

madison AIDS support network

ADAMS COLUMBIA DANE DODGE GRANT GREEN IOWA JEFFERSON MONROE LAFAYETTE RICHLAND ROCK WAUKESHA

MEMORANDUM

TO: Assembly Housing Committee

FROM: Madison AIDS Support Network (MASN)

RE: AB 662

DATE: November 30, 1995



MASN urges members of the Housing Committee to carefully consider the negative impact of AB 662. This bill represents an unprecedented step away from Wisconsin's tradition and history of non-discrimination. The legal, human rights, and quality of life consequences of AB 662 are potentially enormous. MASN asks the Committee members to base action on this legislation on a factual basis; we are aware of no evidence the current non-discrimination clause is truly a legal, financial or otherwise burdensome requirement.

No legislative district is without a constituency potentially devastated by this bill. MASN urges the Committee to consider the decency and political wisdom of disenfranchising anyone on the basis of age, ancestry, color, disability, family status, lawful source of income, marital status, national origin, race, religion, sex or sexual orientation of another person. We urge you to reject AB 662.

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a United Way
participating agency



Wisconsin Jewish Conference

Assembly Committee on Housing
November 30, 1995

**Member
Communities:**

- Antigo
- Appleton
- Green Bay
- Kenosha
- Madison
- Manitowoc
- Marshfield
- Milwaukee
- Oshkosh
- Racine
- Sheboygan
- Stevens Point
- Waukesha
- Wausau

Chairperson Owens and members, thank you for the opportunity to speak before you today. My name is Michael Blumenfeld and I am here today on behalf of the Wisconsin Jewish Conference.

Wisconsin's Jewish community opposes Assembly Bill 662. We get very concerned anytime that there are proposals to weaken anti-discrimination laws.

Along with many other religious, ethnic, racial, disability and other groups, the Jewish community fought hard over the last 50 years to enact laws in Wisconsin that prohibit any form of discrimination in employment, housing, education and other phases of life.

This is not a quaint, hypothetical or archaic concern. Older Jewish Wisconsinites lived through -- in their life-times and with personal experience -- situations where "No Jews allowed" was a legal exclusion.

Some people may be unhappy that the existing state law was applied against a Hartford woman who advertised for a "Christian handyman" or, in a second ad, stated that she would "prefer a Christian." Why, these people ask, should state law prohibit such a practice?

The answer is quite simple: By stating a preference for Christian applicants, she discriminated against non-Christians. The principle is clear. In Wisconsin we do not permit people to discriminate against one another on the basis of religion, race, sex, age or other protected characteristics in matters affecting housing or employment. Just because Federal law permits it doesn't make it right or make it appropriate for Wisconsin's historic commitment to equal rights.

Perhaps, this principal may be more easily appreciated by individuals who have been or may be the victims of discrimination. Maybe some of the defenders of this landlady might better understand why such discrimination should not be permitted if they faced advertisements such as these:

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- "Executive Position -- No females need apply"
- "Minority business seeks non-white applications only"
- "Employer seeks vital and vigorous sales candidates. Individuals over age 40 need not apply."

Discriminating against non-Christians is no more acceptable than the examples above. Any form of discrimination should not be tolerated regardless of who is doing the discriminating or who is being discriminated against. For Wisconsin, there should never be a situation where discrimination is OK and legal.

Once again, thank you for the opportunity to appear before you today.

TESTIMONY OF WILLIAM R. TISDALE, EXECUTIVE DIRECTOR
METROPOLITAN MILWAUKEE FAIR HOUSING COUNCIL REGARDING
ASSEMBLY BILL 662

NOVEMBER 30, 1995

STATE CAPITOL BUILDING
MADISON, WISCONSIN

THE HISTORY OF OPEN HOUSING LEGISLATION IN WISCONSIN HAS BEEN A LONG AND COMPREHENSIVE ONE. A FORERUNNER ON THIS ISSUE, WISCONSIN PASSED AN OPEN HOUSING LAW PRIOR TO THE FEDERAL STATUTE AND ENACTED MORE COVERAGE AND ENFORCEMENT MECHANISMS THAN THE SUBSEQUENTLY PASSED FEDERAL FAIR HOUSING LAW. RECOGNIZING THE UNIQUE HOUSING CHARACTERISTICS OF WISCONSIN - THE DISPROPORTIONATE NUMBER OF DUPLEXES AND OTHER OWNER-OCCUPIED DWELLINGS - THE 1965 OPEN HOUSING LAW ENSURED MAXIMUM HOUSING OPPORTUNITIES FOR ALL WISCONSIN RESIDENTS.

THE HOUSING COMMITTEE OF THE WISCONSIN STATE ASSEMBLY IS NOW CONSIDERING ASSEMBLY BILL 662, WHICH WILL TURN BACK BIPARTISAN ANTI-DISCRIMINATION LEGISLATION WHICH WAS ENACTED TO ENSURE EQUAL HOUSING OPPORTUNITIES THROUGHOUT THE STATE. WE FORESEE DEVASTATING EFFECTS FOR BOTH HOMESEEKERS AND THE STATE OF WISCONSIN IF THIS BILL SHOULD BE PASSED. FOR THIS REASON WE OPPOSE THE PASSAGE OF AB 662. THIS BILL WILL ELIMINATE A SIGNIFICANT PORTION OF THE RENTAL HOUSING MARKET IN WISCONSIN FROM COMPLYING WITH ANTI-DISCRIMINATION LAWS.

SPECIFICALLY, THERE ARE ALMOST 200,000 DUPLEXES IN THE STATE OF WISCONSIN - NEARLY 1/4TH WERE OWNER-OCCUPIED AT THE TIME OF THE

1990 CENSUS. ALTHOUGH AS OF 1990 ONLY 50,000 OF THE DWELLINGS WOULD BE EXEMPT FROM COVERAGE UNDER THIS BILL, THE REALITY IS THAT THERE IS A POTENTIAL THAT ALL 200,000 COULD BE SUBJECT TO THIS EXEMPTION (SHOULD THE OWNER DECIDE TO RESIDE IN ONE OF THE UNITS).

LOOKING AT HOUSING IN SOUTHEAST WISCONSIN, 15% OF ALL RENTAL DWELLINGS IN MILWAUKEE, WAUKESHA, WASHINGTON, OZAUKEE, RACINE AND KENOSHA COUNTIES WILL NOT BE COVERED BY ANTI-DISCRIMINATION LAWS. THIS BILL WOULD ALSO HAVE A DISPARATE EFFECT ON THOSE PERSONS SEEKING SHELTER IN MILWAUKEE COUNTY BECAUSE OF THE LARGE NUMBER OF OWNER-OCCUPIED DWELLINGS. NEARLY HALF OF ALL OWNER-OCCUPIED DUPLEXES AND ONE-THIRD OF ALL THREE AND FOUR FAMILY DWELLINGS IN THE STATE OF WISCONSIN ARE LOCATED IN MILWAUKEE COUNTY.

IF THIS BILL SHOULD PASS, AS MUCH AS 27% OF ALL HOUSING IN MILWAUKEE COUNTY COULD BE LEGALLY DENIED TO QUALIFIED HOMESEEKERS BECAUSE OF THEIR MEMBERSHIP IN ANY OF THE PROTECTED CLASSES. THIS BILL ALSO HAS THE POTENTIAL OF ELIMINATING OVER 1/3 OF ALL TWO, THREE AND FOUR-FAMILY DWELLINGS IN THE CITY OF MILWAUKEE FROM ANTI-DISCRIMINATION LAWS. APPROXIMATELY 56% OF ALL DUPLEXES IN THE CITY OF MILWAUKEE ARE OWNER-OCCUPIED; 20% OF ALL MULTI-FAMILY DWELLINGS IN THE CITY ARE ALSO OWNER-OCCUPIED.

