



City of Madison

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

Meeting Minutes - Draft HOUSING COMMITTEE

Wednesday, November 5, 2008

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 300 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Chair Hirsch called the meeting to order at 5:03 PM.

Staff Present: George Hank and Meg Zopelis

Present: 10 -

Greg L. Rosenberg; Alicia Bosben Gebhardt; Detria D. Hassel; Brenda K. Konkel; Susan K. Day; Philip P. Ejercito; Thomas E. Hirsch; Victor E. Villacrez; Curtis V. Brink and David R. Sparer

Excused: 5 -

Tobi L. LeMahieu; Brian A. Munson; Judith M. Wilcox; David C. Porterfield and Eli Judge

APPROVAL OF MINUTES

A motion was made by Ejercito, seconded by Bosben Gebhardt, to Approve the Minutes of October 15, 2008. The motion passed by voice vote/other, with Chair Hirsch abstaining.

PUBLIC COMMENT

None

Chair Hirsch indicated that there was a presentation which was not on the Agenda; Mario Mendoza of the Mayor's Office was at the meeting to give a presentation on property tax exemptions. Hirsch said there would not be any action on this item by the Housing Committee because it was not an Agenda item. Konkel said Mendoza could not do the presentation because it was not on the Agenda. Hirsch apologized to Mendoza and Mendoza said he would be happy to return another time to make the presentation. Hirsch said Mendoza could discuss this at the Affordability Subcommittee and Hirsch would ask the Chair to put him on the Agenda. Mendoza said he welcomed that invitation. The Committee thanked Mendoza for being present.

REPORTS

1. [08595](#) Landlord & Tenant Issues Subcommittee

Sparer said there was no meeting in October, as the meeting would have been the day after the Housing Committee Meeting. The Subcommittee is set to meet in November and will be taking up the alternate hearing examiner hiring and anything else that gets referred from the Housing Committee.

2. [08596](#)

Affordable Housing Subcommittee

Brink said most of the recent discussion is about the Trust Fund. Brink asked for input from Day and said the Subcommittee was talking about the different funding issues because of the recent Wall Street meltdown. They had spoken about how difficult it is for people to get loans because there is no place for the banks to sell off the loans. The Subcommittee is trying to work on the Trust Fund being usable to help people get into houses. The housing market is completely different from the bank's point of view. Villacrez said there was also a presentation and handouts by David Porterfield regarding housing legislation from this summer. Villacrez and Day said Porterfield brought two items to the meeting. Day said that one was related to the funding for the areas that qualified for flood assistance and the other was related to foreclosures and that funding.

3. [11431](#)

Common Council Update - Judge/Konkel

Konkel reported for Common Council. The Amendments for the Budget will be out tomorrow (October 16, 2008) around Noon. There are a couple things that may be of interest. One might be a solution to the property tax problem. Hirsch asked if there was going to be anything about residual/remaining monies at the end of the budget being put into the Affordable Housing Trust Fund. Konkel said no and Hirsch asked why not. Konkel said it loses every year and that there are not 11 votes on this Council for that item. Sparer asked if Konkel knew about a possible solution to the property tax issue. Konkel said data has been collected previously, but the language is not written yet as to who is tax exempt, etc. CDBG may want the Fund to be a little different.

Rosenberg then asked if there is no assurance that the folks who lose their exemption will have it revolve back to them. Konkel said she could not say 100% on this issue. That language will probably be up to the CDBG Commission. Day asked if this was a grant funded by deposits into the Trust Fund and then re-dispersed. Konkel said that right now there is only \$20,000 from 2006/2007. Bosben-Gebhardt asked about the numbers and why they are low. Konkel said that the numbers that are being counted right now are only for the groups that were involved in the lawsuit. So, they will not be taxing anyone who was involved in that now, but they will be determined next year. For now, there is not a lot of money, but in the following year there will be more.

