



City of Madison

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

Meeting Minutes - Approved COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE

Thursday, March 5, 2015

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 - Lauren Cnare; Ben M. Van Pelt; Colin A. Bowden; Daniel A. O'Callaghan and Greg L. Rosenberg
Absent: 2 - Maurice S. Cheeks and Matthew J. Phair
Excused: 1 - Joseph M. O'Connell

CITY STAFF: Anne Kenny, Susan Morrison, Laura Noel, Jim O'Keefe, Sue Wallinger

CALL TO ORDER / ROLL CALL

O'Callaghan called the meeting to order at 5:05 p.m.

APPROVAL OF MINUTES

Ald. Cnare moved to approve minutes from February 5, 2015. Van Pelt seconded. The motion passed unanimously

PUBLIC COMMENT

There was no public comment.

Alder Phair arrived at 5:07 p.m.

Present: 6 - Lauren Cnare; Matthew J. Phair; Ben M. Van Pelt; Colin A. Bowden; Daniel A. O'Callaghan and Greg L. Rosenberg
Absent: 1 - Maurice S. Cheeks
Excused: 1 - Joseph M. O'Connell

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

1. [37362](#) CDBG April Chair Report

O'Callaghan said he's excited to see an increased focus on affordable housing and the development of new affordable housing stock in the city and the county. Both have put money in their budgets for affordable housing.

O'Callaghan thanked Ald. Cnare for her service on the CDBG Committee. He

said he appreciated how prepared she was for every meeting.

COMMON COUNCIL REFERRAL

2. [37018](#) Amending Section 39.03 of the Madison General Ordinances to add homelessness as a protected class

Lucia Nunez, Director of the Department of Civil Rights, said they are the City agency that enforces Chapter 39 of MGO. The Equal Opportunities Division receives complaints of discrimination in employment, housing, and public accommodation. They determine whether or not there was probable cause to believe that discrimination occurred. The administrative process is much less expensive than going to court because there is no cost for the investigation.

Nunez said Madison passed its equal opportunity laws in 1963, a full year before the federal Civil Rights Act of 1964. She said places of public accommodation include parks, hotels, restaurants, etc. The City has quite a few protected classes, and the Equal Opportunities Commission wants to add homelessness as a protected class.

Nunez handed out a complaint process flowchart. She said the burden of proof is on the complainant.

Alder Cheeks arrived at 5:25 p.m.

Present: 6 - Lauren Cnare; Matthew J. Phair; Ben M. Van Pelt; Colin A. Bowden; Daniel A. O'Callaghan and Greg L. Rosenberg

Absent: 1 - Maurice S. Cheeks

Excused: 1 - Joseph M. O'Connell

- [37018](#) Amending Section 39.03 of the Madison General Ordinances to add homelessness as a protected class

Nunez said the proposal before the Committee is to add homelessness as a protected class in employment and housing only, not in public accommodation. This was Ald. Weir's choice in drafting the resolution, but Nunez said she couldn't do justice to Ald. Weir's rationale for excluding public accommodation. Nunez said that rules for employment, housing, and public accommodation must be applied equally to all classes seeking services. She gave examples for how application of rules must be applied evenly in housing, employment, and public accommodation.

Rosenberg moved to return to the ordinance to lead for approval with the following recommendations: 1) to extend coverage to public accommodations and 2) under Section 2(u) of the ordinance, to delete the "and" in the fourth line and add a comma after "transitional housing" in the fifth line with the additional language, "and other individuals without secure housing arrangements," so that the entire passage reads:

Homelessness means the status of lacking housing (without regard to whether the individual is a member of a family). This includes those individuals whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, an individual who is a resident in transitional housing, and other individuals without secure

housing arrangements.

Ald. Cnare seconded.