A RELATED POINT IS THE PERVASIVENESS OF ILLEGAL HOUSING DISCRIMINATION. NATIONALLY, HUD ESTIMATES THERE ARE 2 MILLION ACTS OF ILLEGAL HOUSING DISCRIMINATION WHICH OCCUR ANNUALLY. HOWEVER,

ONLY A SMALL NUMBER OF THESE ARE ACTUALLY REPORTED BECAUSE OF THE INCREASING SUBTLETIES OF DISCRIMINATION.

IN MILWAUKEE, APPROXIMATELY 200 COMPLAINTS A YEAR ARE RECEIVED FROM INDIVIDUALS WHO BELIEVE THEY HAVE ENCOUNTERED ILLEGAL DISCRIMINATION IN THEIR SEARCH FOR HOUSING. OVER 1/3 RD OF THOSE INDIVIDUALS SOUGHT HOUSING IN OWNER-OCCUPIED DWELLINGS OF 4 UNITS OR LESS.

THERE IS ONLY A FINITE NUMBER OF HOUSING OPTIONS AVAILABLE TO PERSONS - THOSE OPTIONS ARE SUBSEQUENTLY REDUCED BY AFFORDABILITY, AS WELL AS BY ACTS OF ILLEGAL HOUSING DISCRIMINATION. ELIMINATING THE NUMBER OF RENTAL UNITS COVERED BY ANTI-DISCRIMINATION LAWS MAY ONLY SHRINK THE AVAILABILITY OF HOUSING OPPORTUNITIES FOR CITIZENS WITHIN WISCONSIN.

CONSEQUENTLY, RELATED SOCIETAL PROBLEMS SUCH AS HOMELESSNESS, BREAK-UP OF FAMILY UNITS AND SIGNIFICANT REDUCTIONS IN INDEPENDENT LIVING SITUATIONS FOR PERSONS WITH DISABILITIES WILL ONLY INCREASE. OF THE THREE BASIC NECESSITIES IN LIFE - FOOD, SHELTER AND CLOTHING, ONLY SHELTER CAN LEGALLY BE DENIED TO PERSONS DUE TO FACTORS BEYOND THEIR CONTROL. HOUSING IS NOT A PRIVILEGE, IT IS A NECESSITY OF LIFE. WHAT OPTIONS DO PERSONS HAVE WHO ARE SHUT OUT OF THE HOUSING MARKET BECAUSE OF THIS BILL?

PROponents OF THIS BILL HAVE RAISED THE CONCERN THAT HOUSING PROVIDERS SHOULD BE ABLE TO MAKE PERSONAL CHOICES IN THE SELECTION OF TENANTS IN THEIR PROPERTIES. PRIVATE PROPERTY RIGHTS ARE ALREADY PROTECTED IN THE WISCONSIN OPEN HOUSING LAW FOR INDIVIDUALS IN THEIR OWN HOMES. PEOPLE WHO WANT TO SHARE THEIR HOUSE OR APARTMENT ARE CURRENTLY EXEMPT UNDER THE LAW. THE LAW ALLOWS PEOPLE TO DECIDE WITH WHOM THEY WANT TO LIVE WITHIN THEIR HOME.

IN CONTRAST, THIS AMENDMENT WOULD ALLOW HOUSING PROVIDERS TO DECIDE WHO THEIR NEIGHBORS SHOULD BE - EVEN IF THAT DECISION WOULD EXCLUDE OLDER PERSONS, PERSONS IN WHEELCHAIRS, OR PERSONS OF ANOTHER RACE. WE NEED TO BE CLEAR. IN THIS BILL WE ARE NOT REFERRING TO PERSONS WHO WANT TO RENT OUT A ROOM IN THEIR HOME AND WILL SHARE KITCHEN PRIVILEGES AND OTHER LIVING ARRANGEMENTS WITH ANOTHER PERSON.

WE ARE TALKING ABOUT SEPARATE DWELLING UNITS, WITH SEPARATE ENTRANCES AND LIVING FACILITIES. WE'RE LOOKING AT HOUSING PROVIDERS BEING ABLE TO DENY SOMEONE AN APARTMENT THAT IS LOCATED UPSTAIRS, DOWN THE HALL OR THREE DOORS DOWN - JUST BECAUSE THEY DON'T LIKE THE COLOR OF SOMEONE'S SKIN, THEIR ACCENT OR DISABILITY.

THE RENTAL OF PROPERTY IS A BUSINESS - ONCE HOUSING IS IN THE PUBLIC DOMAIN IT IS SUBJECT TO THE SAME REQUIREMENTS AS ANY OTHER BUSINESS OPERATING IN THE STATE OF WISCONSIN. EMPLOYERS, REGARDLESS OF THEIR SIZE, CAN NOT LEGALLY REFUSE TO HIRE A PERSON FOR A JOB BECAUSE OF THEIR NATIONAL ORIGIN. A SMALL STORE OWNER CAN NOT TURN AWAY CUSTOMERS BECAUSE OF THEIR DISABILITY. A COFFEE SHOP CAN NOT

MORE COMPREHENSIVE THAN THE STATE STATUTE. IT SEEMS MOST LOGICAL THAT LOCAL GOVERNING BODIES, MORE FAMILIAR WITH THEIR PARTICULAR HOUSING MARKETS, SHOULD HAVE THE FLEXIBILITY TO ENACT LEGISLATION WHICH WILL BEST ADDRESS THEIR COMMUNITY'S HOUSING NEEDS.

FINALLY, VICTIMS OF HOUSING DISCRIMINATION FEEL NO LESS PAIN OR HUMILIATION WHETHER THE PERPETRATOR OWNS A DUPLEX OR A 200 UNIT APARTMENT COMPLEX. IT STILL HURTS THE SAME; THEIR BASIC NEED FOR HOUSING HAS STILL BEEN DENIED. WE URGE THE COMMITTEE TO OPPOSE THE PASSAGE OF ASSEMBLY BILL 662. WE ALSO URGE THE COMMITTEE TO OPPOSE ASSEMBLY BILL 629.



WISCONSIN CATHOLIC CONFERENCE

30 WEST MIFFLIN STREET • MADISON, WISCONSIN 53703 • 608/257-0004 • FAX 608/257-0376

TO: Members, Assembly Committee on Housing
FROM: John Hubscher
DATE: November 30, 1995
RE: Assembly Bill 662 - Exemption from Equal Housing Requirements

The Wisconsin Catholic Conference has reservations about AB 662 in its present form and would like to suggest a more limited response.

AB 662 appears to be drafted more broadly than necessary to protect the legitimate interest of home owners.

We are not so far removed from the time when Catholics were discriminated against for the WCC not to have concerns about how this bill may affect people who are regarded as "different." It is not inconceivable that property owners who object to Catholic doctrine or positions might express their displeasure by refusing to rent to Catholics.

Since the bill places no limit on the discretion of the renter, this bill might also serve to exclude poor families on welfare, especially minorities, from moving to a more prosperous community. Such discrimination could undercut efforts by such families to relocate outside Milwaukee County in order to take advantage of employment opportunities under the W-2 program.

It seems that the bill could accommodate the concerns of the situation in Hartford if it was amended to apply only to a room or single apartment in an otherwise single family dwelling and to permit only preferential treatment for someone of the same religion as the owner, perhaps along the lines of sec.111.337(2). I am not sure we would could ultimately support even this narrower approach, but it appears less troubling than a law that implies approval of discrimination against certain groups.

Thank you for this opportunity to offer input.



United Council

of University of Wisconsin Student Governments, Inc.

122 State Street, Suite 500, Madison, WI 53703 Phone: (608) 263-3422 Fax: 265-4070

Testimony of

David C. Stacy

President of United Council

On the Housing Discrimination Bill (AB 662)

Before the Assembly Committee on Housing

November 30, 1995

Representative Owens, members of the committee, good afternoon. My name is David Stacy, and I am President of the United Council of UW Student Governments. United Council is the state student association for UW System students, and we currently represent over 140,000 students at 24 campuses.

I am here today to speak against Assembly Bill 662, which would repeal existing civil rights protections for citizens seeking housing in small owner-occupied units. This bill could create significant housing problems for student tenants around the state. It is unnecessary and overall a bad idea.