Rosenberg then said that interestingly enough, the groups that were both in the lawsuit were unlikely to meet the standard that Konkel articulated. Konkel said she did not know that. Rosenberg said if it is a CHOTO-type organization, neither of those organizations is going to come close to meeting the standard.

Konkel said the policy is not written yet; someone else is writing the language.
Rosenberg said there are other ways to define it.

DISCUSSION ITEMS

4. [10714](#) Housing Committee Annual Report

1. Purpose
2. Contents
3. Format
4. Timing

Villacrez asked who is going to write the report. Konkel said that the Housing Committee needs to get this going and that the report normally would be done by staff. Rosenberg asked what housing reports the City writes on an annual basis, to which Konkel said none. Rosenberg asked if the Housing Committee could request the housing-related departments to write a comprehensive report. Konkel said the CDA usually writes a report, but it is about a year late. Konkel asked if Rosenberg remembered the reports that the County used to do. Konkel thinks they stopped the reports in 1995. Konkel said the Committee has to identify the type of information they want and then ask for it. Day asked if the Committee could review the list of contents again. Konkel and Sparer thought that Porterfield was making a list for this.

Hassel asked if Hickory Hurie gave a report in the past and Villacrez said it was just on the CDBG activities.

Bill Clingan was present so he answered some questions. Hassel asked Clingan about the report and he did not know about it. Clingan has not seen a housing report, but has seen a plethora of reports that have been sent to HUD. CDBG has produced one- time basis reports, but not annual housing reports. Hirsch said they had 3 and 5 year plans that are sent to HUD. Hirsch then asked Clingan if they write annual reports that indicate the progress that is being made. Clingan said they do write reports like that but it is in regard to specific HUD related programs. They give a snapshot of part of what is going on.

Konkel said Hurie's program reports will not have information on Percy Brown's programs, OCS information, BI information, etc. All of these fall underneath Mark Olinger. Rosenberg asked how the Committee can talk about housing policy when there is no information.

Villacrez asked Clingan to explain his new position and how it might help the Housing Committee. Clingan asked what the purpose of the report is and what is it going to be used for. That will somewhat govern the contents and who produces what contents. Because you can produce a report, but is it going to be used or just sit on a shelf.

Hirsch said in the past, what the Housing Committee has been struggling with is having annual production goals and some Alders have even expressed an interest in having geographical areas of interest where perhaps special efforts need to be made. Those two goals by themselves are worthy of discussion.

Hirsch thinks there is a widespread feeling that the City has a number of programs in a number of different agencies and nobody is looking at them comprehensively/cohesively and saying this is where we want them to go. The Housing Committee is trying to figure out what is going on.

Clingan asked if the challenge is to look at City-funded services around housing and other agencies that do affordable housing and maybe do not get City funding or is it looking at the broader housing picture in Madison.

Konkel said when she thinks about housing issues, she thinks there are usually development issues, affordable housing issues, landlord issues, and fair-housing issues. All of those issues are important to housing and you cannot separate them out and have one issue on one side and something else on another side, with no one City unit comprehensively. To Konkel, it is about what all the agencies are doing with housing and gathering that data and trying to figure out if the Committee can get a snapshot about what is going on in the City and to identify needs that need to be addressed. Konkel thinks the Housing Committee really needs to gather the information and put it together in a way that makes sense for the public.

Bosben-Gebhardt said that Konkel was talking about a very wide range of topics and asked Konkel about the kind of details she was asking about in terms of data. Konkel said each Department should come to the Housing Committee and report on data.

Rosenberg thinks other cities have developed really good annual reporting processes so he would recommend the Committee identify best practices from other cities and look at different reports to adapt them to meet our needs. This could be same set of cities that we looked at for IZ reporting. Rosenberg would be willing to help look for that information and does not think that the Committee needs to reinvent the wheel with this.

Clingan said they met with Andrew Statz, who is doing the Neighborhood Indicators Project. He wanted a conversation about if there are other indicators that have to do with housing. If you are looking at indicators by neighborhood, what would you look at that are housing related data that means something and that you can sequence every year? Clingan does not know if that is what the Housing Committee is looking for, but it might be something that is more expanded than just around housing. What are the indicators of a healthy housing picture in Madison? What are the elements of that? Clingan said they could help look to see if there are other cities that have done things.

