

# DANE COUNTY, WISCONSIN

## ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

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*Prepared by:*

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Office of Equal Opportunity*



## **EXECUTIVE SUMMARY**

In compliance with the Fair Housing Act and U.S. Department of Housing and Urban Development regulations, Dane County has undertaken an Analysis of Impediments to Fair Housing Choice (AI). The purpose of the analysis is to enable the County to:

- Analyze and eliminate housing discrimination in Dane County;
- Promote fair housing choice for all persons;
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promote housing that is physically accessible to, and usable by all persons, particularly persons with disabilities; and
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Impediments to fair housing choice in Dane County are identified as follows:

- *High housing costs in Dane County* - These have been fueled by rising land and development costs that, combined with local building regulations, have contributed to average housing prices increasing faster than average incomes. This aggravates issues of housing affordability for people with low and moderate-incomes, many of whom are minorities.
- *Language barriers of minorities in Dane County* - Between 1990 and 2000 there was a large increase in the Hispanic and Southeast Asian populations in Dane County, many of whom have language barriers. This has made it difficult for these populations, especially, to know whether there is a fair housing issue in the first place.
- *Minority home ownership* - 2000 Census data indicates that there is a lower percentage of homeownership among minorities than Whites affecting, to a great extent, low and very-low income persons. This is related to the spiraling housing costs that have made it difficult for low-income persons to purchase a home.
- *Protected class and renter representation on boards and commissions* - A review of the membership of County boards, commissions and committees that are involved in fair housing issues reveals that not as many protected classes as desired are represented.
- *Increasing elderly population* - The 2000 Census indicates that there will be an increasing number of elderly persons in Dane County over the next 30 years, many of whom will have physical disabilities. These people may experience an impediment to fair housing choice if accommodations are not made.

- *Shortage of Section 8 landlords* - Although there is currently an abundance of rental housing, landlords are often unwilling to accept tenants with Section 8 vouchers. This creates an impediment to fair housing choice as these low income persons, many of whom are minorities, may be more limited in the selection of housing than moderate-income persons.

Recommendations to address impediments to fair housing choice in Dane County are as follows:

- Additional education and outreach is needed to address the language barriers that prevent certain racial and ethnic groups from identifying discrimination in the first place and to prevent it in the future. Specific steps include educating the providers. These are the apartment managers, realtors, lenders, insurance agents, and others providing the services that give access to housing. Information that would train providers in specific situations is useful, because many providers may feel they know the law better than they actually do. It is especially important to contact small apartment owners, because a large proportion of units are owned by small owners, and they are the least likely to be contacted through regular outreach and education programs. Concerning language barrier issues, outreach efforts should be made to groups that serve the Hispanic and Southeast Asian populations, for example, La Sup, LUCHa, Latinos United for Change and Advancement, as well as posting information to various listserves.
- The County should continue its efforts to include protected class and renter representation on boards and commissions that are involved in fair housing issues. This can be accomplished by increased networking with groups that serve the Hispanic and Southeast Asian populations, additional outreach, and posting vacancies on various listserves.
- The County should identify and pursue ways to increase the rate of minority homeownership. This can be accomplished by increased outreach to groups serving minority populations, working closely with non-profits that provide homebuyer counseling, education and mortgage downpayment assistance.
- Education and outreach should be provided to property managers and landlords about the requirements of the Americans with Disabilities Act, due to the fact that as the Dane County population ages, there will be an increase in the number of elderly with physical disabilities who will need accommodations in housing.
- Dane County, through its housing authority, should continue to work with landlords to accept Section 8 voucher holders in rental housing. Models should be studied, such as the Portland Housing Authority, where there was an increase in the number of Section 8 landlords due to education and outreach.

## DANE COUNTY OVERVIEW

Dane County is a south central Wisconsin county about 120 miles northwest of Chicago and 65 miles west of Milwaukee. Its 2000 population was 426,526 with 87.4% White, non-Hispanic, 4.7 % African-American, 3.9 % Asian, 0.8% American Indian and 3.4% Hispanic or Latino. Dane County is Wisconsin's fastest growing county (in absolute terms) and its third wealthiest county. Dane County's housing stock in 2000 was 180,398 units of which 53.6% were single-family detached units.

Dane County contains 61 units of local government: 8 cities, 19 villages and 34 unincorporated towns; 3 villages and a city are partially in the county. The county's 12,380 businesses and the public sector provided 288,575 jobs and the 2000 unemployment rate was 1.5%. The City of Madison makes up 49% of Dane County's population; 70% of its minority population; 51% of its housing stock (including 62% of its multi-family housing and 75% of its private jobs).

