

## **Outagamie County Housing and Homelessness Community Health Improvement Plan Workgroup Objective 1, Strategy 1:**

Explore strategies to remove barriers to housing access for those with housing and rental assistance

### **Measure 1**

By December 31, 2023, research how adopting fair housing ordinance with “receipt of housing or rental assistance” language in Outagamie County jurisdictions would impact housing and rental acquisition

In assessing the housing environment in Outagamie County, the Housing and Homelessness Community Health Improvement Plan (CHIP) workgroup identified that county residents with Section 8 vouchers and other types of rental assistance often struggle to find housing. Landlords will sometimes deny applicants because they receive housing assistance, which limits the number of units these residents can access.

Rental and housing assistance receipt status also intersects with several other characteristics in Outagamie County. There are a disproportionate number of Black or African American voucher holders compared to the proportion of Black or African American residents (U.S. Census, n.d.; Esselman, 2023). This disproportionate pattern reflects the United States’ long history of policies and practices that have marginalized Black Americans and African Americans, and led to disproportionate levels of poverty among Black Americans and African Americans (Metcalf, 2018; Robinson, 2018; Klein, 2022). There are also a disproportionate number of residents with disabilities who receive vouchers or other types of rental assistance (Outagamie County Development & Land Services, 2022; Esselman, 2023). This is in part because Appleton Housing Authority prioritizes residents with disabilities in its voucher holder selection criteria (Esselman, 2023)

Given the housing barriers that residents with rental assistance face, the CHIP workgroup identified a goal to improve housing access for these residents. As a potential strategy, the CHIP workgroup is considering how a county-wide fair housing ordinance with “receipt of housing or rental assistance” as a protected class would affect these residents’ housing access.

To support the CHIP workgroup, I will outline fair housing history in the United States and across Wisconsin, provide an overview of the challenges other Wisconsin communities have faced in providing fair housing protections to residents with rental assistance, and offer several factors for the workgroup to consider in weighing whether to propose adding fair housing protections in Outagamie County.

## **Background and fair housing history**

### Federal Fair Housing History

Federal and state fair housing laws overlap in Outagamie County. Across the United States, the federal Fair Housing Act prohibits housing discrimination based on certain characteristics, called protected

classes. Those protected classes include a person's race, color, national origin, religion, sex, familial status, and disability (United States Department of Housing and Urban Development, n.d.).

After years of failed attempts, President Johnson passed the federal Fair Housing Act in 1968, (HUD, n.d.). The passage came one week after Reverend Martin Luther King Jr was assassinated (Thompson, 1988). Dr. King's death galvanized support for the Act, because of his advocacy for fair housing legislation, among other civil rights issues (HUD, n.d.). The Fair Housing Act has been amended over time. For instance, the Act did not originally include disability as a protected class; this protected class was added to the Act in 1988 (Disability Rights Wisconsin, n.d.).

### Wisconsin Fair Housing History

In addition to the federal Fair Housing Act, each state can offer protections in statewide fair housing laws. Wisconsin's Open Housing law includes the same protected classes as the federal Fair Housing Act, plus several other classes: ancestry, marital status, source of income, sexual orientation, age (18 years or older), and status as a victim of domestic abuse, sexual assault or stalking (Wisconsin Department of Workforce Development, n.d.). The state Fair Housing law has also changed over time, with additional prohibited actions and protected classes added over the decades.

