M. LeTourneau and Eli Judge

1. [07734](#) SUBSTITUTE - Creating Sections 27.05(2)(aa), (bb), (cc), and (dd) and Section 29.20(21) of the Madison General Ordinances to require bulbs with an energy efficiency of at least thirty (30) lumens in some common areas and dwelling units in residential buildings.

Attachments: [07734-Version 1.pdf](#)
[07734-Version 2-SUB.pdf](#)

A motion was made by Sparer, seconded by Konkel, to amend Section 3 of Ordinance 07734. Instead of saying, “with 3 or more dwelling units” to say “with more than 3 dwelling units”.

Yes - Brink, Day, Ejercito, Hassel, Konkel, Mandeville, Munson, Porterfield, Rutten, Sparer, Villacrez, Wilcox

Abstain - Hirsch

Excused - Judge & LeTourneau

Day asked about recycling. We are leaving it to the retailers to recycle and we are not making any recommendation regarding recycling these and that is a major concern. Her second concern is about the mercury. We are going to mandate this and we still have the issue of the mercury and the clean up that is involved when the bulbs break in your home.

Porterfield asked Viste about the liability to the City. This is an Ordinance requiring a hazardous substance in the house. Viste could not answer on the spot. Viste said there are policy questions that arise out of it. He does not know if it is something that really needs to be considered as far as potential liability for the City down the road.

Ejercito said that the Committee has heard from plenty of people already about the established guidelines published by the EPA, published by various States' versions of the EPA, which have been clear and consistent. He referenced that people had spoke about the case in Maine, in which someone was quoted \$2,000 for a Hazmat clean-up that ended up being unnecessary. The Maine Department of Environmental Protection even issued their After Action Report, stating that it was due to their own inexperience in dealing with this. That was a gross over-estimation of what needed to be done. Ejercito provided a copy of the report.

Konkel referenced there are concerns on behalf of the Streets Department. She thinks that Streets can look at various programs that may be put in place to help with the recycling of these bulbs if they think it is that big of a concern. There is a budget coming up wherein if something needed to be done, it could be done before the Ordinance takes effect.

Porterfield said there are a lot more than 100 single family and duplex, 3-unit or less rental units that are going to be affected by this. They would not have the same benefit that the multi-family units have. The cost to them is not as big, but it is still a concern.

Ejercito said that some time in October, there are a large number of retailers who will be participating in a promotion for about a week, or until they run out, that

every compact fluorescent is \$1.00. As momentum picks up and awareness grows on this issue, hopefully more options like that will be available to homeowners and people with less than 3 units.

Hirsch pointed out that in Sections 2 & 3, which are the requirements that are being discussed, apply to buildings with 3 or more units.

Sparer asked Mr. Dedolph if WECC's program covers a 3 unit. Mr. Dedolph said it is 4 units and above. Sparer asked if it matters if one of the units is occupied by the owner. Mr. Dedolph said it has to be all non-owner occupied (3 units are lower). If there is an owner in a 4-unit, it is covered.

A motion was made by Sparer, seconded by Konkol, to amend Section 3 of Ordinance 07734. Instead of saying, "with 3 or more dwelling units" to say "with more than 3 dwelling units".

Yes - Brink, Day, Ejercito, Hassel, Konkol, Mandeville, Munson, Porterfield, Rutten, Sparer, Villacrez, Wilcox

Abstain – Hirsch

Excused – Judge & LeTourneau

A motion was made by Sparer, seconded by Ejercito, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER, to approve the separated half of Ordinance 07734, Sections 3 & 4, in front of the Committee. The motion passed by the following vote:

Excused: 2 -

Rose M. LeTourneau and Eli Judge

Ayes: 11 -

Brenda K. Konkol; Howard Mandeville; Philip P. Ejercito; Brian A. Munson; Victor E. Villacrez; Tobi L. Rutten; Judith M. Wilcox; Curtis V. Brink; Detria D. Hassel; David C. Porterfield and David R. Sparer

Noes: 1 -

Susan K. Day

Abstentions: 1 -

Thomas E. Hirsch

10220

The Department of Environmental Protection (DEP) facts regarding the Prospect, Maine Compact Fluorescent Lamp Breakage

Attachments: [Maine DEP Report.pdf](#)

2. **06811**

Amending Section 4.22 of the Madison General Ordinances to update language and terms in the Affordable Housing Trust Fund ordinance.

