

RACIAL EQUITY AND SOCIAL JUSTICE TOOL

FAST TRACK VERSION



Racial Equity
& Social Justice Initiative





Racial Equity and Social Justice Initiative

Racial Equity Analysis Tool

Fast-Track Version

INSTRUCTIONS

This abbreviated version of the Comprehensive RESJI Racial Equity Analysis Tool is intended for issues on a short timeline or without a widespread impact.

Examples:

- single piece of legislation already drafted and introduced.
- creation of a single position description and job posting for an open position
- development of a single budget item proposal

For broader policies and legislation in its beginning phase, please use the full version of the RESJ Toolkit.

This tool should be completed by people with different racial and socioeconomic perspectives. When possible, involve those directly impacted by the issue. Include and document multiple voices in this process. The order of questions may be re-arranged to suit your situation.

Mission of the Racial Equity and Social Justice Initiative (RESJI): To establish racial equity and social justice as core principles in all decisions, policies and functions of the City of Madison.

Equity is just and fair inclusion into a society in which all, including all racial and ethnic groups, can participate, prosper, and reach their full potential. Equity gives all people a just and fair shot in life despite historic patterns of racial and economic exclusion (www.policylink.org).

Purpose of this Tool: To facilitate conscious consideration of equity and examine how communities of color and low-income populations will be affected by a proposed action/decision of the City.

The “*What, Who, Why, and How*” questions of this tool are designed to lead to strategies to prevent or mitigate adverse impacts and unintended consequences on marginalized populations.

BEGIN ANALYSIS

Name of topic or issue being analyzed:

Family Definition Zoning Code Revision

Main contact name(s) and contact information for this analysis:

Gaby Arteaga, GAртеaga@cityofmadison.com and Katie Bannon (kbannon@cityofmadison.com)

Names and affiliations of others participating in the analysis:

Brian Linaberry, Building Inspection Division
Jordan Poole, Building Inspection Division
Karime Grajales-Patton, Building Inspection Division
Katie Bannon, Building Inspection Division
Linette Rhodes, Community Development Division
Matt Frater, Community Development Division
Trent Schultz, Building Inspection Division

Have stakeholders from different racial/ethnic and socioeconomic groups—especially those most affected—been informed, involved and represented in the development of this proposal or plan? Who is missing and how can they be engaged?

Building Inspection has held three community meetings thus far. One was for Alder Districts 5 and 13 on the Near Westside. The other two meetings have been citywide.

As a City, we try to avoid over-surveying residents. Instead, we can often use existing plans to support specific changes like this one. This change is a particularly technical one. Our plans don't specifically identify a change to the family definition, but they mention the need for more housing opportunities and identify housing needs for renters and people from different racial/ethnic and socioeconomic groups.

When we look at voluntary engagement on this particular proposal, more has been homeowners in near-Westside neighborhood. Those neighborhoods were identified in our Impediments to Fair Housing Report as racially concentrated areas of affluence, areas with mostly white residents and higher incomes. The change would increase housing access in those areas.

This proposal is in direct response to the policy's discrimination against renters, who are disproportionately low income and disproportionately people of color and to occupancy complaints that are sometimes racially motivated in who is being complained about.

It's important for households to not need to rely on discretionary acceptance from neighbors to be allowed to live somewhere.

1. WHAT

a. What is the policy, plan or proposal being analyzed, and what does it seek to accomplish?

The family definition revision is a proposal to have equal standards for renters and homeowners regarding the maximum number of residents allowed to live in a housing unit.

Today, over 1/3 of the land area in Madison is zoned to prohibit more than two unrelated renters from living together. In these same areas, owner-occupied housing units can house up to five unrelated individuals. These zoning districts are primarily lower-density districts with single-family houses.

Other zoning districts allow a maximum of five unrelated individuals. A family could also be a group of related individuals with up to four unrelated roommates.

In areas that allow housing, there is no zoning limit to the size of a household if all people are related. The building code and minimum housing code outline safety-related limits.

The proposal seeks to improve equity, increase housing choice, and address negative impacts of enforcement of the existing limit.

b. What does available data tell you about this issue? (See page 3 for guidance on data resources.)

The current rule disproportionately affects people of color and lower-income residents. These groups are more likely to be renters and more likely to need to share housing to afford rent, especially with rents so high. In Madison, 52.7% of white households are homeowners, 30% of Latino households are homeowners, and 15.3% of Black households are homeowners (U.S. Census ACS 5-Year Data, 2019).

Among households in Madison, the median Black household is the only demographic by race or ethnicity unable to afford the median rent in the City. This ties into economic segregation of geographic opportunity, significantly limiting affordable housing access to certain areas of the City ([2022 Madison Housing Snapshot](#)).

Whether a buyer or a renter, there are housing affordability issues in Madison, but renters are more likely to be low income. Renters are also more likely to be cost-burdened than homeowners ([2022 Madison Housing Snapshot](#)). Renters are more likely to need to share housing costs by having roommates.