Discussion:

- Ald. Cnare asked if Rosenberg meant to include other people who are at risk of homelessness, too, in his motion. Rosenberg said he was trying to come up with language that was enforceable. Ald. Cnare said that she would assume that an individual without secure housing could be an individual who is also at risk of homelessness. Rosenberg said yes, that is what he meant. Ald. Phair said that seems to include someone who has housing but is seen as being in limbo or at risk of losing housing, which broadens it fairly widely. Rosenberg said he was trying to cover people who are doubled up in someone else's place in violation of a lease agreement.
- O'Callaghan said that seems like a pretty broad expansion of what the proposal is, which is to protect those individuals who are homeless. The motion would extend protection to those of extremely low income. O'Callaghan said he likes the idea of including those who lack permanent, secure housing, which is a status that could be ascertained at a given point of time, as opposed to being "at risk" of something.
- Ald. Cheeks said at the Common Council, there was discussion about why this was sent to as many committees as it was. He asked O'Callaghan or O'Keefe to frame this as to the lens the CDBG Committee should be looking through. O'Callaghan said the Committee's purview is that of housing and economic development and neighborhood stability. The Committee's job is to look at those issues and recommend policies and funding decisions to the Common Council surrounding those three broad topics. This ordinance seems to fit squarely within the Committee's mission as a piece of policy that affects homelessness and affordable housing. O'Keefe said that another issue frequently before this Committee is that of homelessness. The definition of homelessness is important to this proposed ordinance, and this body has a familiarity with those definitions more than any other.
- Rosenberg said that his biggest concern was public accommodations being exempted. He said that the Committee could be here for hours trying to define homelessness. O'Callaghan asked him if he would then be revising his motion to include only the public accommodations piece. Rosenberg said yes, unless the Committee could come to agreement on the definition of homelessness. Ald. Phair said there were a couple of ways the Committee could do this. One is to recommend to the EOC that the definition should be broadened to people who double up or live in cars or other non-permanent housing. Or the Committee could try to craft its own recommendation for a definition.
- O'Callaghan said the motion on the table is to recommend approval of the proposed ordinance with 1) the exception that it should be extended to include public accommodation and 2) that the definition of homelessness should be expanded to include "and other individuals without secure housing arrangements."
- O'Keefe said the recommendation to include public accommodation broadens the scope of the ordinance. Ald. Phair agreed and said the Council would have to decide whether the change merited an amendment or a substitution.
- Ald. Cnare said the first sentence of the last paragraph of the Department of Education's definition of homelessness might clear up the notion of secure and insecure housing.

Ald. Cnare moved to substitute the first sentence of the last paragraph of the Department of Education's definition of homelessness as the second point in Rosenberg's original motion. Rosenberg accepted the amendment as friendly, so that the motion now reads: 1) to extend coverage to public accommodations and 2) under Section 2(u) of the ordinance, to delete the "and" in the fourth line and add a comma after "transitional housing" in the fifth line with the additional language, "and people who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason," so that the entire passage reads:

Homelessness means the status of lacking housing (without regard to whether the individual is a member of a family). This includes those individuals whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, an individual who is a resident in transitional housing, and people who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason.

Discussion:

- O'Callaghan said the proposal before the Committee would add homelessness as a protected class for housing and employment. Adding public accommodations is an important conversation to have, as is adding city facilities, so that the EOC ordinance should have four classifications: employment, housing, public accommodations and city facilities. He's concerned the ordinance is leaving out city facilities. The Committee's job is to make recommendations on policy that affects affordable housing, economic development, and neighborhoods. He said it's appropriate for the Committee to go the extra step and recommend that city facilities should be included in the ordinance.
- O'Callaghan said that presumably landlords would still be able to screen for income, evictions, rental history, and credit history, but now the ordinance would prohibit a landlord from discriminating solely against homelessness. Screening for income, rental history, and credit history, however, could lead to inadvertent discrimination against homelessness. Van Pelt said that discrimination would mean unequal treatment of those who apply for housing. The burden of proof of discrimination would be very difficult.
- Rosenberg said that 39.03(a)(7) of the ordinance says that it's unlawful to discriminate against any person using city facilities because of such person's protected class membership. That seems to pull everything regarding city facilities into the protection, which was O'Callaghan's concern. As to the issue of rental history, that's encountered elsewhere in the ordinance as well.