Attachments: [Housing Trust Fund 04022008.pdf](#)
[Report Card Housing 2007.pdf](#)

Konkol discussed the Affordable Housing Trust Fund, which is still with the Affordable Housing Subcommittee. The purpose of bringing it to the Committee was to update everyone on some of the ideas to think about for the Affordable Housing Trust Fund and to ask if there are other ideas that should be discussed

and added to the list. The Subcommittee's intention is figuring out how to make the Affordable Housing Trust Fund work. The Subcommittee wants it to be functioning now instead of waiting until it gets to \$10 million. The Subcommittee wants to make sure the money gets back in there, but do not want to just have a bank account set aside. They would like to put the money to use while they can and make sure they are targeting the right levels.

One of the things the Subcommittee will be doing is looking at the various programs throughout the City and seeing what types of things are being targeted and what are not being targeted. The Subcommittee made a list, which was distributed at the meeting and Konkel read (attached).

Porterfield said one of the discussion items was the theme of trying to figure out a strategy to grow towards the \$10 million, but still use a portion of the funds now. The Subcommittee wants to figure out how to use a little every year and then use the other portion of it that we know we are going to get back in a method that is going to turn over quickly and potentially even provide some income.

Brink said that Hickory Hurie informed them there is about \$4 million in there right now. Day brought up that maybe of the new funds that come in, the Subcommittee use 75% of them and put 25% back in the fund. However, if they are actually out being used, it is not working towards the \$10 million in a way. We are not looking at grants; we are looking at this actually being out there working now and growing from that.

Villacrez asked if that is becoming the priority for the Affordable Housing Trust Fund and does that somehow affect what kind of initiatives the Committee does? If one program does not grow the fund, does the Committee not go down that direction right away or does the Committee have to further discuss. Villacrez would like to come up with some illustrations at the Subcommittee to see what it would look like and how long it would take to get to \$10 million.

Brink said that is where they are at and they have moved the discussion to a new meeting to make it easier for everyone to attend.

Konkel did not want to make any decisions ahead of time and put out a proposal that everybody would not like. The only changes that are made right now are that she tried to get rid of the words "low income" and "very low income" because different type of programs have different definitions of low and very low. She put in 15/80%. Konkel wanted to put in 40/70%, but this makes everything more complicated because everything else is at 15/80%. In #3, Konkel clarified that the IZ Fund is something special and that it was set aside. On the third page, at the bottom, the \$25,000 was the staff policy of how much per unit, so Konkel added in the extra \$15,000 if you went below 50% AMI. This is open for discussion.

The fund grows haphazardly. Whenever the City sells a piece of land, we have the opportunity, if we can get 15 votes, to put the money into the Affordable Housing Trust Fund. Two things have to happen: somebody has to notice the fiscal amount and there are equity kickers. Konkel does not know if there is a commitment to growing the fund by the Council, but she thinks a case can be made for it if there is a plan for more immediate results.

Please share any thoughts with Curt Brink, Chair of the Subcommittee. Villacrez

asked what Hirsch' idea is for energy conservation and renewable fuel. Hirsch thinks the City can help people to do more than what the Building Code by itself mandates, and that it makes sense to do more than what the Building Code mandates. Hirsch thinks we should be giving incentives and assistance to do that. We have visited this topic once when Inclusionary Zoning was passed and we tried putting building standards in there, and were told by the State of Wisconsin that violated the uniformity of the multi-family Codes of their Building Codes, both one and two family and multi-family. We have to do this in a smart way so that we do not mandate some of these features, but if people want assistance, this seems to be the perfect fund to help people do some of this stuff for the benefit of targeted income people.