204 complaints or referrals for housing occupancy violations were addressed between 2012 and January 2023. 70 cases were east of the Capitol (34%). 134 cases were west of the Capitol (66%). Race, ethnicity, and student-status of occupants are not captured in the data.

Anecdotally, Building Inspection staff can share that the race or ethnicity of the household being complained about is sometimes shared by the complainant in phone calls and that complaints appear to be disproportionately about people of color, multi-generational households, and immigrant families. However, many complaints are also about white households and student households.

140 of the cases (69%) fall under the current more restrictive definition of family for rental occupancy, which allows a maximum of a family plus one roomer (2 unrelated).
33 of the cases (16%) fall under the family definition, which makes no distinction with regards to owner vs renter occupancy.
The remaining 31 cases (15%) fall into Planned Development zoning, where specific occupancy standards are unique to each PD zone.

39 of the cases (19%) are in campus-adjacent areas or in the UW Near Neighborhoods area (Vilas, Greenbush, east and north sides of Regent, east end of Dudgeon-Monroe). These are addresses in close proximity to the University of Wisconsin. However, there have been student occupancy cases further from UW and non-student renter cases in the UW Near Neighborhoods. Nine of these cases relate to a single PD-Zoned property.

Seven cases pertain to a programmed inspection of dwellings in the PD-zoned Park Ridge and Park Edge Neighborhood near Elver Park.

49 cases were found to be in violation (24%)

30 properties had more than one case. Multiple cases accounted for 40% of total cases.

According to the Homeless Management Information System, the # of households entering Emergency Shelter or Street Outreach that identified that they were doubled up the day before program entry was 11% of Census estimate. Occupancy standards have the potential to further disrupt the living situations of doubled-up families.

The American Planning Association's 2022 *Equity in Zoning Policy Guide* also identified concerns with family definitions. It states, "The definition of "family" is an important, and often overlooked, part of zoning regulations when it comes to disproportionate impacts on historically disadvantaged and vulnerable communities. Many definitions related to household composition are based on outdated assumptions about small, nuclear families and a largely white culturally-specific concept of family life that excludes other ways of living." It recommends "[including] all living arrangements that function as a household living unit or [defining] residential units without reference to a family or household."

c. What data are unavailable or missing?

It's impossible to create a predictive model of what will happen to property values and how many houses would go from owner-occupied to renter-occupied after this change.

We don't know how many people would want to turn owner-occupied houses into investment properties and then rent them to students.

We don't know what single family houses will rent for after this change.

We don't know how single family houses will compare to other housing options available today and how that will be reflected in rent prices or conversion from owner-occupied to renter-occupied.

We don't know # of units that are renter- vs. owner-occupied in these renter-restricted areas today.

We don't know the exact data point to show the impact of increasing housing opportunity.

2. WHO

a. Who (individuals or groups) could be impacted by the issues related to this policy, plan or proposal?

See b for benefit and c for who may be burdened.

b. Who would benefit?

- Non-traditional families
- People who are looking for housing
- People with housing insecurity
- Doubled up households experiencing homelessness who would be able to avoid living in a shelter
- People living today in violation of the occupancy limit and worrying that they could lose their housing if they are reported
- Property owners of renter properties. They could potentially receive more income. There would also be consistency in the rules across the city so they know how many they can rent to regardless of property location
- Renters who live with unrelated roommates who will have additional options for places to live
- The concept of family in the Latinx community is different from other communities. It's common to have many aunts, uncles, and cousins that aren't related by marriage or blood. This change could benefit these households
- If property values increase, the City would benefit from increased property taxes
- The City would be able to better allocate resources to serve neighborhoods.
- Realtors, mortgage lenders, etc. would also benefit from increased property values

c. Who would be burdened?

- MPD may receive more calls for noise or other behavioral issues because there may be more residents in an area that has fewer residents today. Downtown and near campus areas already receive more calls for service than elsewhere
- Homeowners who don't want to live near renters and don't recognize them as part of their neighborhood
- Renters who aren't recognized as part of the neighborhood
- There could potentially be more complaints for Building Inspection
- There could potentially be less supply for homebuyers
- If a homeowner's property value increases, the homeowner could receive a higher property tax bill

d. Are there potential disproportionate impacts on communities of color or low-income communities?

- Renters are disproportionately people of color
- Renters are disproportionately low income
- This is one strategy to provide housing access for renters
- Making a change here alone is one thing to address the housing needs for communities of color and low-income communities, but we need to do more
- Low income people are more likely to need roommates to afford housing
- People of color are more likely to be policed by their neighbors
- There is a disproportionate impact on the LGBTQ+ community, who tends to have different family structures with more unrelated and chosen families
- An unintended consequence is that we may see a decrease in the amount of houses available for low-income and BIPOC homebuyers.
- More housing choice for disabled people who need in-home care.
- In some areas of the city with more households of color and less expensive single family houses, owner-occupied houses may be more likely to be flipped into more expensive houses for renters.
- Families that are doubled-up are at risk of losing their housing situation. People are doubled-up/experiencing housing instability and more likely to be low income, BIPOC, and LGBTQ+ youth.

