



OCTOBER 2018

Goals and Approaches to Housing Discrimination in Madison

City of Madison
Department of Civil Rights
Equal Opportunities Division

Equal Opportunities Ordinance 39.03



- Enables individuals to live and work free of discrimination
- Offer Remedies of discrimination complaints brought forth by the public
- Offer community education and technical assistance



“Government Without Walls” - B. Bishop



Real Stories by Real City Employees

| | | 30k | 82k | |
|----------------------------------|------------------------|------------------|----------------|---|
| | | Monthly Expenses | | |
| Single Person Income | | Male (0) | Female (4) | |
| Monthly Income post taxes | | \$2,442 | \$5,280 | Notes |
| Insurance Premiums | | \$160 | \$180 | |
| Male: Rent or mortgage | | \$1,350 | | <i>55% of Monthly income is Rent w/o Assistance</i> |
| Female: Rent or mortgage | | | \$1,695 | <i>(Needed a CoSigner)</i> |
| Renters Insurance | | | \$45 | |
| Utilities | | \$400 | \$350 | |
| Charge Accounts | | | | |
| Cell Phone | | \$40 | \$189 | |
| Auto Payment | | \$312 | \$489 | |
| | Insurance | | \$109 | |
| Gas/Fuel | | \$60 | \$160 | |
| Meds/Medical Bills | | | \$50 | |
| Food | | \$250 | \$450 | |
| Child Support | | \$350 | | |
| School Age Kids | | | \$500 | |
| Kids in College | | | | |
| Student Loans | | | \$737 | |
| 401k/Retirement | | | | |
| Supporting Other Family | | | \$300 | |
| Other | | \$100 | \$400 | |
| | | | | |
| | Monthly Expense | \$3,022 | \$5,654 | |
| Net Income | | -\$580 | -\$374 | |
| | | | | |
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Protected Classes by Jurisdiction 2018

| City of Madison Equal Opportunities Division (EOD) 28 Protected Classes 90-120 days | State of Wisconsin Equal Rights Division (ERD) 19 Protected Classes up to 1 year+ | United States of America | | |
|---|---|--------------------------|-----------------|-----------------|
| | | EEOC (9) | HUD (8) | DOJ (5) |
| | | Employment | Housing | Public Places |
| sex | sex | sex | sex | |
| race | race | race | race | race |
| religion | creed (religion) | religion | religion | religion |
| color | color | color | color | color |
| national origin or ancestry | national origin or ancestry | national origin | national origin | national origin |
| age (over 18) | age (employment = 40 & over), (housing/public accommodations = 18 & over) | age (40 & over) | age (40 & over) | age (40 & over) |
| handicap/disability | disability | disability | disability | disability |
| marital status | marital status | | | |
| source of income (includes rent assistance) | lawful source of income (housing only) | | | |
| arrest record (employment/public accommodations) | arrest record (employment only) | | | |
| conviction record (employment/public accommodations) | conviction record (employment only) | | | |
| less than honorable discharge | military service membership (employment only) | | | |
| physical appearance | | | | |
| sexual orientation | sexual orientation | | | |
| gender identity | | | | |
| political beliefs | | | | |
| familial status | familial status (housing only) | | familial status | |
| student status | | | | |
| social security # disclosure | | | | |
| domestic partners | | | | |
| citizenship | | | | |
| credit history (employment only) | | | | |
| genetic identity | genetic testing (employment only) | genetic identity | | |
| victim of domestic abuse, sexual assault or stalking (housing only) | | | | |
| retaliation | retaliation (employment, housing only) | retaliation | | |
| unemployment | | | | |
| | honesty testing (employment only) | | | |
| | use/nonuse of lawful products (employment only) | | | |
| non-religion | | | | |
| homelessness | | | | |

Hey Did
You
Know?



EOC's Commitment to Housing Work Groups – What are we Learning?

Community Development Authority

- Understand how CDA's policies can best support the fair housing goals in Madison, and identify areas for improvement.

Housing Stock & Affordable Housing

- Section 8
- New Construction
- Accessible Housing

Police Interaction with Evictions or Convictions

- Eviction Neighborhoods
- Eviction Defense
- Community & Resident Testimonials



CDA Workgroup - Research Priorities

- ▶ **Goal:** The City of Madison should be a leader in equitable housing practices, holding itself to the highest possible standards to support equitable treatment of vulnerable populations.
- ▶ Identify areas in the screening, application, and eviction processes, among others (policies, regulations) where CDA may exercise discretion, according to HUD guidelines. Identify when / how CDA practices more restrictively than HUD guidelines.
 - ▶ How are discretionary decisions made? By whom? According to what standards?
- ▶ Determine data collection procedures for CDA. Does CDA collect / assess trends in reasons for denial, eviction, etc.? Are resident surveys conducted?
- ▶ Use available data to determine trends for discretionary decision-making that adversely impact members of protected classes. Gather narratives for investigation but rely on data for recommendations.
- ▶ Determine whether or not a Racial Equity Assessment (City) has been conducted with CDA. Determine last available WHEDA and/or HUD audit data.
 - ▶ Determine how enforcement of protected class ordinances applies to CDA - are there conflicts between HUD and City requirements? If so, what, and how does CDA operate with such discrepancies / conflicts?
 - ▶ Identify best practices regarding Public Housing Authorities (PHA) nationwide. Are there model programs, policies, and/or procedures we can use? Are there any benchmarks that CDA can use to compare outcomes and/or practices?