### **Dane County Profile Comparison**

POPULATION	City of Madison				Outside the City of Madison			
	1990	2000	% of Total	% Change	1990	2000	% of Total	% Change
Population	190,766	208,054		9.1%	175,853	218,472		24.2%
Non-White or Hispanic	20,096	37,545	18.0%	86.8%	5,622	16,384	7.5%	191.4%
Persons age 65 or older	17,831	19,184	9.2%	7.6%	16,176	20,685	9.5%	27.9%
HOUSING	1990	2000	% of Total	% Change	1990	2000	% of Total	% Change
Housing Units	80,047	92,353		15.4%	67,948	88,045		<b>29.6%</b>
Single Family Units	38,492	40,338	43.7%	4.8%	46,417	56,292	63.9%	21.3%
Two + Family Units	41,555	52,015	56.3%	25.2%	21,531	31,753	36.1%	47.5%
<b>Indicators of Housing Need:</b>								
Housing built before 1940	17,028	15,626	16.9%		11,875	11,555	13.1%	
Lacking complete facilities	347	437	0.5%	25.9%	702	208	0.2%	
Owner-occupied housing	32,231	37,122		15.2%	34,602	48,216		39.3%
Costs more than 30% Income	5331	7,694	20.7%	44.3%	5531	9,355	19.4%	69.1%
Renter-occupied housing	41,014	46,385		13.1%	21,788	26,323		20.8%
Costs more than 30% Income	18,479	20,202	43.6%	9.3%	6,349	7,744	29.4%	22.0%
AREA ECONOMY	1994	2000	% of Total	% Change	1994	2000	% of Total	% Change
<b>Madison Zip Codes</b>								

Number of Private Employees	133,908	163,316		22.0%	44,498	58,807		32.2%
Number of Business Establishments	7,189	7,916		10.1%	3,760	4,454		18.5%
<b>HOUSEHOLD INCOME</b>	<b>1990</b>	<b>2000</b>	<b>% of Total</b>	<b>% Change</b>	<b>1990</b>	<b>2000</b>	<b>% of Total</b>	<b>% Change</b>
Median Household Income (MHI)	\$29,420	\$41,941		42.6%	\$36,543	\$56,921		55.8%
Number of Households	76,673	89,019		16.1%	65,419	84,465		29.1%

## DEMOGRAPHIC DATA

The population in Dane County, fueled in large part by a strong regional economy, is growing in number and becoming more dispersed. As with national trends, it is also growing older on average and more diverse racially and ethnically.

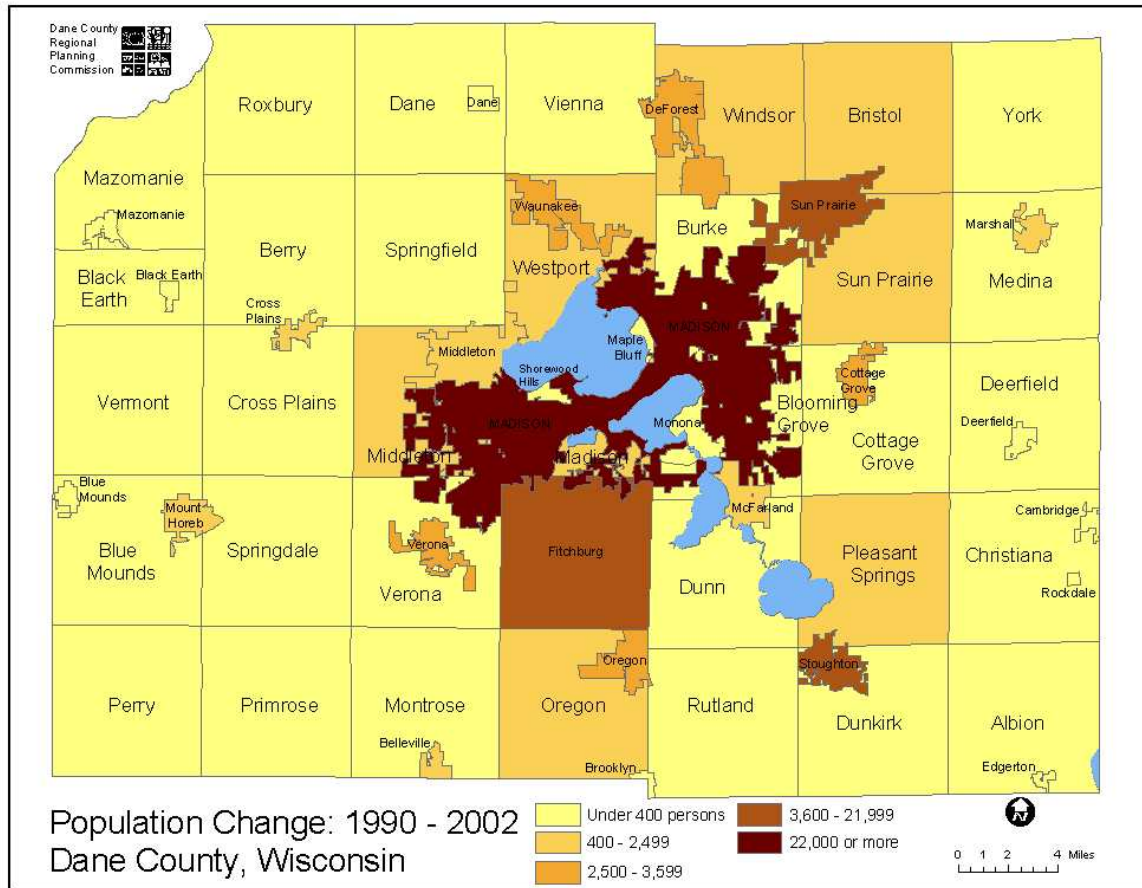
Population in all of Dane County grew from 367,085 in 1990 to 426,526 in 2000, a 16 percent increase. If Dane County outside the City of Madison continues to increase at the same rate, these communities will include about 18,500 additional people by the year 2008.