Hirsch said that at the last meeting, one of the members asked for the Neighborhood Indicators Project to be in a presentation. So maybe that can be on the December Agenda.

Hirsch urged both of the Subcommittees to look at the notion of what it is they would think from their own areas would be of interest in such kind of report.

ROLL CALL

Present: 11 -

Greg L. Rosenberg; Alicia Bosben Gebhardt; Detria D. Hassel; Brenda K. Konkel; Susan K. Day; Philip P. Ejercito; Thomas E. Hirsch; Victor E. Villacrez; Curtis V. Brink; David R. Sparer and Eli Judge

Excused: 4 -

Tobi L. LeMahieu; Brian A. Munson; Judith M. Wilcox and David C. Porterfield

NEW BUSINESS

5. [12176](#) Creating Section 8.32 of the Madison General Ordinances to create policies and procedures for removal of personal property from public lands.

Dave Carrig spoke in support of Legislative File No. 12176. Mr. Carrig referenced an incident that happened to him years ago. He has never been accused of being a natty dresser. He was standing Downtown at a bus stop and had just come from a restaurant. A woman walked up to him and offered him the remainder of her meal. She had a carryout container from a restaurant. He was taken aback and offended at first, and then he realized she was trying to do a good thing. He just told her no thank you.

Mr. Carrig asked how we identify the homeless. Mr. Carrig is proudly dressed like a homeless person to some extent. He carries his belongings in a presentable bag. He thinks that people have a tendency to identify homeless by the way they carry their possessions around. These possessions are what get them from day to day. His understanding is that if you are staying overnight in a shelter that you have to move all of your belongings out with you as you leave in the morning. If prospects are not good, and you are looking at another day on the streets, you try to take one step at a time and keep it all together. It is hard to imagine what people have with them, hopefully the essentials like a change of clothing, medicine, toothpaste/toothbrush, and identification. When the police confiscate that and identify it as junk and wrench it out of your hands, it just seems like such a belittling experience.

Judge showed up at 5:34 PM

The way that Mr. Carrig understands this Ordinance, is that it will sort of hold everything in abeyance. The property could be seized, but it would be held and not thrown away as trash. There is very little money available for human services and Mr. Carrig thinks this Ordinance would give dignity to those placed in this situation through no desire of theirs. Mr. Carrig is in favor of the Ordinance.

Villacrez asked how often personal items are being confiscated? Carrig did not know how often, but said he thinks it is occurring.

Hassel asked how this would be done. Hassel asked Konkel how this policy came about. Hirsch said to ask the questions of Mr. Carrig first. Hassel asked Mr. Carrig if it was his personal experience, that his possessions are being taken. Carrig is with a group that deals with issues of the homeless and apparently it is an issue that belongings are being seized by the Police. Hassel

then asked what is happening to people. Are they being taken to jail? Carrig said no, but the belongings are being taken.

Bosben-Gebhardt asked Mr. Carrig if he felt the need to leave belongings somewhere hidden to get somewhere. Carrig said yes, that people have to stash their belongings somewhere.

Konkel wanted to explain where the Ordinance came from and why. Every Spring, the Parks Department gathers everything they find and throw it away with no warning. There was a pretty major incident at the Brittingham Park Shelter, wherein people were there after hours and several peoples belongings got taken. Channel 3 did a really wonderful interview with one of the guys who lost a bunch of his stuff during that incident, and along with his belongings were the only picture of the man's wife that had died 1 ½ years ago. Unfortunately, they didn't show that part of the interview on Channel 3, and she wished they would have because the man spoke very eloquently about it.

Hassel asked if the homeless feel the Police are overstepping boundaries. Konkel said another issue is that day laborers are leaving their stuff to go work for the day and then items are taken. Konkel said the entire State of Oregon has this law, as do Kansas City and Ohio. So that is why Konkel had the City Attorney draft something.