With 26 UW System campuses, students live in many different communities with various housing patterns. In many municipalities around the state, a significant percentage of the housing units are owner-occupied and have four or fewer units. For example, in Plymouth, over 56% of the available units would be affected by this bill. In Elm Grove, almost 55% of the units would be affected.

Even in major metropolitan areas, a large number of units would be exempted from non-discrimination requirements. In Kenosha, 29.7%, approximately 1,888 units, would be allowed to discriminate. Other Wisconsin cities impacted significantly are:

Sheboygan	19.6%
Wauwatosa	18.8%
Manitowoc	17.3%
Brookfield	17.2%
Milwaukee	16.0%
Waupaca	14.9%
Oshkosh	9.8%
Green Bay	8.1%

West Bend 11.2%
WHERE DO THESE #'S COME FROM?

Testimony of David Stacy
Page 2

Students already have a difficult time finding rental units. Current Wisconsin civil rights law at least affords them some protections. Nevertheless, current law provides landlords plenty of flexibility in determining to whom they will rent. Landlords can refuse to rent if the applicant has inadequate income, bad rental references, pets, etc... Landlords can simply choose one person over another for nearly any reason. The only exceptions are protected classes. There is no need to refuse to protect a person's civil rights in order to deny a person a place to live. This bill is unnecessary.

Wisconsinites have long believed that denying an individual equal opportunity due to their inherent characteristics, such as race, sex, age, disability, national origin, ancestry, color and sexual orientation, or due to their personal choices, such as marriage, children, or religion, is fundamentally unjust. There is no need for this bill. I urge the members of the committee to support Wisconsin's tradition of equal opportunity, and defeat this proposal. Thank you for your consideration.

TESTIMONY BY STUART LEVITAN
IN OPPOSITION TO AB 662
NOVEMBER 30, 1995

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Thank you Madame Chairperson.

My opposition to AB 662 is ^{an outgrowth} ~~reflective~~ of two positions I have held. The first is the presidency of the Fair Housing Council of Dane County. The second, perhaps even more relevant, is the chairmanship of the Judiciary Committee of the Dane County Board of Supervisors. For it was in that capacity that I had the honor of drafting, and securing passage, of Dane County's Fair Housing Ordinance in September, 1987.

We spent six months working on that bill, holding hearings, taking testimony from the shelter industry and housing advocates, crafting a bill that we thought was tough but fair.

And, yes, we did discuss the question of the so-called "Mrs. Murphy" exemption. But after all was said and done, we made a deliberate policy choice not to include that exemption. And when we brought the bill to the Board floor, no amendment to include that exemption was offered. And the ordinance, which applied then, and still does, to the units AB 662 would exempt, and with penalties going as high as \$10,000, passed 29-3. In addition to support from such progressives as your colleague Rep. Baldwin, I was extremely gratified to have affirmative votes from such staunch conservatives as Mike Blaska, Lymon Anderson, Jeff Wiswell, Harland Dahlk and Ann Neviaser.

Looking back on that effort, I guess I feel a little foolish now. Foolish because we wasted our time, because it turns out that a group of politicians sitting in Madison somehow knows more about local housing conditions than those of us serving at the local level. I guess Mr. Skindrud must feel pretty superior to his former colleagues on the County Board.

Maybe I'm being unduly critical. Maybe you have surveyed the housing stock throughout the state, determining the prevalence of these owner-occupied four-units, carefully assessing what their loss from the fair housing market will mean for housing availability in proximity to employment and transit opportunities. But I doubt it.

So now some seek to overturn our action, and exempt these units. Why?

For years we've been hearing that conservatives believe in local control. Obviously, that's just not true.

When conservatives violated their philosophical principles and did the will of the NRA to preempt local gun control laws, the explanation was that there was some hypothetical hunter in Maple Bluff who couldn't leave his house without violating Madison's gun control ordinance. That was pretty far-fetched, but at least there was a hypothetical explanation.

But here? Is someone suggesting that there is some hypothetical landlord who is going to purchase, and establish residence, in a four-unit building, without investigating local ordinances, and thus be taken unawares? That they're not going to look into the local zoning and building codes? Of course not; that's absurd.

So what then is the reason for the legislation?

It's simple. In a word -- discrimination. The desire that some people have to deny to others the equal access to housing simply because they look, or act, or believe differently.

This bill would legalize bigotry. This bill would legalize racism, anti-semitism, and homophobia. This bill is a hate crime.

~~Paraphrasing, I note that one interpretation -- the correct one, I believe -- of this bill is that it removes all prohibitions on discriminatory advertising. If you don't want blacks, or jews, or gays, or the Irish, or catholics, or disabled war veterans, in your building, you're free to put a sign in the window.~~ Think about what that sign might say, what language that bigot might use. Maybe you can even put your ~~sign~~ ad in the newspaper.

also
for persons not covered by the federal law.

Supporters of this measure must acknowledge two things. The first is that they don't support local control. The second is that they do support discrimination. Because that's what this bill is all about.

This bill says it's okay for everyone to have access to high-rise apartment buildings. But if you want to live in a nice garden apartment, in a building small enough to know your neighbors, well, some folks just need not apply.

When you vote on this bill, you will face a simple question: Do you want to endorse discrimination and hate? Or do you want to endorse community and respect? Because make no mistake -- a vote in support of AB 662 is a vote in support of discrimination.

This is profoundly a moral question. As President Kennedy said over 30 years ago, the answer is as old as the Scriptures and as clear as the American Constitution.

My Scriptures say the answer is love. The supporters of AB 662 must have a God who believes in hate.

My Constitution says the answer is community. The supporters of AB 662 must have a document devoted to discrimination.

History teaches us that it is our tendency for injustice that makes government necessary. Hope teaches us that it is our capacity for justice that makes government possible.

I believe government should build bridges to bring us together, not walls to keep us apart.

This bill would set the awesome power of government -- centralized state control -- to the building of a wall as evil and hateful as any that ever stood in Berlin.

Please, in the name of all that makes this country great, do not support this bill.

Thank you.

JOHN O. NORQUIST
MAYOR



OFFICE OF THE MAYOR
MILWAUKEE, WISCONSIN

November 30, 1995

State Representative Carol Owens
Chair, Assembly Housing Committee

Honorable Members of the Assembly Housing Committee

Dear Representative Owens and Committee Members:

I am writing today to express my strong opposition to Assembly Bill 662. This bill not only guts housing discrimination law, it goes a step further by requiring local units of government to once again bow down to "Big Brother" in Madison.

Just a few weeks ago the Legislature and Governor thought it necessary to protect travelling sportsmen from the enforcement of local firearm ordinances. Despite the absence of any evidence that local ordinances posed a very real problem, a law was passed and signed that preempted local firearm ordinances.

And while the gun debate was taking place in the State Senate, the Assembly narrowly defeated a motion to move the preemption of local residency ordinances to the Assembly Rules Committee.

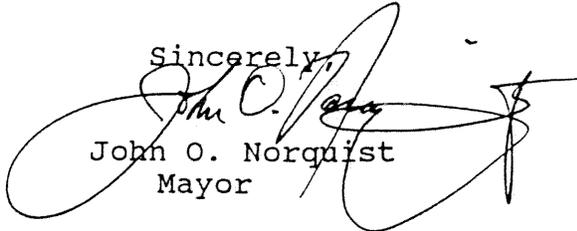
It has become quite clear that from within the Capitol a consistent and disturbing message is being sent to local taxpayers. That message is simply this: "We know what's best for you".

Nothing could be further from the truth.

The citizens of Milwaukee, as well as the citizens of all Wisconsin villages, towns and cities, are in a much better position than the State Legislature to decide what within the parameters of state and federal law can be done to address concerns that are unique to our communities and troublesome to our neighbors. Such concerns require local initiative, not state interference.

I urge you to vote against Assembly bill 662.