Time Limit to File



In Housing cases, an individual has **one calendar year** (365 days) to file the complaint.

- ▶ Per: Dr. Revel Simms a UW Madison - Department of Planning and Landscape Architecture
- ▶ – Shared Research to EOC on Eviction Communities
 - ▶ Neighborhoods with a 99% Chance for Eviction



Housing Stock & Affordable Housing Workgroup - **Research Priorities**

- ▶ **Goal:** To Affirmatively Further Fair Housing In Our Community

 - ▶ **What are some of the current Issues and Barriers to this?**
 - ▶ Supply and Demand of Rental Units
 - How are prices determined
 - Discussions on who is impacting these prices – creating rate increases
 - New Constructions and the # of units with affordable housing
 - Discussion on price caps
 - Discussion on Down Payments Support Systems
 - Discussion using other insurance options to protect renters
 - Lack of Accessible Housing Stock
 - ▶ Better Education on Section 8
 - ▶ Mortgage Lending Education for Buyers
 - ▶ Collaboration with Various Community Partners working together to resolve this issue; Tenant Resource Center, Legal Action of WI, Community Justice, Madison College, UW Neighborhood Law Clinic, Equal Opportunities Commission, and the City of Madison - Community Development Division.
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Police Interaction with Evictions or Convictions Workgroup - **Research Priorities**

- ▶ **Goal:** Provide support to the community by promoting fair housing choice, foster inclusive communities, and increase opportunity for all residents.
- ▶ **Is targeting going on and if so to what level?**
 - ▶ Race, Age, Gender, National Origin
 - ▶ Credit History and Rent History
 - ▶ Income Levels or (Source of Income)/Ability to Pay
 - ▶ Person's with Disabilities
 - ▶ Homelessness
 - ▶ People with Records
 - ▶ Victims of Domestic Abuse
 - ▶ ICE (How families are impacted)
 - ▶ Fees to bond people out after detainment (Poor families can't afford the fee)
- ▶ **Relationships with Law Enforcement and Landlords**
 - ▶ Are protected classes being respected by city law enforcement, landlords?
 - ▶ Is There a Pattern of Discrimination
 - ▶ Are tenants rights being enforced prior to the eviction process?
 - ▶ Who is being evicted, where are these evictions occurring and why?
 - ▶ Review and Discuss Policy Changes for our community



What is the Department (DCR) Doing?

▶ Process Cases for HUD

- ▶ After the passage of the Federal Fair Housing Act Amendments of 1988, through the early 1990's the Equal Opportunities Commission (EOC) was recognized by (HUD) as a “**Substantially Equivalent**” agency for the purposes of processing housing discrimination cases at the local level.
- ▶ HUD regulation, requires a substantially equivalent agency to **represent, or pay for the representation of, indigent Complainants.**
- ▶ This requirement placed the EOC in the position of appearing to represent one party, thereby eliminating the EOC's longstanding position of neutrality – causing EOC to cease processing HUD Cases.
 - ▶ **New Goal:** To have DCR apply to process HUD complaints within the City by 2019

▶ Provide Injunctive Relief

- ▶ **Plan 1:** Discrimination Cases with Eviction or Other Immediate Need Concerns (Priority Matters)
 - ▶ Due to the **urgent nature** of these types of matters, and the possible need for injunctive relief a case would then be referred for legal representation such as; Legal Action of Wisconsin, Community Justice, Inc., or another community partner. (Order a stay on the Eviction – Investigation/Decision – Hearing/Decision) = Processing time 2-3 weeks.
- ▶ **Plan 2:** Discrimination Cases **without Eviction** or Immediate Need Concerns
 - ▶ These cases are typically processed within our normal 90 day processing time.

▶ EOC Policy Recommendations

- ▶ Learned from the EOC workgroups
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Where To File a Discrimination Complaint?

- ▶ Madison Equal Opportunities Division (MEOD)
 - ▶ 210 Martin Luther King Jr., Blvd.
Room 523 (5th Floor)
 - ▶ **Call: (608) 266-4910**

Website:

<http://www.cityofmadison.com/civil-rights>

- ▶ **Email:** dcr@cityofmadison.com

Report a Problem:

<https://www.cityofmadison.com/civil-rights/contact/report-discrimination>





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