3. WHY

a. What are potential unintended consequences (social, economic, health, environmental or other)?

- An unintended consequence is that we may see a decrease in the amount of houses available for homeowners
- In some areas of the city with more households of color and less expensive single family houses, owner-occupied houses may be more likely to be flipped into more expensive houses for renters
- MPD could receive more calls for noise
- Building Inspection could potentially receive more calls for cases like junk, trash, and debris
- We may see more cars in some less walkable areas, depending on the household
- If renters do not follow safety-related limits, it could lead to structural or safety issues.
- We wouldn't be able to use occupancy standards as a tool when there is criminal activity

4. HOW: RECOMMENDATIONS SECTION

a. Describe recommended strategies to address adverse impacts, prevent negative unintended consequences and advance racial equity (program, policy, partnership and/or budget/fiscal strategies):

- Create a chart to help visualize the data from previous occupancy cases.
- Additional outreach about down payment assistance homebuyer program in areas we are concerned lower costs single-family houses may turnover to flippers.
- Continue to provide down payment assistance for homebuyers throughout the city
- There is currently a South Madison homebuyer education program who then may be able to access additional down payment assistance
- If this proposal passes, track noise with property maintenance complaints in the renter-restricted areas to see if we see an increase in these complaints
- Provide landlord/housing provider education, particularly for smaller scale landlords. The training could include information about various city rules, fair housing, and trauma-informed communication. The Tenant Resource Center, who the City helps fund, could be a partner in this. This will benefit renters and their access to housing.
- Provide a one stop shop on our website for housing provider responsibilities. Information is currently on our website but it can be more accessible.
- Provide a one-stop shop on our website re: renter responsibilities. Partner with UW on sharing this information with student renters
- Lobby the State to let us license housing providers. That way, if housing providers are shirking their responsibilities, the City has more recourse to help solve the problems.
- Research if UW can take action on students if there are excess police runs for behavioral issues such as noise or public drunkenness
- Encourage UW to build more student-centered housing.
- This is allowing what's already happening in many cases, and we as a city shouldn't be defining who should and shouldn't live together
- This change is critically important for creating opportunities
- Track how many racially-motivated complaints we receive (Katie's note: difficult to do. We don't ask a household who are complained against their race and ethnicity and I don't think we should)

- The City needs to continue to identify opportunities to add more housing units and more affordable housing units
- The housing shortage is a complex issue and has been an acute and ongoing issue – or crisis - since the 2013 recession. Here are some steps we are already taking, or have taken:
 - Continue to regulate short-term rentals so our housing stock is used for resident housing instead of tourist accommodations.
 - We changed the threshold for the number of housing units so that fewer multi-family developments need permission from the Plan Commission before being built.
 - We've increased funding for affordable housing.
 - About 20% of all rental units in Madison are affordable limited generally to households at or below 60% of area median income and affordable rents.
 - We prioritize funding affordable housing in locations with excellent transit access to decrease household transportation costs.
 - We created a transit-oriented development overlay district, which allows more building stories as a permitted use. It also requires transit supportive site and building design.
 - We allow accessory dwelling units as a permitted use.
 - We fund rehabilitation assistance for homeowners.
 - We provide property-tax assistance for low-income homeowners 65 or older.
 - There is proposed legislation to add downtown affordable housing zoning incentive.

DATA RESOURCES FOR RACIAL EQUITY AND SOCIAL JUSTICE IMPACT ANALYSIS

City of Madison

- Neighborhood Indicators (UW Applied Population Lab and City of Madison):
<http://madison.apl.wisc.edu>
- Open Data Portal (City of Madison):
www.cityofmadison.com/data
- Madison Measures (City of Madison):
<https://www.cityofmadison.com/finance/documents/MadisonMeasures-2016.pdf>
- Census reporter (US Census Bureau):
<http://censusreporter.org/profiles/06000US5502548000-madison-city-dane-county-wi>

Dane County

- Geography of Opportunity: A Fair Housing Equity Assessment for Wisconsin's Capital Region (Capital Area Regional Planning Commission):
www.capitalarearpc.org
- Race to Equity report (Wisconsin Council on Children and Families):
<http://racetoequity.net>
- Healthy Dane (Public Health Madison & Dane County and area healthcare organizations):
www.healthydane.org
- Dane Demographics Brief (UW Applied Population Lab and UW-Extension):
www.apl.wisc.edu/publications/Dane_County_Demographics_Brief_2014.pdf

State of Wisconsin

- Wisconsin Quickfacts (US Census):
[U.S. Census Bureau QuickFacts: United States](https://www.census.gov/quickfacts/wisconsin)
- Demographics Services Center (WI Dept of Administration):
[DOA Demographic Services Center \(wi.gov\)](http://doa.wisconsin.gov/demographic-services-center)
- Applied Population Laboratory (UW-Madison):
www.apl.wisc.edu/data.php

Federal

- US Census:
[Explore Census Data](https://www.census.gov/data.html)
- 2010 Census Gateway (US Census):
www.census.gov/2010census