The Wisconsin state legislature passed an Open Housing law in 1965, three years before the federal Fair Housing Act was passed (Thompson, 1988). The Wisconsin Open Housing law included only race, color, religion, and national origin or ancestry as protected classes, and exempted many unit types, like owner-occupied, single-family homes, and small rooming houses (Thompson, 1988; Robinson, 2018; Wisconsin Statute 160.50). A 1967 update to the Wisconsin Open Housing law allowed municipalities to pass and enforce their own fair housing ordinances (Robinson, 2018; Wisconsin Statute 160.50). In 1968, after the passage of the federal Fair Housing Act, Wisconsin updated its Open Housing law to align with the federal law (Robinson, 2018). In 1975, Wisconsin added two new protected classes: sex and physical condition, developmental disability (Wisconsin Statute 160.50). A few years later, in 1979, it added marital status and lawful source of income as protected classes (Wisconsin Statute 160.50). Wisconsin became the first state in the nation to ban discrimination in housing (and employment) on the basis of sexual orientation in 1982 (Milwaukee Public Library, 2018). Wisconsin amended its Fair Housing Law to comply with the federal protections based on disability after 1988 (Disability Rights Wisconsin, n.d.; Wisconsin Statute 160.50). In 1992, Wisconsin added family status as a protected class (Wisconsin Statute 160.50, History).

Wisconsin counties and cities can add yet more fair housing protections if they choose. Several cities across Wisconsin have passed ordinances prohibiting discrimination in housing, with some even providing municipal protections before state or federal protections were in place.

### Madison and Milwaukee Fair Housing History

The City of Madison passed a fair housing ordinance in 1963, two years before Wisconsin first passed statewide Open Housing legislation, and five years before the passage of the federal Fair Housing Act (Thompson, 1988). Madison's first fair housing ordinance applied only to a small portion of its properties, making it fairly ineffectual (Thompson 1988).

Milwaukee was the site of organizing for housing protections in the 1960s before the passage of the federal Fair Housing Act. Vel R. Phillips, an Alder on the city council, was a leader in the movement for

housing protections in Milwaukee, largely in response to the marked racial segregation in the City of Milwaukee (Thompson, 1988). Alder Phillips proposed city-wide fair housing laws in 1961 and 1962, which the city council did not support (Thompson, 1988). In 1967, Black Milwaukee residents—guided by Vel R. Phillips and Father James Groppi—led 200 consecutive days of peaceful protest that garnered national attention (Thompson, 1988). Still, the city council did not approve a fair housing ordinance. Finally, after the passage of the federal Fair Housing Act, the Milwaukee Common Council passed a city-wide fair housing law in 1968 (Thompson, 1988).

### Knapp v. Eagle Property Management

While awful source of income has been a protected class in the Wisconsin Fair Housing law since 1975, in 1995 the Seventh Circuit Court interpreted the definition of “lawful source of income,” in *Knapp vs. Eagle Property Management* (*Knapp v. Eagle Property Management Inc.*). Linda Knapp, a black woman who held a housing choice voucher, filed suit against Eagle Property Management, Inc. in state court, claiming that they had denied her housing because of her race and because she held a Section 8 housing voucher (*Knapp vs. Eagle Property Management Inc.*). The defendants removed the case to the district court, which found that the management company had not discriminated against Ms. Knapp because of her race, but had discriminated against her because of her income source (*Knapp vs. Eagle Property Management Inc.*). The jury awarded her \$95,000 in damages, but the court determined there was no punitive remedy available to Ms. Knapp under the Act, and instead awarded her \$1 (*Knapp vs. Eagle Property Management Inc.*). Ms. Knapp appealed the decision to the Seventh Circuit Court, which determined that a housing voucher was not included in the Wisconsin Open Housing law’s “lawful source of income” protected class, so the property manager had not discriminated against Ms. Knapp because of her source of income (*Knapp vs. Eagle Property Management Inc.*). Today, Wisconsin attorneys, juries, and judges use this 1995 decision to decide other similar cases.

Some years after the Knapp decision, several local governments added—or attempted to add—“receipt of rental or housing assistance” as a protected class to their local housing ordinances: City of Madison, Dane County, Milwaukee County, and Brown County.

### Dane County Fair Housing Ordinance

In 2006, Dane County amended its fair housing ordinance to define “income source” as inclusive of Section 8 and housing choice vouchers. County Board Supervisor Heidi Wegleitner commented that, when proposing the change to the County Fair Housing Ordinance, there was minimal opposition because of the political leanings of the County Board Supervisors and the county at large (Wegleitner, 2023). The political make-up of the County Board was largely liberal or progressive in 2006, as it had been for years, so those opposed to the change may have assumed it would pass regardless of their opposition (Wegleitner, 2023).

