



1 **City of Racine, Wisconsin**
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** AAHRC

LEGISLATION ITEM #: 1040-19

5 **AGENDA DATE:** January 9, 2020

7 **DEPARTMENT:** City Attorney’s Office

8 **Prepared By:** Assistant City Attorney Marisa Roubik

10 **SUBJECT:** Outreach and Enforcement of Racine's Fair Housing Ordinance.

12 **EXECUTIVE SUMMARY:**

13 At the November 14, 2019 meeting of the Affirmative Action and Human Rights Commission (AAHRC),
14 the Commission requested that the City Attorney’s Office research and present a summary of other
15 Wisconsin municipalities’ fair housing ordinances. The following Memorandum and its attachments
16 provide a summary of fifteen other municipalities’ fair housing ordinances and several topics for
17 consideration and discussion if the City of Racine were to revise its Fair Housing Ordinance.

19 **BACKGROUND & ANALYSIS:**

20 **I. Summary of Other Municipalities’ Fair Housing Ordinances**

- 21 A. Most ordinances contain provisions for enforcement, but actual enforcement activity is
22 extremely rare.
- 23 B. Ordinances range from brief and vague to more detailed and comprehensive, but none are
24 as complicated as Racine’s.
- 25 C. Some ordinances contemplate the budgetary burdens related to implementation and require
26 Common Council approval for certain expenses.
- 27 D. Multiple ordinances provide parties with the opportunity to engage in mediation in an effort
28 to resolve complaints prior to a hearing.

- 29 E. Most enforcement is conducted by a board of appointees, but a handful of municipalities
30 either allow staff or a third-party hearing examiner to conduct this process.
- 31 F. A few ordinances delegate enforcement responsibilities solely to state or federal agencies.
- 32 G. Compares to state and federal laws, some ordinances offer more expansive definitions of
33 who falls within a protected class.
- 34 H. The statute of limitations for filing complaints under these ordinances varies from 90 days
35 to 1 year depending on the municipality.

36 **II. Topics for Consideration and Discussion**

- 37 A. Consider shortening the statute of limitations for filing complaints.
 - 38 1. Waukesha and Janesville only consider Fair Housing complaints alleging
39 violations that occurred within the past 90 days.
 - 40 2. Complainants have additional time (up to 1 year) to file with state and federal
41 agencies.
- 42 B. Consider providing for mediation before a hearing.
 - 43 1. Madison recently passed a new procedure that encourages mediation prior to a
44 hearing before its Equal Opportunities Commission.
 - 45 2. Waukesha and Janesville also allow for matters to be resolved through mediation
46 prior to a hearing.
 - 47 3. Unless one or more members of the AAHRC are comfortable acting in the role
48 of a mediator, there would be a financial cost associated with hiring a mediator.
 - 49 4. Resolving issues through mediation is generally more satisfying for both parties,
50 as well as more cost and time effective.
- 51 C. Consider hiring a third-party hearing examiner to conduct hearings.
 - 52 1. Janesville and Sheboygan hire an outside hearing examiner to conduct hearings
53 in a timely, professional, and unbiased manner.
 - 54 2. There would be a financial cost associated with hiring an outside hearing
55 examiner.
 - 56 3. This may protect the municipalities from allegations of bias or discrimination
57 against a dissatisfied party.
 - 58 4. This may lessen the workload and potential conflicts of interest for staff and
59 members of the AAHRC.
- 60 D. Consider allowing the AAHRC and/or staff to refer cases to state and federal agencies.

- 61 1. Fond du Lac’s ordinance empowers staff to assist complainants with filing their
62 complaints with the Wisconsin Department of Workforce Development for
63 enforcement.
64 2. This allows staff and residents to utilize existing state and federal resources to
65 resolve Fair Housing complaints.
66 E. Consider allowing the AAHRC and/or staff to request assistance from outside agencies to
67 conduct investigations.
68 1. Kenosha and West Allis encourage partnerships with state, federal, and local
69 non-profit agencies to conduct investigations.
70 2. This lessens the burden on staff, and may eliminate potential conflicts of interest.
71 F. Consider the potential for conflicts of interest and liabilities when assigning roles to staff
72 and AAHRC members in the ordinance.
73 1. Conflicts may exist if the City Attorney is tasked with multiple roles in the
74 enforcement process.
75 2. Conflicts could arise for City staff members if their role in Fair Housing
76 administration conflicts with other City Development duties.
77 3. Commission members may need to recuse themselves from hearing cases where
78 real or perceived conflicts of interest exist.
79 4. Parties who are dissatisfied with the outcome of a hearing could create further
80 liabilities for the City.
81 G. Consider explicitly limiting enforcement to allegations of Fair Housing ordinance
82 violations, as opposed to violations of state or federal Fair Housing laws.
83 1. Milwaukee’s Equal Rights ordinance does this.
84 2. This would allow Racine to focus on protections that our ordinance provides for
85 that other state and federal laws overlook, such as veteran’s status and disabled
86 veteran’s status.
87 3. Additional protected classes could be added to Racine’s ordinance if the
88 AAHRC and Common Council wished to do so.
89 H. Consider taking time to contemplate Racine’s Fair Housing goals and strategies before
90 revising the Fair Housing Ordinance so it can better incorporate and achieve these goals.
91 1. See the “Beloit Fair Housing Goals and Strategies” chart.
92

93 **BUDGETARY IMPACT:**

94 NA

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96 **RECOMMENDED ACTION:**

97 To receive and file.

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99 **ATTACHMENT(S):**

- 100 1. Summary of Wisconsin Municipalities' Fair Housing Ordinances
- 101 2. Beloit Fair Housing Goals and Strategies
- 102 3. Racine Municipal Code of Ordinances Chapter 62, Article IIB. – Fair Housing