Sincerely,


John O. Norquist
Mayor

**Testimony on AB 662
To Assembly Committee on Housing
November 30, 1995
Brenda K. Konkel
For Information Only**

Hello, my name is Brenda Konkel. I'm a tenant, I represent tenants as a Housing Attorney, but I have also been a housing counselor and provided information and referral to tenants and landlords since March 1992. I also have co-taught full day seminars for tenant advocates and landlords on tenant/landlord issues, including fair housing, throughout the state for the past two years. I am a member Dane County Affordable Housing Coalition, Renters Services Task Force, Housing Coalition of Wisconsin and Wisconsin Coalition Against Homelessness. I am currently the Executive Director of, although not representing today, the Tenant Resource Center.

In my experience dealing with both landlords and tenants from around the state, there is a lot of misunderstanding about what fair housing laws mean and what appropriate landlord practices are. When I speak to a group of landlords about fair housing, there is usually quite a bit of hostility when I begin. By the end of the workshop or seminar, they are thanking me for the information that I have given them.

I'd like to provide some basic information for the committee today about our current law. In a nutshell, when dealing with discrimination, you need to ask three questions.

1. Were you treated differently than other tenants or prospective tenants?

Activities prohibited include:

- * Refuse to rent, negotiate or discuss terms of renting or permit inspection, denying housing is available
- * Having a different, more stringent terms or conditions of lease, providing different privileges, services or facilities available with the housing
- * Advertising in a manner that indicates discrimination by preference or limitation
- * Refusing to renew a lease, causing the eviction of a tenant or harassment of a tenant

There is no law against a landlord being a jerk. If a landlord is a jerk to everyone (slow repairs, rude, etc.) and you are not treated differently, you are not being illegally discriminated against.

2. Do you belong to a protected class?

<u>Wisconsin</u>		<u>Federal</u>	
race	color	race	color
religion	sex	religion	sex
national origin	ancestry*	national origin	
sexual orientation*	disability	mental or physical handicap/disability	
marital status*	age	familial status (including pregnancy)	
lawful source of income*			
familial status			

Examples of common people who are not protected classes under state or federal law: smokers, vegetarians, students, democrats, criminals, people who wear sunglasses, cohabitant etc. Local cities and counties can have additional protected classes.

3. **Were you treated differently because of that protected class?**

Example: If a landlord refused to rent to you, were you refused because you were (hispanic, female, unmarried, had children, gay, etc.) or because (you have a bad credit rating, poor landlord references, eviction record, poor payment history, etc.) Fair housing laws do not require you to rent to persons in protected classes if you have a legitimate reason to deny them. Poor tenants are a bad risk for small landlords and they can screen out bad tenants.

Smaller landlords often complain that fair housing laws are too complicated; in fact, fair housing laws are quite simple. Set up a set of non-discriminatory procedures and follow them consistently regardless of what class a person belongs to.

Tips for landlords:

1. Set up procedures for showing apartments and follow them consistently. Have a checklist of activities you do with each caller and person you show an apartment to.
2. Set up screening criteria that will ensure you get good tenants. Check landlord, employment and personal references. Do credit checks. Review the application thoroughly for missing information or inaccurate information. Check eviction records. Income verification.
3. Advertise the features of the apartment, not who you want to rent the apartment to. Avoid using terms like: "perfect for . . ."
4. Treat all tenant complaints and requests in a consistent manner.

Additionally, I did some research on how many units in Wisconsin this bill would affect:

Statewide, this bill would effect 50,000 to 65,000 rental units in Wisconsin. Which is roughly 1 out of 10 units.

Counties most effected by this would be:

Sheboygan	19.3% of rental units (2,216)
Manitowoc	15.2% of rental units (1,355)
Milwaukee	15.3% of rental units (27,470)
Kenosha	12.8% of rental units (1,888)
Washington	12.0% of rental units (1,039)

Cities/towns greatly effected by this would be:

Kohler	59.1%
Elm Grove	54.9%
Kenosha	29.7%
Kiel	26.9%
Pleasant Prairie	21.9%
Chilton	21.3%
Cudahy	20.0%

If you have any further questions, please feel free to contact me at 257-0143(w) or 251-2412 (h).

1995 Assembly Bill 662

My name is Anthony Brown. I am the Executive Director for the Madison Equal Opportunities Commission. I am here today representing Mayor Paul R. Soglin and the City of Madison to speak in opposition to Assembly Bill 662.

We oppose the undermining of the City's Home Rule Authority which allows municipal governments to adopt fair housing laws that are more comprehensive than that of the State. The City of Madison adopted the Equal Opportunities Ordinance in 1963 prohibiting discrimination in housing.

Proponents of this bill would say that it only requires that local and State laws mirror Federal law. Congress did, however, allow, and in fact encouraged, State and local governments to adopt more comprehensive local laws than Title VIII. Now you may say that if it's good enough for the feds, it should be good enough for Madison. The truth of the matter is that the federal government has consciously limited its jurisdiction for two reasons:

1. The federal government does not have jurisdiction over intrastate commerce. The federal government has attempted to avoid this conflict by limiting the size of entities over which it has jurisdiction. This is true under both Title VII of the 1964 Civil Rights Act which prohibits discrimination in employment and Title VIII of the 1968 Civil Rights Act which prohibits discrimination in housing; and
2. The federal government has relied upon the argument of administrative burden to lessen its workload, particularly with the expansion of Title VIII in 1988 prohibiting discrimination based on disability and familial status.

As the Equal Opportunities Ordinance states, "The practice of providing equal opportunities in housing . . . is a desirable goal of the City of Madison and a matter of legitimate concern to its government. Discrimination against any of Madison's citizens or visitors endangers the rights and privileges of all. The denial of equal opportunity

intensifies group conflict, undermines the foundations of our democratic society, and adversely affects the general welfare of the community. . .

Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in dwellings below the standards to which they are entitled.”

The City of Madison’s Common Council has exempted roommate selection from its ordinance. However, expanding the exemption to cover buildings with four or less units with at least one being owner occupied is a step backward that goes too far. The adoption of AB 662 will have a devastating impact on housing choice throughout the State of Wisconsin affecting a significant portion of the housing supply in some communities. In Milwaukee and more northern communities it has been estimated that as much as 1/3 to 3/4 of the rental housing supply may be exempt from prohibitions against discrimination.

The owners of these properties are in the business of providing housing to the public. When individuals choose to purchase property for

rental, we expect them to comply with certain State and local regulations. We would not exempt smaller units from compliance with building or fire codes or State or local landlord/tenant laws. So why, if we believe that freedom from discrimination is important, should we exempt these units from the provisions of State and local fair housing laws. Being discriminated against is a devastating experience for its victims. Individuals report loss of sleep, loss of appetite, and in some cases individuals have required services of a medical professional to learn to cope with the affects of discrimination.

The current law does not require housing providers to rent to the first person who knocks on their door. They have the right to screen tenants to assure that they have adequate income, will pay their rent on time, will not disturb the landlord or other tenants and will keep the unit in good condition. These tools are adequate to protect the interests of housing providers. Our goal should be to integrate our communities making as much of our housing supply available to persons of color, low

income households and families with children, not to encourage segregation by allowing policies that exclude people. I urge you to oppose this legislation.



LUTHERAN OFFICE FOR PUBLIC POLICY IN WISCONSIN

MEMORANDUM

DATE: NOVEMBER 30, 1995
TO: MEMBERS OF THE ASSEMBLY HOUSING COMMITTEE
REGARDING: ASSEMBLY BILL 629, AND ASSEMBLY BILL 662
FROM: REV. SUE MOLINE LARSON, DIRECTOR, LOPPW

In its 1993 churchwide assembly, the Evangelical Lutheran Church in America adopted a social statement on: "Freed in Christ: Race, Ethnicity, and Culture" which states that: "This church will support legislation, ordinances, and resolutions that guarantee to all persons equally: civil rights, including full protection of the law and redress under the law of discriminatory practices; (and) the right to rent, buy, and occupy housing in any place." In light of this statement, the ELCA, and its six member synods with congregations in Wisconsin, oppose the creation of exemptions for discriminatory practices in state statutes and local ordinances in regard to rental property.