Wilcox asked if there was any discussion on preservation. Day answered about long-term preservation and how that would look. The first order of business is to grow the fund and then approach it as a tiered basis. When you reach a goal, then deal with the next goal. The things that generate income are first. Look at each step and when the Fund grows to a certain point, then offer options A, B & C. When the Fund grows to another point, then offer options D, and so on.

Mandeville asked about when money is going out to households, is there a priority for loans rather than grants? Would there be a priority for loans with certain monthly payback terms over deferred loans? Day said they have to decide where in that tube system those things are going to show up, in terms of benefiting the growth of the fund.

Wilcox said that the Subcommittee has to take into consideration the administration of a loan fund. If you are talking monthly payments, you are talking significant administrative costs. If you are talking deferred loans, you can get it back when the title changes. There is a big difference.

Porterfield thinks that at the Committee level, a plan or time frame should be developed to go through this process. Brink said it would be an Agenda item at the upcoming Subcommittee Meeting.

NO ACTION AT THIS TIME

10219

Affordable Housing Trust Fund Discussion Topics

Attachments: [Affordable Housing Trust Fund Discussion Topics.pdf](#)

3. 08533

Amending Sec. 27.09(5)(a) of the Madison General Ordinances to allow for the assessment of a reinspection fee when compliance is not achieved, rather than after the first compliance inspection regardless of compliance status.

Sparer asked Tom Adamowicz if he called Building Inspection and said he wanted an inspection to determine he is in compliance, if that is currently free. Mr. Adamowicz said the first reinspection is free. We define a reinspection as an action wherein we make a determination of something. So if you receive an Official Notice with ten items on it, and we say yes or no something is done on one of those items, that is a reinspection because we have made a determination. Under the current policy, the first reinspection is done without cost and the subsequent reinspections, regardless if there is an extension or anything else, are charged. The problem is that when you go to compliance, say

there are three reinspections, the first one is free, the second one is a charge, and then we go there and find a compliance and besides saying, yes it is done, we charge a \$50 reinspection fee. The revision is to reverse that and charge a fee for reinspections, except for the last reinspection. If there are three reinspections, the first and second are charged and then when the person complies, there is not a charge for that reinspection.

Sparer asked if this change is to make them pay before going out. Adamowicz said that is not accurate. When an inspector accounts for their time, they will put a reinspection on. On a periodic basis, Building Inspection searches for reinspection fees, and then the owners are billed. If they do not pay the bill, it gets charged to their taxes. Zopelis confirmed that the reinspection fees go to the tax roll if not paid.

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

Excused: 2 -

Rose M. LeTourneau and Eli Judge

Ayes: 12 -

Brenda K. Konkel; Susan K. Day; Howard Mandeville; Philip P. Ejercito; Brian A. Munson; Victor E. Villacrez; Tobi L. Rutten; Judith M. Wilcox; Curtis V. Brink; Detria D. Hassel; David C. Porterfield and David R. Sparer

Abstentions: 1 -

Thomas E. Hirsch

4. [08980](#) 2007 Senate Bill 403

Attachments: [2007 Senate Bill 403](#)

Wilcox said this item is dead. No action taken.

5. [08981](#) LRB 3790/1 - Property Tax Exemption for Low-Income Housing

Attachments: [LRB 3790/1 Property Tax Exemption for Low-Income Housing Update on Prop Tax Exemption for Low Income Housing.pdf](#)

Wilcox said this item is dead. No action taken.

6. [08983](#) University of Wisconsin - Madison Facilities Planning & Management
Spring 2007 Employee Housing Questionnaire
Final Analysis and Report of Findings - September 2007

Attachments: [UW Spring 2007 Employee Housing Questionnaire Findings](#)

Informational only - No action taken.