### Madison Equal Opportunities Ordinance

In 2007, Madison brought its Equal Opportunities Ordinance in alignment with Dane County’s, defining “income source” as inclusive of section 8 and housing choice vouchers (City of Madison. Legislative File #04842). Several years later, in 2012, the City of Madison added “receipt of rental or housing assistance” as a protected class to prevent renters with both vouchers and other types of rental assistance from being denied because of that assistance (City of Madison, Wisconsin Legislative

Information Center, File #26158). The 2012 change was an initiative of Madison's Affordable Housing Action Alliance, a group of housing advocates from area nonprofits (Wegleitner, 2023). The ordinance change passed City Council unanimously (City of Madison, Wisconsin Legislative Information Center, File #26158).

#### Milwaukee County Fair Housing Ordinance

Milwaukee County Board Supervisors added "receipt of rental or housing assistance" as a protected class in the county fair housing ordinance in 2018 with a 12-3 vote in support of the change (Behm, 2018). The ordinance change had significant community support and auspicious (or intentional) timing. The initiative was spearheaded by Margaret "Peggy" Rozga—Father James Groppi's widow—as part of the 50<sup>th</sup> anniversary of Black Milwaukeeans' marches against housing segregation, which Vel R. Phillips and James Groppi had helped organize in 1967 (Schneider Peragrine, 2023).

Supervisor Marina Dimitrijevic sponsored the bill, and indicated the bill had support from Milwaukee NAACP and the Milwaukee Housing Authority, among many other supporters (Milwaukee Economic and Community Development Committee, 2018). Though the "Apartment Association of South Eastern Wisconsin did not oppose the ordinance change," some landlords did (Behm, 2018). According to Supervisor Patti Logsdon, who voted against the ordinance change, multiple constituents who were landlords contacted her and expressed concern that their rights were being taken away (Behm 2018; Milwaukee Economic and Community Development Committee, 2018). The resolution also included the creation of a fund to provide tenants with financial assistance with the first month of rent, which the apartment association recommended (Behm, 2018). It is unclear whether this fund was actually established in Milwaukee, so the CHIP workgroup may consider further research into this fund or similar funds in other cities across the United States (Schneider Peragrine, 2023).

#### Brown County and City of Green Bay Fair Housing Ordinance

In fall of 2020, Brown County's Board of Supervisors rejected a proposal to add "receipt of rental or housing assistance" as a protected class to the county fair housing ordinance, along with other protections (Mizan, 2020). Supporters of the proposal included Joshua, Wise Women Gathering Place, Brown County Homeless and Housing Coalition, House of Hope, the Brown County Aging & Disability Resource Center, The Salvation Army, Integrated Community Solutions, and Transformation House (Mizan, 2020). The Apartment Association of Northeast Wisconsin indicated that they did not oppose the ordinance, but some members of the association suggested that landlords would still try to work around the housing ordinance to deny people housing (Mizan, 2020). The Wisconsin Apartment Association did not directly oppose the proposal, but voiced a concern that its passage could lead to more property damage (Mizan, 2020).

Despite support from many organizations and a lack of direct opposition from two apartment associations, the county board supervisors did not pass the proposal to include "receipt of housing or rental assistance" as a protected class (Mizan, 2021). Instead, it recommended that supporters of the proposal take their advocacy to the state level (Mizan, 2021).

Members of the Outagamie County Housing and Homelessness workgroup suggest there may have been significant opposition from individual landlords, if not apartment associations, to the proposal to add "receipt of rental or housing assistance" as a protected class in Brown County and the City of Green

Bay. Other workgroup members mentioned that the Brown County and Green Bay Housing Authorities are not as responsive to landlord's needs as other housing authorities, in part due to a larger volume of vouchers and possible understaffing. Members of the Outagamie County Housing and Homelessness workgroup also suggest the political environment in Brown County may lean more conservative than Outagamie County, though both communities are less progressive than Dane County.