The introduction to the social statement recounts humanity's enslavement to sin and the need for divine reconciliation which will put an end to the hostility of divisions based on race, ethnicity, gender and economic class. In a phone conversation on Thursday, November 29, the director of Lutheran Social Services' Refugee Resettlement program in Wisconsin spoke of the variety of rationales used by property owners to deny housing to some of the people with whom she works, usually because of misconceptions and unfounded suspicions. Acknowledging the reality of these human tendencies often to act on less than positive inclinations or motivations, the creation of additional rationales for discrimination is unwise and even irresponsible on the part of legislative policy-makers.

An additional concern in relation to A.B. 629 involves the disallowance of access to housing for those who require consideration because of physically handicapping conditions. This contradicts the mandates of the Americans with Disabilities Act, signed into law by President George Bush. The state of Wisconsin should not become a place where such mandates are watered down or contradicted. Such an effort appears to be an undemocratic attempt to reverse our tradition of providing equal protection to all people. As the legislative advocate in Wisconsin of the Evangelical Lutheran Church in America, I urge Chairperson Owens and the members of the Housing Committee to disapprove A.B. 629, and A.B. 662. If not, I ask you significantly to revise these bills by strengthening rather than weakening the statutes that define ordinances against housing discrimination. No one is well-served by the passage of legislation that permits increased discrimination of any kind for select groups of citizens in this state.

322 East Washington Avenue Madison, Wisconsin 53703-2834 608/255/7399

*Advocating justice for disempowered people and responsible stewardship of creation
A ministry of the Evangelical Lutheran Church in America
Division for Church in Society, in partnership with
Northern Great Lakes Synod Northwest Synod of Wisconsin
East-Central Synod of Wisconsin Greater Milwaukee Synod
South-Central Synod of Wisconsin La Crosse Area Synod*



WISCONSIN CATHOLIC CONFERENCE

30 WEST MIFFLIN STREET • MADISON, WISCONSIN 53703 • 608/257-0004 • FAX 608/257-0376

TO: Members, Assembly Committee on Housing
FROM: John Hrebscher
DATE: November 30, 1995
RE: Assembly Bill 662 - Exemption from Equal Housing Requirements

The Wisconsin Catholic Conference has reservations about AB 662 in its present form and would like to suggest a more limited response.

AB 662 appears to be drafted more broadly than necessary to protect the legitimate interest of home owners.

We are not so far removed from the time when Catholics were discriminated against for the WCC not to have concerns about how this bill may affect people who are regarded as "different." It is not inconceivable that property owners who object to Catholic doctrine or positions might express their displeasure by refusing to rent to Catholics.

Since the bill places no limit on the discretion of the renter, this bill might also serve to exclude poor families on welfare, especially minorities, from moving to a more prosperous community. Such discrimination could undercut efforts by such families to relocate outside Milwaukee County in order to take advantage of employment opportunities under the W-2 program.

It seems that the bill could accommodate the concerns of the situation in Hartford if it was amended to apply only to a room or single apartment in an otherwise single family dwelling and to permit only preferential treatment for someone of the same religion as the owner, perhaps along the lines of sec.111.337(2). I am not sure we would ultimately support even this narrower approach, but it appears less troubling than a law that implies approval of discrimination against certain groups.

Thank you for this opportunity to offer input.

JOHN O. NORQUIST
MAYOR



OFFICE OF THE MAYOR
MILWAUKEE, WISCONSIN

November 30, 1995

State Representative Carol Owens
Chair, Assembly Housing Committee

Honorable Members of the Assembly Housing Committee

Dear Representative Owens and Committee Members:

I am writing today to express my strong opposition to Assembly Bill 662. This bill not only guts housing discrimination law, it goes a step further by requiring local units of government to once again bow down to "Big Brother" in Madison.

Just a few weeks ago the Legislature and Governor thought it necessary to protect travelling sportsmen from the enforcement of local firearm ordinances. Despite the absence of any evidence that local ordinances posed a very real problem, a law was passed and signed that preempted local firearm ordinances.

And while the gun debate was taking place in the State Senate, the Assembly narrowly defeated a motion to move the preemption of local residency ordinances to the Assembly Rules Committee.

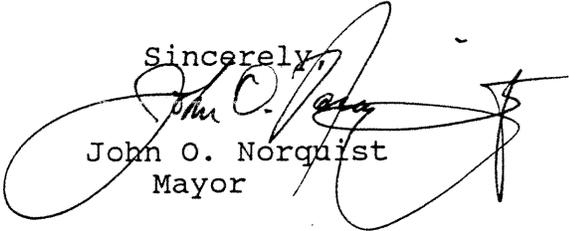
It has become quite clear that from within the Capitol a consistent and disturbing message is being sent to local taxpayers. That message is simply this: "We know what's best for you".

Nothing could be further from the truth.

The citizens of Milwaukee, as well as the citizens of all Wisconsin villages, towns and cities, are in a much better position than the State Legislature to decide what within the parameters of state and federal law can be done to address concerns that are unique to our communities and troublesome to our neighbors. Such concerns require local initiative, not state interference.

I urge you to vote against Assembly bill 662.

Sincerely,


John O. Norquist
Mayor

Testimony on AB 662

Tom Conrad, Community Action Coalition for South Central
Wis. Inc.

FOR INFORMATION PURPOSES

Thank you for the opportunity to testify for informational purposes on this important issue. My name is Tom Conrad. I have counseled tenants in Dane County since 1990 at the Community Action Coalition for South Central Wisconsin Inc., the CAP agency for this area.

We serve households with incomes at or below 80% of the median income and provide financial assistance only to families with incomes below half of the median. Our emergency rent assistance programs are available to only those families with incomes below half of the median income. These programs are funded through Dane County, the State Division of Housing, The Madison CDBG office, the United Way.

We are concerned about the effects AB 662 would have on the low-income renters that we serve.

Many tenants pay more than half of their income for rent while low-income families with children frequently pay rent higher than the cost home ownership.

These low-income renters face many barriers to finding and maintaining affordable housing. Minimum income standards, credit history requirements and high cost already limit their housing options.

If AB 662 becomes law, these families will lose some of the remaining housing options available when some landlords will choose to deny them housing simply because they have children.

We are concerned that this practice would further concentrate low-income families into larger apartment complexes where discrimination on the basis of family status would continue to be illegal.

While there are other concerns we have about the impact of AB 662, we would like to call your attention to hard-working families with children who already face significant challenges in finding housing and the discrimination they could not be protected against under this bill.

Thank you for your consideration.

November 29, 1995

Dear Members of the Housing Committee:

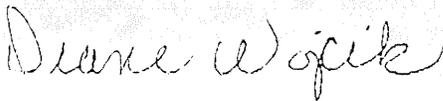
My name is Diane Wojcik. I am writing in strong opposition to AB 662. As a small business owner and a landlord, I have had to work within the legal requirements of both my local, state and federal governments. One of those requirements is the prohibition of discriminating against my renters for reasons such as age, ancestry, color, disability, family status, lawful source of income, marital status, national origin, race, religion, sex or sexual orientation.

As a landlord, I have *never* had an problems obeying the law which you propose to amend. The legal means allowed to insure I rent to responsible people, such as credit and previous rental references have provided me with the information I need to make my decisions. I think it unfair and unethical that this type of discrimination would be allowed in any type of independent living unit.

Further, having worked with disabled people for 12 years, I am especially opposed to any provision that would allow someone to be denied housing because of a disability.

I thank you in advance for stopping AB 662, and for your time.

Sincerely,



Diane Wojcik
N9772 Highland Park Road
Malone, WI 53049

I support AB662 for the following reasons:

An owner occupant needs to be able to determine who will live in the same building as themselves.

A good example would be the elderly couple who owns a duplex. Perhaps their ages don't allow for the patience of having children of whatever age, running around day and night. Kids have a tendency to be loud and rambunctious and in many cases cause disruptive behavior. Their love of loud music and friends can also cause hardships for those who are used to a quieter lifestyle.