O'Callaghan moved to amend the motion to include a statement that the city and the Committee should not do the job half-way and that it's important to protect this most vulnerable population in every context, as well as to extend protection to any other areas of the ordinance. Rosenberg and Ald. Cnare accepted the amendment as friendly.

Discussion:

- Bowden wanted to note that as one of the low-income members of the body he is reminded that risk of homelessness is a real status that does exist and does not include every single person. There are people having it really

rough, which can lead to being unhoused. It feels like the Committee is half-doing the process if it doesn't address this issue. He suggested including the conditions under the definition of risk of homelessness under 576.2(1)(iii)(F), and (G).

Bowden moved to amend the motion by adding the definition of risk of homelessness under 576.2(1) "An individual or family who: (iii) Meets one of the following conditions: (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan." Rosenberg and Ald. Cnare accepted the amendment as friendly.

The FINAL amended motion should read as follows:

Rosenberg moved to return to the ordinance to lead for approval with the following recommendations: (1) to extend coverage to public accommodations and (2) under Section 2(u) of the ordinance, to delete the "and" in the fourth line and add a comma after "transitional housing" in the fifth line with the additional language, "and people who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason, as well as, an individual or family who meets one of the following conditions: (1) is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (2) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan," so that the entire passage reads:

Homelessness means the status of lacking housing (without regard to whether the individual is a member of a family). This includes those individuals whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, an individual who is a resident in transitional housing, and people who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason, as well as, an individual or family who meets one of the following conditions: (1) is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (2) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

The Committee also wanted to include a statement that it's important to protect this most vulnerable population in every context, as well as to extend protection to any other areas of the ordinance.

Ald. Cnare seconded and accepted all amendments as friendly. The motion passed unanimously.

DISCUSSION ITEM

3. [37367](#) Public Hearing Notice of the 2014 Draft Consolidated Annual Performance and

Evaluation Report (CAPER)

The Committee requests that verbal presentations be limited to 3 minutes but welcomes additional written comments sent to the Community Development Division or cdbg@cityofmadison.com.

There were no registered speakers for the public hearing.

Morrison said the CDD is required annually to put together a CAPER for the previous year's activities as a condition of receiving HUD funds. CDD spent about \$7.5 million of HUD money on various projects in 2014.

4. [37309](#)

Approving the re-appropriation of \$6,000 from Miscellaneous Appropriations to the Community Development Division for a contract with Porchlight, Inc. to provide homeless "Registry Week" coordination and implementation services; amending the affected sections of the 2015 Adopted Operating Budget as appropriate; and amending Porchlight's current Outreach Services contract to reflect the expanded scope and commensurable increase in budget authority associated with the provision of the additional services.

Wallinger said the issue is to take \$6,000 from the County Resource Center line item in the City's budget and move it to CDD to hire a short term employee to run the registry week, which is the core of the Zero: 2016 program to end both veterans' homelessness and chronic homelessness by the end of 2016.

Discussion highlights:

- The City asked technical people from the Zero: 2016 program what was involved in setting up the registry week, which is tentatively scheduled for the end of April. The \$6,000 was then determined by figuring out about how many hours would be needed to perform work for the registry week at the rate of \$15 per hour.
- Forty-four thousand dollars remain in the City budget's line item for the County Resource Center.

Ald. Cnare moved to return the resolution to the lead with the recommendation for approval. Van Pelt seconded. The motion passed unanimously.

5. [37360](#)

SUBSTITUTE - Authorizing the selection of a portion of Census Tract 20 as the focus for a concentration neighborhood planning process and the creation of an Ad-Hoc steering committee.

