

Housing Discrimination in the City of Madison, WI

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Training Objectives

- Define basic terms regarding discrimination
- Understand Housing discrimination
- Learn about the Madison General Ordinance and the Madison Equal Opportunities Division (MEOD)
- Find out about Protections based on the protected classes Arrest Record and Conviction Record

Housing Discrimination

- Housing discrimination is illegal in Madison
- All people within City limits are protected
- Madison General Ordinance 39.03 protects people in Madison regarding their right to housing



Madison General Ordinance (MGO) 39.03

- Created in 1963
- 23 protected classes
- Enforced by Madison Equal Opportunities Division (MEOD)
- Outside of city limits falls under state or federal jurisdiction
- For additional information, please visit our website:
www.cityofmadison.com/dcr

Who is Covered?

- Tenants
- Landlords
- Property Owners
- Agents of Property Owners
- Any Property located within the City of Madison



What is discrimination?

- Discrimination happens when an individual is treated differently and suffers an adverse action (negative consequence) because of their membership in a protected class

Protected Classes

- Protected classes are a legally defined group identified by certain characteristics
- Everybody falls into at least one protected class



Protected Classes

- Age
- Arrest Record
- Color
- Conviction Record
- Disability/Handicap
- Domestic Partnership
- Family Status
- Less Than Honorable Discharge
- Marital Status
- National Origin or Ancestry

Protected Classes

- Physical Appearance
- Political Beliefs
- Race
- Religion
- Retaliation
- Sex
- Sexual Orientation
- Social Security Number
- Source of Income
- Student Status

Protected Classes

- **The updated protected classes are:**
- Domestic Partners (formerly Public Accommodations only)
- Family Status (formerly Housing only)
- Sexual Orientation (new definition)
- Social Security (formerly Housing and Public Accommodations only)

Protected Classes

- **The new protected classes are:**
- Citizenship Status
- Credit History (Employment Only)
- Gender Identity
- Genetic Identity
- Victim of Domestic Abuse, Sexual Assault, or Stalking (Housing Only)

Adverse Action in Housing

- An adverse action in housing could include any of a number of negative interactions:
 - Refusal to transfer, rent or sell property
 - Denial of negotiation of properties
- Falsely stating a property is unavailable

Other Adverse Actions

- Discriminating against prospective clients
 - Overtly during interactions
 - Including postings and advertisements
- Refusal to accommodate disabled renters/buyers
- Discrimination also results if one asks about an individual's disability

Equal Opportunities Jurisdiction

- Where should people bring discrimination claims?
 - Within Madison city limits: choice of city, state or federal protections
- What are the differences between the city, state and federal laws?
 - More protected classes at the local and state level than at federal level
- What are some advantages of filing a claim with the city?
 - Madison has the most protected classes
 - Filing claims through a city office can add simplicity

Federal and State Coverage

- **State:**

- Wisconsin Department of Workforce Development – Equal Rights Division
- Sex, pregnancy, race, religion, color, national origin, 18 years or older, disabilities, marital status, lawful source of income, military service, sexual orientation, familial status, retaliation

- **Federal:**

- United States Department of Housing and Urban Development
- Sex, race, religion, color, national origin, 40 Years of age or older, disabilities

What's Different in Madison?

Differences Include:

- Conviction record
- Less than honorable discharge
- Physical appearance
- Sexual orientation
- Status as a student
- Social security number
- Citizenship Status
- Gender Identity
- Genetic Identity



Exceptions to Protection

- Although the Madison Equal Opportunities Ordinance is very encompassing, there are a few exceptions to protection within the city
 - Arrest record
 - Conviction record
 - Age discrimination in cases of elderly housing
- Knowing and understanding the exceptions to the ordinance is the key to remaining protected from discrimination under the Madison ordinance

Arrest Record

- Includes but is not limited when an individual is one or more of the following:
 - Questioned
 - Apprehended
 - Held for Investigation
 - Taken into Custody of Detention
 - Charged with, indicted or tried for any misdemeanor, felony or other offense by a law enforcement or military authority
- Cannot be used to deny someone housing

Conviction Record

- Protection is not offered in housing if conviction is substantially related to housing
- These charges must be in the last two years and reasonably related to the rental or sales of housing
 - Two year look-back does not apply if person has been convicted of a crime that they must register with the State of Wisconsin under the WI Sex Offender Reporting Guidelines

Conviction Record

- Definition of Conviction Record
 - Felony, misdemeanor or other offense that resulted in any of the following:
 - Placed on probation
 - Fined
 - Imprisoned
 - Paroled

Substantial Relationship

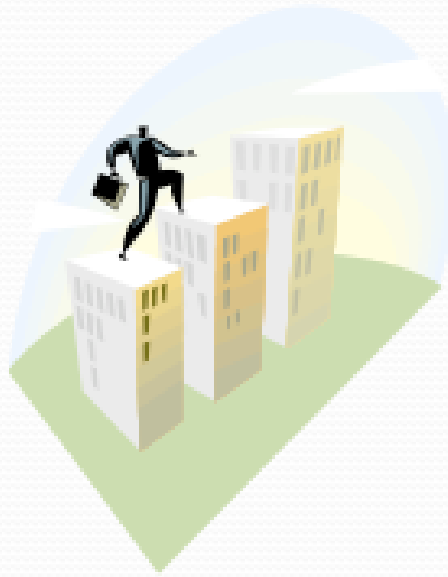
- Substantial relationship “means the offense is such that, given the nature of the housing, a reasonable person would have a justifiable fear for the safety of landlord or tenant property or for the safety of other residents or employees.”
- There are a number of ways a landlord may gather information on a conviction to determine the substantial relationship

Substantial Relationship

- An applicant or tenant may be interviewed about the facts and circumstances of their offense
- Copies of court documents may be requested
- Other individuals with any direct knowledge of the facts and circumstances may be interviewed

Substantial Relationship

- Housing Providers should not rely solely on information from a credit check, background company or Wisconsin Circuit Court Access Website (CCAP)



Housing Provider Responsibilities


- Written, uniform process
- Process applied uniformly
- Advises applicants that screening may include conviction record check

Housing Provider Responsibilities

- Advises applicant in writing at time of denial if based in whole or in part on conviction record of applicant or member of household
- Keeps all applications, whether accepted or rejected, for at least 2 years
- Make documents available to MEOD if requested

Tenant Responsibilities

- Always disclose when asked about your conviction record when applying for housing
- List all convictions
- Not giving complete information related to a conviction record on an application is considered falsifying an application and may be legal reason for denying someone an apartment

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- Regularly check to make sure that all your information is correct
 - Keep a copy of all denial documents
 - Document, document, document
 - Learn more about your rights

Filing a Discrimination Case

- The Equal Opportunities Division (EOD) is located in the Madison City Hall Building:
 - 210 ML King, Jr. Blvd. Room 523 Madison, WI 53703
 - Phone number (608) 266-4910
- Complaints must be either mailed in, dropped off or completed at the Department of Civil Rights office
- The Equal Opportunities Division staff may assist in completing the complaint forms and explaining the process

The Complaint Process

- File housing complaint
- Receive questions from EOD investigator
- Relay important information to EOD investigator
- Voluntary early mediation between complainant and respondent
- Investigator issues findings



Discrimination in Housing

- Housing discrimination in Madison is an important issue of civil rights
- Victims of housing discrimination should not hesitate to speak with an Equal Opportunities Division representative to discuss possible actions and complaints
- Retaliation is also protected under the Madison ordinance, which means a person cannot have actions taken against them because they filed a complaint or helped someone else with their complaint

Questions

Thank You!