There are also many elderly people now who own duplexes but don't rent out their units out of fear. It is bad enough that these people are afraid to leave their homes at night, but should they also be afraid to live in them?

This should also bring State law in accordance with Federal law. In so doing, this will help avoid confusion on the parts of people who don't understand the nuances of the law.

Lastly, this issue strikes at the heart of private property rights. An owner-occupant should be able to exercise some control over his or her own property.

Oille Sigman

TESTIMONY FOR THE PUBLIC HEARING ON AB662

November 30, 1995

INTRODUCTION

MY NAME IS NANCY BOSIN. I HAVE BEEN THE EXECUTIVE DIRECTOR OF THE FAIR HOUSING COUNCIL OF DANE COUNTY FOR ALMOST THREE YEARS. THE FAIR HOUSING COUNCIL IS A PRIVATE NON-PROFIT AGENCY THAT, IN THE MOST BASIC DEFINITION, PROMOTES EQUAL ACCESS TO HOUSING THROUGH THE ENFORCEMENT OF ALL FAIR HOUSING LAWS AND /OR ORDINANCES.

POSITION

WE OPPOSE THE PASSAGE OF AB662 BECAUSE:

- ◆ IT WILL REDUCE THE CURRENT LEVEL OF EQUAL ACCESS TO HOUSING WITHIN THE STATE OF WISCONSIN;
- ◆ IT WILL DIMINISH THE EFFECTIVENESS OF THE DANE COUNTY FAIR HOUSING ORDINANCE, AND THE CITY OF MADISON EQUAL OPPORTUNITY ORDINANCE;
- ◆ IT WILL PUT THE STATE OF WISCONSIN OUT OF COMPLIANCE WITH THE FEDERAL FAIR HOUSING ACT, AS AMENDED!

EFFECTS OF AB662

HAVING LIVED IN DANE, ROCK, WALWORTH, MARATHON, AND SHAWANO COUNTIES; I AM FAMILIAR WITH HOUSING MARKETS IN VARIOUS PARTS OF THE STATE. POPULATION DENSITY MAY CHANGE THROUGHOUT WISCONSIN, BUT THE NEED FOR EQUAL ACCESS TO HOUSING DOES NOT. POPULATION CHARACTERISTICS MAY CHANGE THROUGHOUT WISCONSIN, BUT THE NEED FOR EQUAL ACCESS TO HOUSING DOES NOT.

MOST PEOPLE WOULD ACCEPT THE PREMISE THAT CHILDREN ARE THE MOST VULNERABLE OF THOSE WHO RECEIVE PROTECTION UNDER THE WISCONSIN OPEN HOUSING LAW, BECAUSE CHILDREN CANNOT EVEN ENTER INTO A CONTRACT AND THEREFORE MOST RELY ON AN ADULT TO CONTRACT FOR THEIR SHELTER/THEIR HOUSING. SO, IF AB662 IS PASSED INTO LAW, APPROXIMATELY 11% OF ALL HOUSING IN THE STATE OF WISCONSIN COULD BE LEGALLY EXCLUDED FROM USE AS A HOME, AS SHELTER FOR FAMILIES WITH CHILDREN.

DOES ANYONE KNOW HOW MANY HOUSING PROVIDERS, OF THE OWNER-OCCUPIED FOUR UNIT OR LESS CATEGORY, UTILIZE VERBAL OR MONTH-TO-MONTH LEASES? LET US SUPPOSE THAT ALL OF THEM CURRENTLY USE VERBAL, MONTH-TO-MONTH LEASES. LET US FURTHER SUPPOSE THAT THIS LEGISLATION PASSED AND BECOMES LAW. AT THAT POINT, IT WOULD BECOME LEGAL FOR THE OWNERS OF 11% OF THE HOUSING STOCK WITHIN WISCONSIN TO GIVE THEIR CURRENT TENANTS NOTICE OF NON-RENEWAL, REGARDLESS OF RACE/COLOR, NATIONAL ORIGIN/ANCESTRY, RELIGION, SEXUAL ORIENTATION, AGE, MARITAL STATUS, DISABILITY, SEX, LAWFUL SOURCE OF INCOME, OR, FAMILY STATUS. AND, IT WOULD STILL BE A LAWFUL ACT IF IT WERE TO OCCUR IN THE MONTH OF JANUARY!

AFFORDABLE HOUSING IS A GROWING ISSUE EVERYWHERE; BUT IN DANE COUNTY, AFFORDABILITY HAS BEEN A MAJOR ISSUE FOR SOME TIME. THE ELIMINATION OF EQUAL ACCESS TO EVEN 1% OF THE HOUSING STOCK IN DANE COUNTY WOULD HAVE A MAJOR IMPACT ON DIVERSE HOUSEHOLDS, FAMILIES, THE ELDERLY, PERSONS WITH DISABILITIES, ON THE TOTAL FABRIC OF OUR COMMUNITIES. THIS PROPOSED LEGISLATION WOULD DENY ACCESS TO 9% OF THE HOUSING STOCK WITHIN DANE COUNTY ALONE.

THIS PROPOSED LEGISLATION WOULD PROHIBIT DANE COUNTY AND THE CITY OF MADISON FROM MAINTAINING THEIR FAIR HOUSING AND EQUAL OPPORTUNITY ORDINANCES AS WRITTEN.

THIS PROPOSED LEGISLATION WOULD PUT THE STATE OF WISCONSIN OUT OF COMPLIANCE WITH THE FEDERAL FAIR HOUSING ACT, AS AMENDED. AB662 ALLOWS OWNERS OF THE SPECIFIED HOUSING STOCK TO DISCRIMINATE IN THE ADVERTISING OF THOSE UNITS. THE FEDERAL FAIR HOUSING ACT AS AMENDED, EFFECTIVE MARCH 12, 1989, READS AS FOLLOWS:

Sec. 803. [42 U.S.C. 3603] subsection (b) *Nothing in section 804 of this title (other than subsection (c)) shall apply to-- (1) any single-family house sold or rented by an owner..... (2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently.....*

Sec. 804 [42 U.S.C. 3604] subsection (c) *TO MAKE, PRINT, OR PUBLISH, OR CAUSE TO BE MADE, PRINTED, OR PUBLISHED ANY NOTICE, STATEMENT, OR ADVERTISEMENT, WITH RESPECT TO THE SALE OR RENTAL OF A DWELLING THAT INDICATES ANY PREFERENCE, LIMITATION, OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN, OR AN INTENTION TO MAKE ANY SUCH PREFERENCE, LIMITATION, OR DISCRIMINATION.*

BECAUSE OF THE ISSUES RAISED HERE, I THEREFORE STRONGLY URGE THE OPPOSITION OF AB662. I FURTHER URGE THE OPPOSITION OF AB629.



Wisconsin Jewish Conference

Assembly Committee on Housing
November 30, 1995

- Member
Communities:
- Antigo
 - Appleton
 - Green Bay
 - Kenosha
 - Madison
 - Manitowoc
 - Marshfield
 - Milwaukee
 - Oshkosh
 - Racine
 - Sheboygan
 - Stevens Point
 - Waukesha
 - Wausau

Chairperson Owens and members, thank you for the opportunity to speak before you today. My name is Michael Blumenfeld and I am here today on behalf of the Wisconsin Jewish Conference.

Wisconsin's Jewish community opposes Assembly Bill 662. We get very concerned anytime that there are proposals to weaken anti-discrimination laws.

Along with many other religious, ethnic, racial, disability and other groups, the Jewish community fought hard over the last 50 years to enact laws in Wisconsin that prohibit any form of discrimination in employment, housing, education and other phases of life.

This is not a quaint, hypothetical or archaic concern. Older Jewish Wisconsinites lived through -- in their life-times and with personal experience -- situations where "No Jews allowed" was a legal exclusion.

Some people may be unhappy that the existing state law was applied against a Hartford woman who advertised for a "Christian handyman" or, in a second ad, stated that she would "prefer a Christian." Why, these people ask, should state law prohibit such a practice?