As the population in Dane County outside the City of Madison grows, it is also becoming older, on average, and more diverse. The median age increased from 32.2 in 1990 to 35.7 in 2000 while the share of the population age 65 or older increased from 9.2 percent to 9.5 percent. In 2000, 16,384 persons, or 7.6 percent of the population, were minority (non-White or Hispanic), up from 3.4 percent in 1990. Of the minority population, the largest groups were Hispanic or Latino (36%), Black (30%), Asian and other Pacific Islander (17%), two or more races (13%), Native American (3%), and other race (1%).

Most recent evidence suggests that the trend towards greater diversity is accelerating. The portion of all Dane County that was minority grew from 7.2 percent (26,677 persons) in 1990 to 12.6 percent (53,929 persons) in 2000. If the balance of minority persons in and outside of Madison remained constant during that period, the number of minority persons outside Madison in 2008 would have grown to 17,800 or 7.5 percent of the population.

Factors contributing to growing ethnic and racial diversity are the larger, more youthful families of minorities, and in-migration. Larger minority family size is indicated by the fact that White non-Hispanics make up 92.5% of the total population, but account for only 89.4% of Dane County's under-18 population (2000). Another indicator of higher minority birth rates is school enrollment data. In 2000, 6.9 percent of K-12 students in Dane County outside Madison were minority. The percent of non-Madison K-12 students that were minority grew to 8.2 percent in 2000.

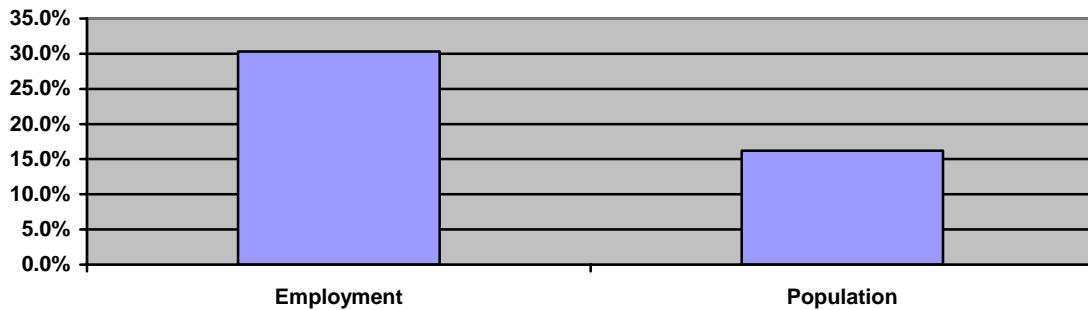
**Map 1: Population Change in Dane County: 1990 – 2002**



The size of each racial/ethnic minority group is also heavily influenced by net in-migration. Currently, in-migration makes up 58% of county growth and natural increase makes up 42%. Asians came to Dane County in significant numbers in the late 1970s and early 1980s and have experienced natural population growth due to youthfulness and relatively larger families. African-Americans experienced an upswing in in-migration in the late 1980s through the mid-1990s, and are similarly very youthful by comparison to the majority White, non-Hispanic population.

Much of the County's population growth can be attributed to strong growth of the regional economy. The number of jobs in (all of) Dane County has been growing faster than the population, as shown in Figure 5. In 1990, there were 221,525 jobs in Dane County. By 2000, that number grew 30 percent to 288,575.