## **Impact of "receipt of rental or housing assistance" protections**

### Madison and Dane County

In 2018, the Equal Opportunities Commission in Madison (MEOC) and Corporation Counsel in Dane County both indicated they received few complaints about discrimination on the basis of rental or housing assistance receipt (Speckhard Pasque, 2018). An investigator from the MEOC suggested that renters may not know of the protection, or have the capacity to go through a complaint process while they are also actively looking for housing, especially if they are currently in shelter or in a tenuous housing situation (Speckhard Pasque, 2018). Plus, because an investigation takes several months, a complainant may have a voucher expire during that time or may have already found housing elsewhere (Speckhard Pasque, 2018). Renters in Madison can now file complaints online, as well as by mail and at the MEOC office, but the "receipt of rental or housing assistance" was not on the online form until 2023—years after the complaints were made available online, which likely deterred some people from filing (Wegleitner, 2023).

The executive director of the Dane County Housing Authority suggested that landlord response to the protection varies, with some landlords who do not know of the protection and some know of it and flout it (Speckhard Pasque, 2018). Around 2018, the MEOC began an initiative to train employees of area nonprofits to support renters with filing complaints, and the city housing authority regularly presented to an area apartment association about the housing choice voucher program (Speckhard Pasque, 2018).

Attorney Heidi Wegleitner, who represents low-income tenants in the Eviction Defense Project of Legal Action of Wisconsin, has commented that the "receipt of rental or housing assistance" protected class has been instrumental in preventing displacement during the COVID-19 pandemic and its aftermath. Millions of U.S. residents experienced difficulties paying rent during the pandemic because of job loss, and the federal government allocated billions of dollars in financial aid for rent stabilization (United States Department of Housing and Urban Development, n.d.). Some property owners across Wisconsin refused to accept this pandemic-era rental assistance, but then sought to evict tenants for non-payment of rent (Wegleitner, 2023). Attorney Wegleitner has successfully used the "receipt of rental or housing assistance" protected class to prevent several evictions in Dane County during the global health crisis (2023).

Section 8 voucher utilization rates are another measure to assess the impact of protections for voucher holders, though many factors influence utilization rates like discrimination, competition in the market, increased rent costs, housing authority education efforts, or voucher holder's lack of follow-through (Esselman, 2023). While it is not a direct measure of the impact of voucher protections, it can be viewed as a measure of housing access for voucher holders.

Dane County Housing Authority has seen utilization rates fluctuate between 79% and 90% from 2015 to 2023, with a fairly consistent downward trend from 2020 through 2023 (HUD, n.d.). Over the same timeframe, average per unit per month rent costs in Dane County have increased \$263, which is a considerably higher increase than the statewide increase of \$124 (HUD, n.d.).

Voucher utilization rates for Madison's Community Housing Authority have also fluctuated from 2015 to 2023, but at a consistently higher percentage than Dane Co, between 83.7% and 95.7% (HUD, n.d.). Like Dane County Housing Authority, Madison's CDA has seen a downward trend from 2020 – 2023, though it is less distinct than the county level trend (HUD, n.d.). From 2015-2023, average per unit per month cost has increased \$234.58 in Madison (HUD, n.d.).

These utilization rates suggest that, despite some enforcement legal protections for voucher holders in Dane County and Madison, finding a place to rent remains a challenge for voucher holders, with increasing rent costs adding to the challenge.

### Milwaukee and Milwaukee County

Though Milwaukee County added protections for voucher holders to its fair housing ordinance in 2018, the Corporation Counsel remains unsure today whether it has legal authority to enforce the ordinance change (Schneider Peragrine, 2023). As a result, Fair Housing Council of Milwaukee has investigated claims and sent the claims to the Corporation Counsel, but the Corporation Counsel has not pursued cases any further (Schneider Peragrine, 2023).