The answer is quite simple: By stating a preference for Christian applicants, she discriminated against non-Christians. The principle is clear. In Wisconsin we do not permit people to discriminate against one another on the basis of religion, race, sex, age or other protected characteristics in matters affecting housing or employment. Just because Federal law permits it doesn't make it right or make it appropriate for Wisconsin's historic commitment to equal rights.

Perhaps, this principal may be more easily appreciated by individuals who have been or may be the victims of discrimination. Maybe some of the defenders of this landlady might better understand why such discrimination should not be permitted if they faced advertisements such as these:

Page two AB 622

- "Executive Position -- No females need apply"
- "Minority business seeks non-white applications only"
- "Employer seeks vital and vigorous sales candidates. Individuals over age 40 need not apply."

Discriminating against non-Christians is no more acceptable than the examples above. Any form of discrimination should not be tolerated regardless of who is doing the discriminating or who is being discriminated against. For Wisconsin, there should never be a situation where discrimination is OK and legal.

Once again, thank you for the opportunity to appear before you today.

TESTIMONY OF WILLIAM R. TISDALE, EXECUTIVE DIRECTOR
METROPOLITAN MILWAUKEE FAIR HOUSING COUNCIL REGARDING
ASSEMBLY BILL 662

NOVEMBER 30, 1995

STATE CAPITOL BUILDING
MADISON, WISCONSIN

THE HISTORY OF OPEN HOUSING LEGISLATION IN WISCONSIN HAS BEEN A LONG AND COMPREHENSIVE ONE. A FORERUNNER ON THIS ISSUE, WISCONSIN PASSED AN OPEN HOUSING LAW PRIOR TO THE FEDERAL STATUTE AND ENACTED MORE COVERAGE AND ENFORCEMENT MECHANISMS THAN THE SUBSEQUENTLY PASSED FEDERAL FAIR HOUSING LAW. RECOGNIZING THE UNIQUE HOUSING CHARACTERISTICS OF WISCONSIN - THE DISPROPORTIONATE NUMBER OF DUPLEXES AND OTHER OWNER-OCCUPIED DWELLINGS - THE 1965 OPEN HOUSING LAW ENSURED MAXIMUM HOUSING OPPORTUNITIES FOR ALL WISCONSIN RESIDENTS.

THE HOUSING COMMITTEE OF THE WISCONSIN STATE ASSEMBLY IS NOW CONSIDERING ASSEMBLY BILL 662, WHICH WILL TURN BACK BIPARTISAN ANTI-DISCRIMINATION LEGISLATION WHICH WAS ENACTED TO ENSURE EQUAL HOUSING OPPORTUNITIES THROUGHOUT THE STATE. WE FORESEE DEVASTATING EFFECTS FOR BOTH HOMESEEKERS AND THE STATE OF WISCONSIN IF THIS BILL SHOULD BE PASSED. FOR THIS REASON WE OPPOSE THE PASSAGE OF AB 662. THIS BILL WILL ELIMINATE A SIGNIFICANT PORTION OF THE RENTAL HOUSING MARKET IN WISCONSIN FROM COMPLYING WITH ANTI-DISCRIMINATION LAWS.

SPECIFICALLY, THERE ARE ALMOST 200,000 DUPLEXES IN THE STATE OF WISCONSIN - NEARLY 1/4TH WERE OWNER-OCCUPIED AT THE TIME OF THE

1990 CENSUS. ALTHOUGH AS OF 1990 ONLY 50,000 OF THE DWELLINGS WOULD BE EXEMPT FROM COVERAGE UNDER THIS BILL, THE REALITY IS THAT THERE IS A POTENTIAL THAT ALL 200,000 COULD BE SUBJECT TO THIS EXEMPTION (SHOULD THE OWNER DECIDE TO RESIDE IN ONE OF THE UNITS).

LOOKING AT HOUSING IN SOUTHEAST WISCONSIN, 15% OF ALL RENTAL DWELLINGS IN MILWAUKEE, WAUKESHA, WASHINGTON, OZAUKEE, RACINE AND KENOSHA COUNTIES WILL NOT BE COVERED BY ANTI-DISCRIMINATION LAWS. THIS BILL WOULD ALSO HAVE A DISPARATE EFFECT ON THOSE PERSONS SEEKING SHELTER IN MILWAUKEE COUNTY BECAUSE OF THE LARGE NUMBER OF OWNER-OCCUPIED DWELLINGS. NEARLY HALF OF ALL OWNER-OCCUPIED DUPLEXES AND ONE-THIRD OF ALL THREE AND FOUR FAMILY DWELLINGS IN THE STATE OF WISCONSIN ARE LOCATED IN MILWAUKEE COUNTY.

IF THIS BILL SHOULD PASS, AS MUCH AS 27% OF ALL HOUSING IN MILWAUKEE COUNTY COULD BE LEGALLY DENIED TO QUALIFIED HOMESEEKERS BECAUSE OF THEIR MEMBERSHIP IN ANY OF THE PROTECTED CLASSES. THIS BILL ALSO HAS THE POTENTIAL OF ELIMINATING OVER 1/3 OF ALL TWO, THREE AND FOUR-FAMILY DWELLINGS IN THE CITY OF MILWAUKEE FROM ANTI-DISCRIMINATION LAWS. APPROXIMATELY 56% OF ALL DUPLEXES IN THE CITY OF MILWAUKEE ARE OWNER-OCCUPIED; 20% OF ALL MULTI-FAMILY DWELLINGS IN THE CITY ARE ALSO OWNER-OCCUPIED.

A RELATED POINT IS THE PERVASIVENESS OF ILLEGAL HOUSING DISCRIMINATION. NATIONALLY, HUD ESTIMATES THERE ARE 2 MILLION ACTS OF ILLEGAL HOUSING DISCRIMINATION WHICH OCCUR ANNUALLY. HOWEVER,

ONLY A SMALL NUMBER OF THESE ARE ACTUALLY REPORTED BECAUSE OF THE INCREASING SUBTLETIES OF DISCRIMINATION.

IN MILWAUKEE, APPROXIMATELY 200 COMPLAINTS A YEAR ARE RECEIVED FROM INDIVIDUALS WHO BELIEVE THEY HAVE ENCOUNTERED ILLEGAL DISCRIMINATION IN THEIR SEARCH FOR HOUSING. OVER 1/3 RD OF THOSE INDIVIDUALS SOUGHT HOUSING IN OWNER-OCCUPIED DWELLINGS OF 4 UNITS OR LESS.

THERE IS ONLY A FINITE NUMBER OF HOUSING OPTIONS AVAILABLE TO PERSONS - THOSE OPTIONS ARE SUBSEQUENTLY REDUCED BY AFFORDABILITY, AS WELL AS BY ACTS OF ILLEGAL HOUSING DISCRIMINATION. ELIMINATING THE NUMBER OF RENTAL UNITS COVERED BY ANTI-DISCRIMINATION LAWS MAY ONLY SHRINK THE AVAILABILITY OF HOUSING OPPORTUNITIES FOR CITIZENS WITHIN WISCONSIN.

CONSEQUENTLY, RELATED SOCIETAL PROBLEMS SUCH AS HOMELESSNESS, BREAK-UP OF FAMILY UNITS AND SIGNIFICANT REDUCTIONS IN INDEPENDENT LIVING SITUATIONS FOR PERSONS WITH DISABILITIES WILL ONLY INCREASE. OF THE THREE BASIC NECESSITIES IN LIFE - FOOD, SHELTER AND CLOTHING, ONLY SHELTER CAN LEGALLY BE DENIED TO PERSONS DUE TO FACTORS BEYOND THEIR CONTROL. HOUSING IS NOT A PRIVILEGE, IT IS A NECESSITY OF LIFE. WHAT OPTIONS DO PERSONS HAVE WHO ARE SHUT OUT OF THE HOUSING MARKET BECAUSE OF THIS BILL?