Morrison said that CDD annually sets aside a portion of funds to do planning where there are high concentrations of low and moderate income people. The last plan the City did, which is still in process, was the Emerson-Eken Neighborhood Plan. This year, CDD set aside \$41,500 for the 2015 plan. CDD is recommending the Schenk-Atwood-Starkweather-Yahara-Worthington Park areas for 2015.

Jule Stroick of the City Planning Department said the City has been doing these plans since the 1970s. The last plan for the Schenk-Atwood-Worthington Park area was adopted back in March 2000. The City also tends to look at other project or activities, such as reconstruction projects, going on in an area of interest, which the City can then dovetail onto to make City dollars go a little further. Stroick went over the boundaries of the plan area, which includes the

Schenk-Atwood area north of the railroad tracks.

Stroick said that the City will talk to residents and the major stakeholders in the neighborhood to develop a public outreach and participation strategy and identify potential participants to sit on the ad hoc steering committee. The deliverables include the neighborhood plan, a list of recommendations, and action plans to go forward with the plan.

Discussion highlights:

- The City will work with current efforts underway in Union Corners, Garber, Capitol East, and the DOT planning on Stoughton Road to inform the steering committee of what's been done in the area and what still needs to be done.
- This area has the Worthington Park Neighborhood Resource Team (NRT), and the ad hoc steering committee will work with the NRT on issues the NRT has identified in the neighborhood.
- The City has a tracking system for each of its plans, which monitors how recommendations have been implemented to date.

Bowden moved to return the resolution to lead with the recommendation for approval. Ald. Cnare seconded. The motion passed unanimously.

6. [37361](#)

CDBG March 2015 Staff Report

RFP for Community Garden funds
Funding process study update
Staffing changes
Financials

37361 CDBG March 2015 Staff Report

RFP for Community Gardens Funds

Morrison said that CDD released an RFP for \$50,000 in CDBG money to support community gardens in the city. Community Action Coalition stopped managing the program about nine months ago. Applications are due in a couple of weeks. CDD sponsors community gardens to foster leadership skills and increase community cohesion.

Staffing Changes Update

O'Keefe said that the position description for the Neighborhood Center planning-related position is near completion. The job will be oriented more in the direction of a person who can work with data and measure performance outcomes in addition to focusing on Neighborhood Center planning and other Division planning work. The position is about a week or two from being posted by Human Resources, after which the recruitment process begins.

Financials

Morrison said there is nothing new on the financial spreadsheet except for the fact that \$125,000 that the Committee approved for the Literacy Network last month has been deducted.

Funding process study update

O'Keefe went through a PowerPoint presentation on the funding process study update. CDD has been working with Forward Community Investments (FCI) to undertake a comprehensive evaluation of CDD's funding processes with an eye on how to improve them. A couple of very specific goals have been identified. The process began with a series of community meetings and outreach efforts with various stakeholders to identify some of the key concerns. CDD is in the process of developing conceptual recommendations with FCI.

Van Pelt left the meeting at 7:15 p.m

- Present:** 6 - Maurice S. Cheeks; Lauren Cnare; Matthew J. Phair; Colin A. Bowden; Daniel A. O'Callaghan and Greg L. Rosenberg
- Excused:** 2 - Ben M. Van Pelt and Joseph M. O'Connell

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Brenda Konkel said she was concerned about the length of time between funding processes if the time between them is more than three years. If it stretches out too long it can become problematic for the agency in terms of staff turnover and committee membership turnover.

7. **36135**

Report from Committees with CDBG Committee representation

1. Gardens Committee (Rosenberg)
2. Martin Luther King Jr Humanitarian Award Committee (Bowden)

1) Gardens Committee

Rosenberg said he missed the last meeting. He had no report other than that the RFP went out.

2) Martin Luther King, Jr. Humanitarian Award Commission

Bowden said there had been no meeting since the last CDBG Committee meeting.

ADJOURNMENT

Ald. Phair moved to adjourn. Bowden seconded. The motion passed unanimously.

Anne Kenny, recorder