Anecdotally, some landlords remain unaware of the voucher protection, and many landlords will comply with the ordinance once they are aware of it (Schneider Peragrine, 2023). Even so, some landlords will not comply, especially given the lack of enforcement (Schneider Peragrine, 2023).

Before the 2018 addition of "rental or housing assistance receipt" to the Milwaukee County Fair Housing Ordinance, Fair Housing Council received most discrimination complaints on the basis of disability, race, and family status, but rental or housing assistance receipt has now become one of the three most common claims the Council receives (Schneider Peragrine, 2023).

Milwaukee County Housing Authority has seen utilization rates fluctuate between 77% to 95% from 2015 to 2023, with a steady decline in utilization rates from mid-2020 through to spring of 2023 (HUD, n.d.). Over the same timeframe, average per unit per month rent costs have increased \$95.10 (HUD, n.d.).

Voucher utilization rates for the Housing Authority of the City of Milwaukee have also fluctuated from 2015 to 2023 (HUD, n.d.). The City Housing Authority saw utilization rates plummet from a high of 88% in 2015 to a low of 66% in 2021. However, unlike Milwaukee County, the City Housing Authority has seen a steady *increase* since 2021 back up to 76% in spring of 2023 (HUD, n.d.). Average per unit per month cost has increased \$73.5 between 2015 and 2023, which is considerably less than the statewide average of \$124 per month (HUD, n.d.).

Community Development Authority of West Allis (a community that is also subject to the Milwaukee County Fair Housing Ordinance) has seen some fluctuations in utilization rates, but an overall steady decline in voucher utilization from 2015 to 2023 (HUD, n.d.). Utilization rates have ranged from a high

of 92% to a low of 77% in 2023 (HUD, n.d.). Unit cost per month has increased more than in other regions of Milwaukee County, with an average increase of \$104.64 between 2015-2023 (HUD, n.d.).

These utilization rates may indicate that unit cost increases impact voucher holders' housing access more than legal protections, because the only Milwaukee community that has seen an increase in utilization rates in the last few years has also seen a much slower unit cost increase. However, it is clear that many factors affect utilization rates, so it is difficult to know the exact extent to which unit cost and voucher protections impact housing access.

### Nationally

Nationally, there is evidence that communities with laws preventing discrimination because of voucher receipt see lower denial rates among applicants with vouchers than communities without those protections (Bell et al, 2018; Cunningham et al, 2018). For instance, in a 2018 study of five different US communities, those communities with no protections had landlord denial rates between 76-78% (Cunningham et al). A community with a mix of laws (city protections but not county protections), had slightly lower landlord denial rates at 67%, and the communities with protections across the entire region of study had the lowest landlord denial rates at 15-31% (Cunningham et al, 2018).

However, this evidence does not show that antidiscrimination laws *caused* those lower denial rates. Various other factors could help explain these differences, such as Fair Market Rate (FMR) caps, local housing market conditions, and how well the area's housing authority performs (Cunningham et al, 2018).

### **Challenges to “receipt of rental or housing assistance” protections**

In Madison, Dane County, Milwaukee County, and Brown County, arguments against adding “receipt of rental or housing assistance” as a protected class fell into several categories: concern about giving up rights, political beliefs about the role of government oversight in business, concern about program operations, and reluctance to change. Most opposition came from property owners and managers.

#### Concern about giving up rights

One category of concern was government infringement of property owner rights. Property owners expressed concern that the law would require them to accept all applicants with housing vouchers (Bell et al, 2018; Milwaukee Economic and Community Development Committee, 2018). This concern reflected a misunderstanding of how anti-discrimination laws work. Fair housing protections would not require property owners to accept all applicants with rental or housing assistance, but rather would prohibit them from denying these applicants because of their receipt of assistance. The additional protected class would still allow landlords to exercise other exclusion criteria like criminal history or eviction history.