**Figure 5: Dane County Population and Jobs Percentage Increase:  
1990 - 2000**



Job growth outpaced population growth in the county and has significantly affected the labor market. First, the labor market has remained very tight as unemployment fell from 2.6 percent in 1990 to 1.4 percent in 1999 and then rose to 2.7 percent by 2002. Second, the percent of the total population of all ages participating in the labor market (employed or looking for work) increased from 60 percent in 1990 to 62 percent in 2002, which is higher than state and national averages. Third, the number of persons commuting to Dane County from surrounding counties increased from 18,860 workers in 1990 to 33,850 in 2000, an 80% increase. Most economic activity and jobs (64%) in the county are concentrated in the City of Madison. However, much of the recent job growth is occurring outside Madison. From 1994 to 2000, private employment grew 22 percent within Madison zip codes, while employment grew 32 percent in other Dane County zip codes, absolute job growth was twice as large in the Madison area.

The strong regional economy has a base of employment in government and education, as Madison is the state capitol and the home of the University of Wisconsin's main campus. The University in particular contributes in many ways to the local economy, most notably through its efforts to spin off high technology and biotechnology companies. In 2002, high tech comprised more than 440 companies and made up eight percent of county employment.

Recent growth, however, has concentrated in the private sector. Government employment has declined as a share of the total from a third in 1980 to about one-fourth in 2002. Service employment (28% of county total) is a strong contributor, particularly business and health services. Manufacturing (10%) and Finance, Insurance and Real Estate (8%) employment also contribute significantly to the local economy.

In 2000, there were 38,464 persons in Dane County (non-Madison with low and very low-incomes or 37% of the total population outside Madison. These low-income persons comprised 14, 188 households. One reason households earn such low incomes is because many jobs pay low wages and lack advancement opportunities. Although the percent of persons below the poverty level dropped from 10.5% to 9.4% from 1990 to 2000, low wages remain a significant share of total jobs. In Dane County (non-Madison), 811 households received public assistance in 2000.

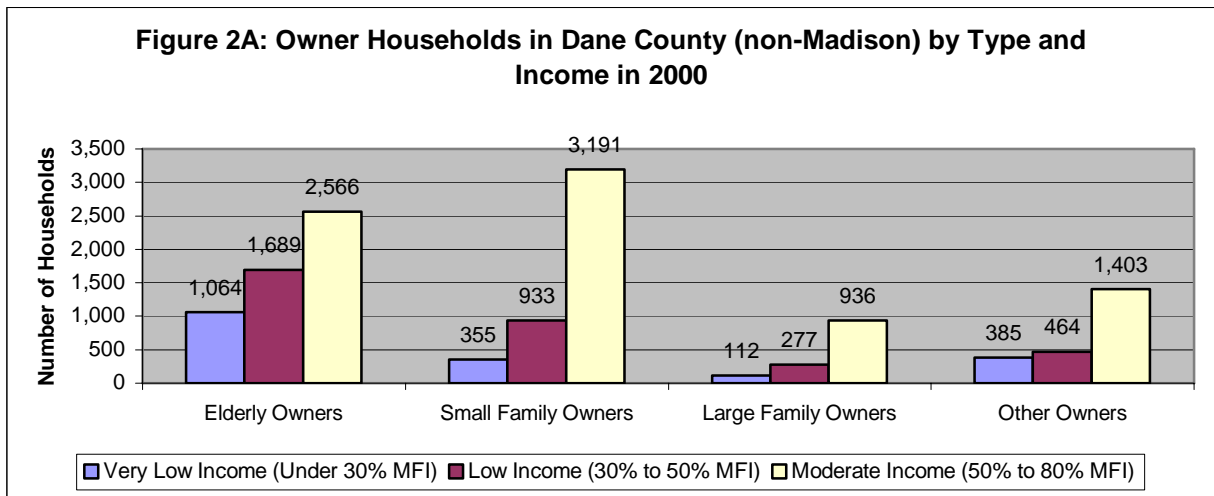
The low-income and very low-income households outside the City of Madison are disproportionately persons who are non-White or of Hispanic origin. These minority groups, comprised of Hispanic and African Americans, American Indians, and Asians, made up 5.6 percent of the non-Madison households in 2000. These same groups comprised 21.1 percent of low-income households. About 76% of African-Americans, 62% of Hispanic, 54% of American Indian households have low incomes, while most White (59%) and Asian (52%) households have incomes above the low income level.

The rapidly rising housing costs squeeze the budgets of low and very low-income persons more rapidly than others. In 2000, 12% of all households, 24% of renter households and 6% of owner households in (non-Madison) Dane County paid 30% or more of their income for housing.

The lower the income level becomes, the greater the housing cost burden. Of households with very low incomes (less than 30% of median), 82% paid 20% or more of their incomes for housing. Of households with low incomes (30 - 50% of MFI), 63% paid 30% or more of their incomes to housing.