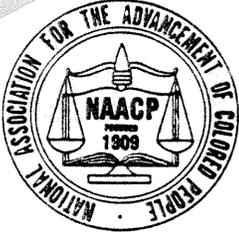
PROponents OF THIS BILL HAVE RAISED THE CONCERN THAT HOUSING PROVIDERS SHOULD BE ABLE TO MAKE PERSONAL CHOICES IN THE SELECTION OF TENANTS IN THEIR PROPERTIES. PRIVATE PROPERTY RIGHTS ARE ALREADY PROTECTED IN THE WISCONSIN OPEN HOUSING LAW FOR INDIVIDUALS IN THEIR OWN HOMES. PEOPLE WHO WANT TO SHARE THEIR HOUSE OR APARTMENT ARE CURRENTLY EXEMPT UNDER THE LAW. THE LAW ALLOWS PEOPLE TO DECIDE WITH WHOM THEY WANT TO LIVE WITHIN THEIR HOME.

IN CONTRAST, THIS AMENDMENT WOULD ALLOW HOUSING PROVIDERS TO DECIDE WHO THEIR NEIGHBORS SHOULD BE - EVEN IF THAT DECISION WOULD EXCLUDE OLDER PERSONS, PERSONS IN WHEELCHAIRS, OR PERSONS OF ANOTHER RACE. WE NEED TO BE CLEAR. IN THIS BILL WE ARE NOT REFERRING TO PERSONS WHO WANT TO RENT OUT A ROOM IN THEIR HOME AND WILL SHARE KITCHEN PRIVILEGES AND OTHER LIVING ARRANGEMENTS WITH ANOTHER PERSON. WE ARE TALKING ABOUT SEPARATE DWELLING UNITS, WITH SEPARATE ENTRANCES AND LIVING FACILITIES. WE'RE LOOKING AT HOUSING PROVIDERS BEING ABLE TO DENY SOMEONE AN APARTMENT THAT IS LOCATED UPSTAIRS, DOWN THE HALL OR THREE DOORS DOWN - JUST BECAUSE THEY DON'T LIKE THE COLOR OF SOMEONE'S SKIN, THEIR ACCENT OR DISABILITY.

THE RENTAL OF PROPERTY IS A BUSINESS - ONCE HOUSING IS IN THE PUBLIC DOMAIN IT IS SUBJECT TO THE SAME REQUIREMENTS AS ANY OTHER BUSINESS OPERATING IN THE STATE OF WISCONSIN. EMPLOYERS, REGARDLESS OF THEIR SIZE, CAN NOT LEGALLY REFUSE TO HIRE A PERSON FOR A JOB BECAUSE OF THEIR NATIONAL ORIGIN. A SMALL STORE OWNER CAN NOT TURN AWAY CUSTOMERS BECAUSE OF THEIR DISABILITY. A COFFEE SHOP CAN NOT

MORE COMPREHENSIVE THAN THE STATE STATUTE. IT SEEMS MOST LOGICAL THAT LOCAL GOVERNING BODIES, MORE FAMILIAR WITH THEIR PARTICULAR HOUSING MARKETS, SHOULD HAVE THE FLEXIBILITY TO ENACT LEGISLATION WHICH WILL BEST ADDRESS THEIR COMMUNITY'S HOUSING NEEDS.

FINALLY, VICTIMS OF HOUSING DISCRIMINATION FEEL NO LESS PAIN OR HUMILIATION WHETHER THE PERPETRATOR OWNS A DUPLEX OR A 200 UNIT APARTMENT COMPLEX. IT STILL HURTS THE SAME; THEIR BASIC NEED FOR HOUSING HAS STILL BEEN DENIED. WE URGE THE COMMITTEE TO OPPOSE THE PASSAGE OF ASSEMBLY BILL 662. WE ALSO URGE THE COMMITTEE TO OPPOSE ASSEMBLY BILL 629.



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Milwaukee Branch

2209 N. DR. MARTIN LUTHER KING JR. DR. SUITE #3

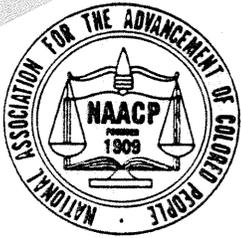
MILWAUKEE, WISCONSIN 53212 (414) 263-1000

TESTIMONY FOR PUBLIC HEARING BEFORE ASSEMBLY HOUSING COMMITTEE
BY FELMERS CHANEY, PRESIDENT NAACP
NOVEMBER 30, 1995

I am here to oppose the passage of Assembly Bill 662. Racial segregation is still a very serious problem here in Wisconsin. Milwaukee County has consistently ranked as one of the most segregated major metropolitan areas in the country! And African Americans are all too familiar with the effects of discrimination which prevent them from living where they want and can afford to live.

It is unthinkable that you as legislators would contribute to the problem by enacting legislation that would allow segregation for a significant portion of the housing market. But that is what this bill will do. If AB 662 passes, a tenant will not have the same rights to fight a landlord who says, "I choose not to rent to you because of the color of your skin or because of your ethnic background." Is this the message you want to send to the African American, Hispanic and Hmong communities in Wisconsin? That they can no longer rely on their government for protection from bigotry and racism!

Please consider the studies that have been done that as a result of economics, African Americans are more likely to be forced to rent rather than own their own homes. Do you want to tell us that we cannot enforce our right to live in a two, three or four family dwelling just because a landlord is prejudiced? That we have to



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Milwaukee Branch

2209 N. DR. MARTIN LUTHER KING JR. DR. SUITE #3

MILWAUKEE, WISCONSIN 53212 (414) 263-1000

compete for apartments in large housing complexes?

We only want what every other person in Wisconsin wants. A clean and quiet place to live. Protect the current law which says that we have an equal right to housing opportunities. Let the only color that matters continue to be the color of our money and not the color of our skin. Thank you!



United Council

of University of Wisconsin Student Governments, Inc.

122 State Street, Suite 500, Madison, WI 53703 Phone: (608) 263-3422 Fax: 265-4070

Testimony of

David C. Stacy

President of United Council

On the Housing Discrimination Bill (AB 662)

Before the Assembly Committee on Housing

November 30, 1995

Representative Owens, members of the committee, good afternoon. My name is David Stacy, and I am President of the United Council of UW Student Governments. United Council is the state student association for UW System students, and we currently represent over 140,000 students at 24 campuses.

I am here today to speak against Assembly Bill 662, which would repeal existing civil rights protections for citizens seeking housing in small owner-occupied units. This bill could create significant housing problems for student tenants around the state. It is unnecessary and overall a bad idea.

With 26 UW System campuses, students live in many different communities with various housing patterns. In many municipalities around the state, a significant percentage of the housing units are owner-occupied and have four or fewer units. For example, in Plymouth, over 56% of the available units would be affected by this bill. In Elm Grove, almost 55% of the units would be affected.

Even in major metropolitan areas, a large number of units would be exempted from non-discrimination requirements. In Kenosha, 29.7%, approximately 1,888 units, would be allowed to discriminate. Other Wisconsin cities impacted significantly are:

Sheboygan	19.6%
Wauwatosa	18.8%
Manitowoc	17.3%
Brookfield	17.2%
Milwaukee	16.0%
Waupaca	14.9%
Oshkosh	9.8%
Green Bay	8.1%

West Bend 11.2%

Testimony of David Stacy

Page 2

Students already have a difficult time finding rental units. Current Wisconsin civil rights law at least affords them some protections. Nevertheless, current law provides landlords plenty of flexibility in determining to whom they will rent. Landlords can refuse to rent if the applicant has inadequate income, bad rental references, pets, etc... Landlords can simply choose one person over another for nearly any reason. The only exceptions are protected classes. There is no need to refuse to protect a person's civil rights in order to deny a person a place to live. This bill is unnecessary.

Wisconsinites have long believed that denying an individual equal opportunity due to their inherent characteristics, such as race, sex, age, disability, national origin, ancestry, color and sexual orientation, or due to their personal choices, such as marriage, children, or religion, is fundamentally unjust. There is no need for this bill. I urge the members of the committee to support Wisconsin's tradition of equal opportunity, and defeat this proposal. Thank you for your consideration.