Another concern within this category was that property owners working with the Section 8 housing program would have to sign additional agreements and submit their unit for inspection. Regarding inspection, the Section 8 housing inspection is designed to assess whether the unit is habitable (Milwaukee Economic and Community Development Committee, 2018; Esselman, 2023). Current Wisconsin tenant landlord laws require property owners to maintain the unit in habitable condition

(Wisconsin Statute 704.07). Property owners who are complying with current Wisconsin state law should be able to pass Section 8 inspections without much difficulty. However, this does raise a concern that some landlords may be unaware of their responsibilities under state law, which may merit further investigation.

#### Government role in business

Another set of arguments against adding a new protected class in the ordinance stems from the belief that the government should have a limited role in regulating businesses. This argument holds that government should not regulate businesses, and that the market will naturally sort out issues itself. The argument, as applied to the question of renting to voucher holders, runs that if accepting tenants with vouchers makes business sense, then property owners and managers will work with the program. If it doesn't, they won't. The position here is that if the program is really financially advantageous to businesses, then the government should not have to interfere. This argument is an ideological one, and likely difficult to address.

#### Concern about program operations

Some property owners worried that working with rental assistance programs would mean waiting on rent payments and renting to tenants who were more likely to damage the property or exhibit behaviors that distressed other tenants, with no guarantee of program intervention if issues arose (Bell et al, 2018; Cunningham et al, 2018; Milwaukee Economic and Community Development Committee, 2018; Esselman, 2023). Some of these concerns can be addressed through proactive and clear communication with program support staff and case managers.

#### Reluctance to change

Especially for some mom and pop landlords, changing the way they've always done business can a heavy lift. Education and partnership with small, local property owners could alleviate some concerns and reduce opposition from these local property owners.

#### Enforcement concerns

Those who support additional protections for renters with vouchers may also oppose the ordinance change because Outagamie County could have limited enforcement ability and limited financial capacity to train and pay staff to investigate claims. This argument holds that a law is only as good as its enforcement, so the County's work to propose and pass the ordinance would not make a real difference in voucher holders' access to housing. Enforcement does appear to be limited in other Wisconsin communities, largely because of under-reporting of violations of fair housing laws. As such, its enforcement capacity is constrained by the referral agency's investigation capacity and the interest of each county's Corporation Counsel's in pursuing cases against property owners. Further, because of limited education and outreach about both the "receipt of rental or housing assistance" protection at the county level, and also the County's ability to enforce the ordinance, the County receives few claims. The City of Madison can investigate claims under this basis, and does so regularly.

#### Potential property manager response

Members of the Outagamie County Housing and Homelessness workgroup suggest that additional protections for voucher holders may make little impact on housing access. For example, property

owners and managers may attempt to avoid compliance with the fair housing ordinance by raising rents beyond the fair market rate, increasing security deposits, or further restricting applicant criteria. Voucher holders must find housing within a certain monthly amount, which is determined by the fair market rate in their communities for the size of the unit they need for their family (Esselman, 2023). Property owners could set rent amounts, or income requirements, higher than a voucher holder could afford, thus enabling the property owner to deny the voucher holder housing because of screening criteria other than voucher receipt. In an already competitive market with high rents, this could further exacerbate affordability issues.

If Outagamie County passed an ordinance prohibiting discrimination because of rental assistance receipt, thereby demonstrating its support for renters with vouchers, it could alienate some property owners who may otherwise be potential partners to address housing issues in the community.

### **Considerations for adding “receipt of rental or housing assistance” as a protected class in Outagamie County Fair Housing Ordinance**

Outagamie County may consider several factors in weighing whether to pursue a proposal to amend its own fair housing ordinance to add “receipt of rental or housing assistance” as a protected class.