**HOUSING PROFILE**

The strong economy also fuels a strong regional housing market. The number of owner housing units in Dane County outside the City of Madison increased 35 percent from 42,424 in 1990 to 57,399 in 2000. Figure 2A shows the increase in owner housing by tenure during this period in Dane County and non-Madison communities.



Almost all of these units are single-family houses. The average number of persons for owner households dropped from 2.76 in 1990 to 2.61 in 2000. Smaller household size is another factor contributing to the strong housing market. If the population of non-Madison Dane County increases by about 18,500 people as projected, and household size continues to decline, about 8,800 additional housing units will be needed by the year 2008.

Growing population and housing demand has contributed to rising housing costs. In all Dane County communities outside the City of Madison, housing prices have increased 88 percent from 1990 to 2000. Median home values increased from \$81,135 to \$152,527. County median incomes increased by 55%.

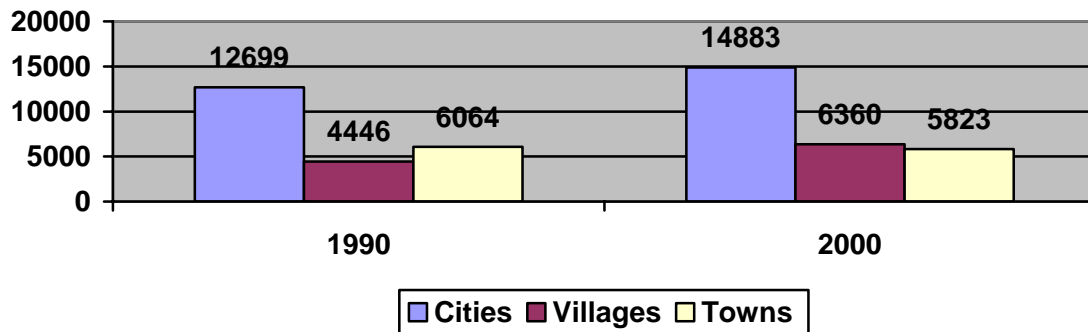
Focus groups, interviews and data indicate that key factors contributing to rising housing costs are: increasing land acquisition and land development costs, local land regulations, and community resistance to higher density. According to the Wisconsin Agriculture Statistics Service, the price agricultural land sold for non-agricultural uses in Dane County quadrupled from \$2,072 per acre in 1990 to \$11,177 in 2000. During the same period, lot development costs increased from about \$10,000 per acre to more than \$30,000 per acre in 2000. This increased demand is caused by a growing population, combined with stricter land use regulations, including storm water management costs and higher park fees and dedications of land to municipalities by developers.

Another aspect of the housing market is the condition of the housing stock. One key indicator of condition is the age of the housing. In 2000, 11,555 units, or 13 percent of the housing stock in Dane County outside the City of Madison, were built before 1940. A second indicator is home value. In 2000, about 4.4 percent of owner-occupied homes were valued below 50% of the median home value. Thus, about 4.4 to 13 percent of the housing stock is potentially in poor condition and suitable for rehabilitation.

The strong economy creates many opportunities to use market forces as a tool for meeting the needs of low and moderate-income persons. The strong demand for workers is an opportunity to collaborate with employers and trainers to create new training programs for low-income persons (workers and job-seekers). It creates the opportunity to leverage other financing for housing and business development that meets the needs of Urban County communities and low to moderate-income persons. On the other hand, the strong economy brings with it the key impediment of rapidly rising land and housing costs. The high housing costs make it more difficult to meet the affordable housing needs of low and moderate-income persons. In addition, the tight labor market can create a disincentive to companies that seek to locate or expand in Dane County.

The strong economy also fuels a strong regional rental housing market. The number of housing units in Dane County outside the City of Madison increased 17 percent from 23,209 in 1990 to 27,066 in 2000. Figure 6 shows the increase in renter housing during this period in Dane County and non-Madison communities.

**Figure 6: Dane County (non-Madison) Renter Housing:  
2000**



Most of the housing occupied by renters is multi-family units. The average number of persons per renter household dropped from 2.1 in 1990 to 2.03 in 2000. Smaller household size is another factor contributing to the strong housing market. If household size continues to decline, the demand for additional housing will grow faster than the population.

Growing population and housing demand have contributed to rising housing costs. In all of Dane County communities outside the City of Madison, median gross rents increased from \$410 to \$636. County median incomes rose similar to the increase in rent, approximately a 55% increase.

Focus groups, interviews, and data indicate that key factors contributing to rising housing rental costs are land development costs, local land regulations, and community resistance to rental housing. Community resistance to rental-occupied or multi-family housing can contribute towards diminishing the supply of such housing, even when allowed by local zoning and subdivision ordinances.

The strong economy presents opportunities to use market forces to meet the economic needs of low to moderate-income persons, but it also brings impediments in the form of rising housing costs.