Konkel said that basically it says you have to put up a notice. The reason for the 72-hour notice is because she also wanted them to notify an agency. However, if they do it on Friday or Saturday, an agency would have to be open to help find the people with the items. That is why Konkel asked for the 72-hour notice, because if it happened on a Friday, there would be enough time for an agency to get an appropriate notice. Konkel had originally put in to keep the items for 45 days, but the City Attorney told her it had to be for 90 days because of the State Statute. It does exempt anything that would be unsanitary or unsafe, which would not be appropriate to store.

Konkel said if you are homeless and everything is in your backpack and it gets thrown away, it is a huge problem. Konkel said there is no data on the issue. Hassel asked where they will keep the items for 90 days. Konkel said the Police Department has evidence storage space. The Parks Department has buildings all around the City. Streets Department has buildings where they can store stuff. The notice can say that the Streets Department has taken the items and you can pick them up at a certain location. Hassel thought at first that it was a storage area where homeless people could put their items, and Sparer clarified that the storage is for items seized and that people would have 90 days to pick-up the items.

Bosben-Gebhardt said it seemed complicated to be able to prove whose belongings they are if there is nothing specifically to attach to a person. This could open up a can of worms by other people claiming the belongings. Since other cities have this, it would be a good idea to look at that issue. Another concern Bosben-Gebhardt has is looking at from a public standpoint. Would it increase people leaving their belongings around? Konkel said hopefully this will inspire them to pick-up items more frequently and not just do it once a year and throw everything away.

Bosben-Gebhardt said another thing is it would be tricky to post notice because of outdoor elements. Konkel said it would be like a temporary parking sign. Hirsch said it would be a sign like when streets are being worked on, indicating the date of no parking for the following week. Konkel said it was an attempt to give people some notice and then they can go to an agency to get help. Villacrez asked what agency and Konkel said she was leaving it to CDBG to decide which agency. Villacrez asked if it was a City agency, and Konkel said it would probably be a non-profit agency.

Villacrez asked about how people would be notified. Konkel said they would be notified once the sign is put up and it says go to agency to find out about items.

Brink wanted to speak about when certain notices go up and referenced a demolition permit he had for Chi Chi's. As soon as that goes up, you have to have the Notice of Public Hearing for Demolition Permit. Within 48 hours of that, windows were broken on it and then you have to board up and go out to the location. If you go to Brittingham Park, are there going to be a bunch of yellow signs all around saying there is something sitting there? This sets out a notice to the unsavory guys that there is stuff stored there. Brink would rather that the items are picked up and stored, and then the notice says that the items are in safe in storage for 72 hours. At least then the items are protected. If the sign is posted first, it is a red flag that items are being stored there by homeless people.

Bosben-Gebhardt asked if most parks have hours when they close. Are we opening this up to saying it is okay to be there when the parks are closed? Hassel said people know that the parks are closed at certain times. Hassel asked why the City cannot advocate for shelters to store belongings if the people are sleeping there. Hassel said there is no money in the budget to do this and post notices.

Sparer asked Konkel if the City Attorney said anything about there has to be a notice before the City can take the belongings. Konkel said she did not think so. Konkel said you can fix Paragraph A by instead of saying prior to, put upon removing personal property, and then cross out 72 hours in advance.

Sparer said that Brink had a good point. If you leave the sign up and then tell the agency that within 72 hours that has happened, so that they know too. Konkel said there are various Departments which happen upon things, such as Parks and Streets and even Water Utility. Villacrez said Brink's amendment will deter that behavior from happening.

Brink said it is a difficult issue when the belongings are on private property. If there was somewhere to move the items to, it would alleviate a lot of problems.

Rosenberg said this is about if people do not have a place to store their stuff. If we are going to have a central facility available to move this stuff to, why can't we make it so that people can take their stuff there to store it? Hassel said there is no money to do this. Rosenberg said this is not a money issue, it is a creativity issue.