1. Build support and ease opposition
  - a. The Housing and Homelessness workgroup could assess who would support the proposal, from area nonprofits, school systems, apartment associations, businesses, and other stakeholders.
  - b. The County could consider adding a landlord guarantee program, which would cover landlord damages like unpaid rent or property damage resulting from a voucher holder (Bell et al, 2018). Such a program may address some landlords’ concerns about taking on additional risk when renting to a tenant with housing or rental assistance.
  - c. Milwaukee County proposed adding a “bridge fund” loan program to help residents cover first months’ rent before their voucher starts, and to provide a buffer for slow bureaucracy that can defer payments at lease up (Behm, 2018). This addition was recommended by an area apartment association, but it is unclear whether the bridge fund was created (Schneider Peragrine, 2023). Regardless, a similar program in Outagamie County could help ease some property owner’s concerns.
  - d. Some communities across the U.S. have addressed this possibility by providing tax abatement to landlords who work with the voucher program to encourage them to keep rents affordable (Bell et al, 2018).
2. Type of rental assistance included in ordinance language
  - a. While much of the debate about adding “receipt of rental or housing assistance” to fair housing ordinances in other communities focused on Section 8 vouchers, other types of housing and rental assistance exist in Outagamie County. Often, these kinds of rental assistance are shorter-term, lasting from just a month, to 6 or 12 months. Property owners and managers may be hesitant to rent to a tenant with limited income whose housing assistance will expire during the course of the lease term, leaving the tenant without continued rental assistance. The Housing and Homelessness workgroup could consider narrowing the language in the ordinance proposal to include only longer-term

assistance programs like Housing Choice Vouchers and Tenant-Based Rental Assistance.

3. Enforcement
  - a. As mentioned above, Dane and Milwaukee Counties exercise limited enforcement, and have no county staff who investigate claims. The Housing and Homelessness workgroup may need to speak with Outagamie Corporation Counsel to determine what its enforcement authority could be, assess its investigation capacity, or determine whether it could refer investigations to the Fair Housing Council like Dane and Milwaukee Counties currently do.
  - b. Regarding how to draft the proposed ordinance to ensure enforcement capacity, the County could seek legal advice from its own Corporation Counsel. The County could also write to Legal Action of Wisconsin, an organization practiced in Wisconsin tenant-landlord law, to request written input.
4. Educate tenants, and property owners, and property managers
  - a. If the County were to pursue adding “receipt of rental or housing assistance” as a protected class, it should consider how to inform renters and property owners about what the additional protection would mean. The County cannot enforce the ordinance if it does not receive complaints of landlord violations, and no tenants will file complaints if they do not know their rights have been violated. Madison’s Equal Opportunities Commission, which investigates housing discrimination in the city, has trained area nonprofits on how to support tenants in filing discrimination complaints; a similar training program could help inform more community members about the added protections.
  - b. A common theme in property owner opposition in Dane, Milwaukee, and Brown Counties seems to be a misunderstanding of how anti-discrimination laws operate. This is consistent with national findings as well (Bell et al, 2018). Landlord education about voucher and rental assistance programs, and about fair housing law could help improve acceptance of the proposal to include “rental or housing assistance receipt” as a protected class, and reduce applicant denial rates (Bell et al, 2018). Landlords may be more receptive to education provided by area apartment associations could provide education from the landlord perspective, so partnering with apartment associations would be key to providing effective landlord education.
5. Disparate impact of housing voucher applicant denial on people of color and people with disabilities
  - a. Allowing property owners and managers to deny housing because of rental assistance receipt has a disparate impact on people of color in the County. In Outagamie County 86% of the residents identify as White, non-Hispanic, (United States Census Bureau [U.S. Census], n.d.), 1.8% as Black or African American, 1.9% as AIAN, 3.9% as Asian, 2 % as two or more races, and 5% as Hispanic or Latino (U.S. Census, n.d.). Appleton Housing Authority (AHA) voucher holders may use their vouchers in Appleton or Outagamie County, as the County Housing authority does not have housing choice vouchers available. Of AHA voucher holders, 75.3% identify as White, 20.7% as Black or African American, 2.2% as AIAN, 2.8% as Asian, and 4.9% as Hispanic or Latino (Appleton Housing Authority, 2023).