Dane County prepared a Consolidated Plan for Housing and Community Development for 2004-2008, which includes an in-depth housing market analysis. That document is available at the Dane County CDBG Office and at the county's website: [www.co.dane.wi.us](http://www.co.dane.wi.us). The chief housing concerns outlined in the Dane County Consolidated Plan, which are addressed through federal, state and local funding programs are as follows:

- Provide assistance to enable very low to low-income prospective homebuyers to purchase single-family housing units.

- Encourage the development of owner-occupied affordable single-family housing units.
- Encourage the rehabilitation of low-income single-family owner-occupied housing units.
- Encourage the rehabilitation of low-income renter-occupied housing units.
- Encourage the construction of new rental housing for low and moderate-income persons.

### **CURRENT COUNTY PROGRAMS ADDRESSING IMPEDIMENTS TO FAIR HOUSING CHOICE**

#### *CDBG*

The County provides assistance to the Dane County Housing Authority (DCHA) to provide mortgage downpayment assistance to low-income homeowners in the form of a \$8,000 0 percent deferred payment loan. This activity is targeted to those households at 40 to 80% of MFI. All prospective homeowners are required to complete a homebuyer education program and counseling before downpayment assistance is awarded.

Assistance also is provided to the Dane County Office of Equal Opportunity to support a broad range of fair housing activities to reduce barriers identified in the Analysis of Impediments to Fair Housing Choice.

#### *HOME*

Dane County provides assistance to Movin' Out to provide mortgage downpayment assistance loans, primarily persons with disabilities. There are several different types: those for assistance at an affordable housing project in the Uplands subdivision that range up to \$30,000 for 10 years at 2.75 percent interest; and loans at locations other than the Uplands subdivision up to \$8,500 at 0 percent interest.

### **IMPORTANT FEDERAL DECISIONS REGARDING FAIR HOUSING**

**Civil Rights Act of 1866:** This statute was the first federal legislation having a significant impact on housing and racial discrimination in this country. While exemptions to this law were later provided for in the **Civil Rights Act of 1968**, this law has no exemptions and contains the comprehensive statement that *all citizens have the same rights to inherit, buy, sell, or lease all real and personal property.*

**Federal Fair Housing Act of 1968: Title VII of the Civil Rights Act of 1968 (Fair Housing Act)** *prohibits discrimination in housing on the basis of race, color, religion, or national origin.* In 1974, an amendment in the Housing and Community Development Act further prohibited discrimination based on sex, while the **Fair Housing Amendments of 1988** further prohibited discrimination based on mental or physical handicap or familial status.

Congress found that racial fair housing complaints were becoming less frequent and that complaints based on discrimination against families with young children, and against people with handicaps were becoming more frequent. Substantial amendments to the act were passed by Congress and took effect in March 1989. These are summarized as follows:

- a. Protected classes now include individuals with a **handicap**, *a mental or physical disability that impairs any of their life functions.* Landlords must allow people with handicaps to make reasonable modifications to an apartment, at the tenant's expense, to accommodate their special needs. Tenants, for example, must be allowed to install a ramp or widen doors to accommodate a wheelchair, or install grab bars in a bathroom. At the end of their tenancy, they must return the premises to their original condition, also at their own expense.
- b. Also, new multi-family construction to be occupied 2 years from the effective date of the 1988 amendments must provide certain accommodations for people with handicaps, e.g. switches and thermostats at a level that can be operated from a wheelchair, reinforced walls to install grab bars, and kitchen space that will permit maneuverability in a wheelchair.
- c. Another added protected class is **familial status**. Familial status was defined as *an adult with children under 18, a person who is pregnant, one who has legal custody of a child or who is in the process of obtaining such custody.* Thus, landlords are prohibited from advertising *Adults Only* in most circumstances. The amendments, however, provided for elderly housing if (a) all units are occupied by individuals age 62 or older, or (b) 80 percent of the units have persons age 55 or older and the facility has services to accommodate the physical and social needs of the elderly.
- d. The 1988 amendments added major enforcement provisions. Previously, HUD could use only persuasion, but now HUD can file a formal charge and refer the complaint to an administrative law judge (ALJ) unless the aggrieved party or the charged party elects a jury trial in a civil court. The ALJ, who hears complaints regarding violations of the 1988 amendments, can impose substantial fines from \$10,000 to \$50,000 for subsequent offenses.