Ejercito does not see the main issue as how to provide storage facilities to the

homeless. This is a property rights issue and about notifying people where their stuff has been moved. Ejercito was not discussing the fiscal impact. Assuming the City employees are removing belongings, all we are doing is asking that they be noticed that something was moved. We are not sending out additional people to pick-up personal property.

Konkel said there was money in the budget two years ago for people to store stuff, but it was only on Wednesdays. Konkel wanted to at least pass the Ordinance to have the agency give notice. Konkel wants to find out what the need is from this, and then make additional proposals off data gathered for long-term solutions. People are losing their only belongings in the meantime. Judge asked Konkel if \$40,000 space still exists. Konkel said yes, at Porchlight. Judge asked about using the space at Porchlight, if we give them money. Judge did not want the Police to have to store all of the belongings. Konkel said there would be a staffing issue at Porchlight. Judge is sympathetic to flagging items as Brink referenced.

Brink said he does not want this to make Madison to be the place to dump your junk and then run around all day. This could make it too convenient. Ejercito said this seems like a Band-Aid, but he did not mean it in a negative sense.

A motion was made by Ejercito, seconded by Hassel, to amend File No. 12176 as follows:

(2)(a) (REMOVE: "Prior to" and replace with "Upon") removing the personal property of homeless persons from public property, city staff shall post a notice, written in English and Spanish, (REMOVE : "72 hours in advance"), at the site providing notice of their intention to remove the personal property of homeless persons from the site and shall state where the personal property will be available and how it may be obtained.

The motion on the amendment passed by voice vote/other, with Chair Hirsch abstaining.

A motion was made by Sparer, seconded by Judge, to amend File No. 12176 as follows:

(d) Except as provided in Sub. (3), herein, all unclaimed personal property shall be stored whether 72-hour notice is required or not. The property shall be stored for a minimum of 90 days during which it will be returned to any person making a reasonable claim of ownership of the property. City staff may require that any person taking personal property provide some identifying information so that the person may be contacted if another person later claims ownership of the property. Any personal property that remains unclaimed for 90 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person. Weapons, drug paraphernalia and items REMOVE "that appear to be" and REPLACE WITH "where there is reasonable cause to believe that the item are" either stolen or evidence of a crime shall be given to police.

The motion on the amendment passed by voice vote/other, with Chair Hirsch abstaining.

A motion was made by Ejercito, seconded by Sparer, to Return to Lead with

the following Recommendation(s) (two amendments). The motion passed by the following vote:

Excused: 4 -

Tobi L. LeMahieu; Brian A. Munson; Judith M. Wilcox and David C. Porterfield

Ayes: 10 -

Greg L. Rosenberg; Alicia Bosben Gebhardt; Detria D. Hassel; Brenda K. Konkel; Susan K. Day; Philip P. Ejercito; Victor E. Villacrez; Curtis V. Brink; David R. Sparer and Eli Judge

Abstentions: 1 -

Thomas E. Hirsch

UNFINISHED BUSINESS

6. [12267](#) Housing Committee - 2009 Meeting Dates

Attachments: [2009 Housing Committee Schedule.doc](#)

A motion was made by Sparer, seconded by Brink, to Approve the 2009 Housing Committee Meeting Dates. The motion passed by voice vote/other with Chair Hirsch abstaining.

7. [11764](#) Parliamentary Procedure at a Glance and Pamphlet

Attachments: [Parliamentary Procedure.pdf](#)

This item was not discussed.

8. [08594](#) 2009 Goals Discussion

Attachments: [Goals Discussion](#)
[2009 Work Plan Items.pdf](#)

Hirsch did not provide a follow-up item after the last meeting, so that people who made suggestions could start to put together a work plan. The Goals Discussion will remain on next month's Agenda

ADJOURNMENT

A motion was made by Sparer, seconded by Bosben Gebhardt, to Adjourn. The motion passed by voice vote/other.