7. [08594](#) 2008 Goals Discussion

Attachments: [Goals Discussion 2008.pdf](#)

Hirsch said the Affordable Housing Subcommittee is working on the Trust Fund and a review of the City's assistance programs and trying to get a feel for where that is going. Hirsch generated a list of items based of last year's list as a stimulus for conversation. If there are additional items or if the Committee wishes to prioritize certain items, it would be good to discuss and reach a consensus on where the Committee sees emphasis this year.

Hirsch said that by the middle of summer, the IZ Study Committee would have produced a series of recommendations on what to do with the Inclusionary Zoning Ordinance, which is coming up early next year.

Hirsch said the TIF Policy Subcommittee is hopefully coming to an end, with some notion of conclusion and how to apply and use TIF as a City tool. Hirsch thinks one of the recommendations that will come out of that Committee would be that there would be some sort of an annualized statement to plan ahead and not just be reactive.

Konkel recommended that the Housing Committee have an annual housing report and pull together some of the information that is available within the City and make recommendations about areas that need further study. Konkel also recommends a rental housing market study. The IZ Market Study was a complete disaster and hopefully we have learned from that. Konkel thinks it is critical piece of missing information. The Housing Committee would have to collect data by paying for a study. Konkel said that is why some sort of landlord registration makes sense, as it is the only way to obtain the information.

Brink is not interested in having a landlord study done.

Porterfield said that HUD sets the standard in a lot of ways and leads the market with their study. It is a pretty inaccurate study, but it does set the standard in terms of fair market rent.

Konkel said the data would have lots of uses. You could have exception rents for the CDA program in various areas of the City if we had data.

Villacrez said he received a call from Sharon McCabe two or three years ago and he sat down with her and they went through different rents. The study/collecting data is not impossible. Villacrez brought up property at Lake Point. He just received a call from someone he sold a condo to, and they were saying that there are very ugly rumblings going on with the owner and she was really concerned. Who is looking at the success of that? Konkel said the CDA is looking at that and they are an independent authority.

Wilcox said the Dane County Housing Authority is the same type of body, but we do not get money from Dane County. We exist on what we get from the Federal Government and our own good business dealings by refinancing affordable housing that is coming to the end of term and getting fees for that, by buying and selling properties, and by owning a group home and getting rent on that. There are ways to do it and the CDA should not be beyond control. The CDA has appointments that we should have some influence with.

Villacrez asked if other cities have been looked at. Konkel said there is a lot of information out there and we just have to find it and pay for it.

Hirsch said he finds it curious that the City's one housing production and management entity, the CDA, is illusive and apparently unanswerable. We have had them make presentations to us on some of their development plans, with what Hirsch would call mixed results. We have learned some things and Hirsch feels like the Committee never got the whole picture. There are many other topics associated with the CDA, beyond Allied Drive, that we never got to. How can we produce an annual report to the Council and not talk about CDA? Hirsch thinks oversight and accountability is something the Committee should look into.

Wilcox added that under the housing study, she thinks one of the things that can be determined is the disbursement of affordable housing and the concentrations.

ROLL CALL

Present: 12 -

Susan K. Day; Howard Mandeville; Philip P. Ejercito; Thomas E. Hirsch; Brian A. Munson; Victor E. Villacrez; Tobi L. Rutten; Judith M. Wilcox; Curtis V. Brink; Detria D. Hassel; David C. Porterfield and David R. Sparer

Excused: 3 -

Brenda K. Konkel; Rose M. LeTourneau and Eli Judge

COMMON COUNCIL UPDATE - Konkel/Judge

None - Ald. Judge & Ald. Konkel not present.

REPORTS

8. [08595](#) Landlord & Tenant Issues Subcommittee

Ejercito stated that the Landlord & Tenant Issues Subcommittee did not meet in consideration of religious observances and spring break.

9. [08596](#) Affordable Housing Subcommittee

Update given earlier in meeting.

ADJOURNMENT

A motion was made by Wilcox, seconded by Brink, to Adjourn. The motion passed by voice vote/other.