- e. Enforcement is further strengthened by an expanding role of the U.S. Attorney General to initiate action in the public interest that could result in fines of as much as \$50,000 on the first offense. This will occur only upon the finding of a *pattern of discrimination*. The Attorney General will take the role of the aggrieved party, freeing the actual aggrieved party from the legal expense of pursuing the case.
- f. Real estate brokers should be aware of an amendment to the 1968 law that requires all offices to prominently display a fair housing poster. Upon investigation of a discrimination complaint, failure to display the poster could be conclusive proof of failure to comply with the federal law.
- g. As the law presently exists, discrimination on the basis of race, color, religion, sex, national origin, handicap, or familial status is illegal in the sale or rental of housing or residential lots, advertising the sale or rental of housing, financing housing, and providing real estate brokerage services. The Act also makes blockbusting and racial steering illegal.

Source: The Kent Group Study, Analysis of Impediments to Fair Housing Choice, Naperville, IL, August 1996.

**Blockbusting:** This practice is defined as *for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, handicap or familial status*. Blockbusting occurs when real estate salespersons induce owners to list property for sale or rent by telling them that persons of a particular race, color, national origin, sex, religion, handicap, or familial status are moving into the area. Blockbusting also occurs when real estate firms sell a home in an area to a person of a particular race, color, national origin, sex, religion, handicap, or familial status with the whole intent to cause property owners in the neighborhood to panic and place their property for sale at reduced or distressed prices.

**Steering:** In steering, another violation resulting from the acts of real estate licensees, real estate licensees *direct prospective purchasers, especially minority purchasers, toward or away from specific neighborhoods to avoid changing the racial and/or ethnic makeup of neighborhoods*. The prohibition against steering falls under the general prohibition of refusing to sell, rent, or negotiate the sale or rental of housing or residential lots.

**Discriminatory Advertising:** Discriminatory advertising, that which *shows preference based on race, color, religion, sex, national origin, handicap, or familial status*, is illegal. The Act specifies that it is illegal to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, concerning the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, handicap, or familial status.

**Financing of Housing:** The Fair Housing Act does not limit the prohibition to the refusal to make loans. The prohibition against discrimination applies to those who deny a loan or who deny financial assistance to persons applying for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling. The prohibition also extends to individuals who discriminate in fixing terms of the loan, including interest rates, duration of loan, or any other terms or conditions of the loan.

**Real Estate Brokerage Services:** The Act prohibits discrimination in providing brokerage services and states *it is unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, national origin, handicap or familial status.* The provision of the Fair Housing Law makes illegal the denial of membership or special terms or conditions of membership in any real estate organization on discriminatory grounds. The prohibition extends to access to the multiple listing service.

**Americans with Disabilities Act:** The Americans with Disabilities Act, which took effect on January 26, 1992, specifically *protects the rights of individuals with disabilities. Disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of a person.*

Individuals with AIDS, alcoholism, or mental illness are included in the category of people with a mental or physical disability that impairs any of their life functions.

Under this law, individuals with disabilities cannot be denied access to public transportation, any commercial facility, or public accommodation. This Act applies to all owners and operators of public accommodations and commercial facilities, regardless of the size or number of employees. It also applies to all local and state governments.

**Public Accommodations** are defined as *private businesses that affect commerce and trade, such as inns, hotels, restaurants, theaters, convention centers, bakeries, laundromats, banks, barber shops, attorneys' offices, museums, zoos, places of education, day care centers, and health clubs.* Commercial facilities are those intended for non-residential use and affect commerce, such as factories.

To comply with this law, public accommodations and commercial facilities are to be designed, constructed, and altered to meet the accessibility standards of the new law if readily achievable. **Readily achievable** means easily accomplishable and able to be carried out without much difficulty or expense. Considerations in determining if the commercial facility or public accommodation can be made accessible are as follows:

- Nature and cost of the needed alteration.
- Overall financial resources of the facility involved and number of persons employed.
- Type of operation of the entity.

Public accommodations must remove structural, architectural, and communication barriers in existing facilities if the removal is readily achievable. Examples of barriers to be removed or alterations to be made include placing ramps, lowering telephones, making curb cuts in sidewalks and entrance, widening doors, installing grab doors in toilet stalls, and adding raised letters on elevator controls. In the construction of new public accommodations and commercial facilities, all areas must be readily accessible and usable by individuals with disabilities as of January 26, 1993. The Americans with Disabilities Act is enforced by the U.S. Attorney General. Punishment for violating this law includes injunctions against operation of a business, a fine up to \$50,000 for the first offense, and a fine of \$100,000 for subsequent offenses.

Source: The Kent Group Study, Analysis of Impediments to Fair Housing Choice, Naperville, IL, August 1996

### **OFFICE OF EQUAL OPPORTUNITY**

The Dane County Office of Equal Opportunity (OEO) is located in the Dane County Executive Office. It is responsible for four primary countywide equal opportunity areas of responsibility: Equal Employment Opportunity and Affirmative Action; Contract Compliance; Civil Rights Compliance; and Community Programs (formerly known as Minority Affairs). The OEO provides staff support to a nine person Equal Rights Commission, which reflects the gender, racial and ethnic characteristics, including representatives of people with disabilities.

The Office of Equal Opportunity addresses a wide range of equal opportunity issues within county employment, with agencies that contract with the county for a broad spectrum of goods and services and the handling of discrimination complaints from clients of county services and county employees. The OEO's role related to fair housing is to support the promotion of fair housing education and outreach in addition to the enforcement of the Dane County Fair Housing Ordinance (see attached). The Dane County Corporation Counsel is responsible for enforcement of the Fair Housing Ordinance.

### **FAIR HOUSING COMPLAINTS**

In September 2003, HUD Fair Housing and Equal Opportunity (FHEO) sent Dane County a list of the 43 fair housing complaints that were filed during the period from January 1, 1996 through September 30, 2002. They are broken down by basis as follows: color (1); disability (17); familial status (4); national origin (9); national origin/religion (1); race (6); race/disability (3); race/national origin; and religion (1). Of the 43 total fair housing complaints, 42 were closed. The remaining complaint filed in March 2002 involves disability, alleged failure to make reasonable accommodation and non-compliance with design and construction requirements.

## **IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

In order to identify the potential impediments to fair housing choice, Dane County has reviewed the laws, regulations, administrative policies, procedures and practices affecting the location, availability of and accessibility of housing and assessed conditions, both public and private, affecting fair housing choice. Specific impediments to fair housing choice in Dane County are as follows:

- *High housing costs in Dane County* - These have been fueled by rising land and development costs, that combined with local building regulations, have contributed to average housing prices increasing faster than average incomes. This aggravates issues of housing affordability for people with low and moderate-incomes, many of whom are minorities.
- *Language barriers of minorities in Dane County* - Between 1990 and 2000 there was a large increase in the Hispanic and Southeast Asian populations in Dane County, many of whom have language barriers. This has made it difficult for these populations, especially, to know whether there is a fair housing issue in the first place.
- 2000 Census data indicates that there is a lower percentage of homeownership among minorities than Whites affecting, to a great extent, low and very-low income persons. This is related to the spiraling housing costs that have made it difficult for low-income persons to purchase a home.
- *Protected class and renter representation on boards and commissions* - A review of the membership of County boards, commissions and committees that are involved in fair housing issues reveals that not as many protected classes as desired are represented.
- *Increasing elderly population* - The 2000 Census indicates that there will be an increasing number of elderly persons in Dane County over the next 30 years, many of whom will have physical disabilities. These people may experience an impediment to fair housing choice if accommodations are not made.
- *Shortage of Section 8 landlords* - Although there is currently an abundance of rental housing, landlords are often unwilling to accept tenants with Section 8 vouchers. This creates an impediment to fair housing choice as these low income persons, many of whom are minorities, may be more limited in the selection of housing than moderate-income persons.

## **CONCLUSIONS AND RECOMMENDATIONS**

After reviewing the history and current practice of fair housing in Dane County, although the programs and policies have been highly effective in affirmatively furthering fair housing, it is suggested that they continue to be examined to determine whether any additional measures are needed. With this observation in mind, the following recommendations are made:

- Additional education and outreach is needed to address the language barriers that prevent certain racial and ethnic groups from identifying discrimination in the first place and to prevent it in the future. Specific steps include educating the providers. These are the apartment managers, realtors, lenders, insurance agents, and others providing the services that give access to housing. Information that would train providers in specific situations are useful, because, many providers may feel the law better than they actually do. It is especially important to contact small apartment owners because a large proportion of units are owned by small owners, and they are the least likely to be contacted through regular outreach and education programs. Concerning language barrier issues, outreach efforts should be made to groups that serve the Hispanic and Southeast Asian populations, for example, La Sup, LUCHa, Latinos United for Change and Advancement, as well as posting information to various listserves.
- The County should continue its efforts to include protected class and renter representation on boards and commissions that are involved in fair housing issues. This can be accomplished by increased networking with groups that serve the Hispanic and Southeast Asian populations, additional outreach, and posting vacancies on various listserves.
- The County should identify and pursue ways to increase the rate of minority homeownership. This can be accomplished by increased outreach to groups serving minority populations, working closely with non-profits that provide homebuyer counseling, education and mortgage downpayment assistance .
- Education and outreach should be provided to property managers and landlords about the requirements of the Americans with Disabilities Act and the fact that as the Dane County population ages, there will be an increase in the number of elderly with physical disabilities who will need accommodations in housing.
- Dane County, through its housing authority, should continue to work with landlords to accept Section 8 voucher holders in rental housing. Models should be studied, such as the Portland Housing Authority, where there was an increase in the number of Section 8 landlords due to education and outreach.