- b. Allowing property owners and managers to deny housing because of rental assistance receipt also has a disparate impact on people with disabilities in the County. About 10% of Outagamie County residents identify as having a disability, and 57.5% of Appleton Housing Authority voucher holders have a disability (Outagamie County Development & Land Services, 2022; Appleton Housing Authority, 2023). Appleton Housing Authority has a preference for working voucher holders or people with disabilities, which accounts for the larger proportion of voucher holders with a disability. Regardless of the reason why there are proportionally more voucher holders with a disability than the proportion of residents with a disability, allowing property owners to deny a voucher holder housing because of their voucher has a disparate impact on people with disabilities in Outagamie County.
  - c. Given the racial and disability status disparities across residents of Outagamie County who receive rental assistance, providing additional protections for all recipients of rental assistance may begin to address some of the disparities in housing access for residents who have been historically marginalized.
- 6. Current voucher utilization rates
  - a. City of Appleton Housing Authority (AHA) has seen fluctuations in voucher utilization rate from 2015 to 2023, but there doesn't appear to be any downward or upward trend over this time period. AHA's rate of utilization is quite high relative to other Wisconsin housing authorities, ranging from 88% to 104% (HUD, n.d.). Average per unit cost has increased \$127.50 per month since 2015 (HUD, n.d.). During this same time, average per unit per month cost has increased \$124 across all Wisconsin housing authorities with voucher programs, so it appears Appleton's housing costs are increasing slightly faster than overall state housing costs (HUD, n.d.).
- 7. Interaction with Oneida Nation
  - a. The Oneida Nation is a sovereign state, meaning federal, state, and county laws do not apply to the nation. Any discrimination claim brought against the Oneida Nation under the federal Fair Housing Act, the Wisconsin Open Housing law, or any local fair housing ordinances would fail because the federal government, the state government, and local governments have no jurisdiction in Oneida Nation.
  - b. Using local ordinances to address concerns with housing access in Oneida Nation may support Oneida Nation members who live in the county outside of the Nation, but will not address any housing issues within Oneida Nation itself.

### **Additional strategies to remove barriers to housing access for those with housing or rental assistance**

Whether or not the County chooses to propose adding "receipt of rental or housing assistance" to its fair housing ordinance, there are additional strategies it could consider to improve housing access for renters with vouchers or other types of rental assistance. Some strategies are already in progress, both in the Housing and Homelessness workgroup and also in other coalitions throughout the county.

Existing or planned strategies:

1. Build relationships with property owners and managers who work with Section 8, housing choice voucher program and other rental assistance programs (Bell et al, 2018)
2. Provide responsive case management and resource referral to rental and housing assistance recipients (Bell et al, 2018)
3. Move quickly through inspection and assistance program paperwork (Bell et al, 2018)
4. Collaborate with property owners and managers on housing initiatives within county and throughout region
5. Involve community members in master planning to allow for more inclusive zoning and more housing construction, which is Housing and Homelessness workgroup's Objective 3, Strategy 1 (Klein, 2022; Cohen, 2023; County Health Rankings and Roadmaps, 2023)

Additional strategies:

1. Build more housing (Klein, 2022; Cohen, 2023)
  - a. Build more market-rate and high-cost housing.
    - i. With more housing in the community, there will become less competition for existing units, including units at lower price points (Klein, 2022).
  - b. Build more income- and rent-restricted housing.
    - i. Income and rent restrictions on new housing protect lower-cost units from higher income renters by allowing only low-income tenants to rent them (City of Madison, 2023).
  - c. Build affordable housing in rural communities throughout Outagamie County by leveraging Section 514, 515, and 516 programs through the United State Department of Agriculture's Rural Development (National Low Income Housing Coalition, 2018). These programs "provide loans to developers to finance affordable multifamily rental housing for very low income, low income, and moderate income families, for elderly people, and for persons with disabilities." Loans are available annually through a Notice of Funding Availability (National Low Income Housing Coalition, 2018).
2. Support small property owners with building maintenance costs through collaborative building code program (ChangeLab Solutions, 2022)
  - a. This will keep units in habitable, safe condition, and prevent "naturally-occurring" affordable units from exiting the region's housing stock
3. Advocate for increased wages across the county, especially in communities with a higher proportion of cost-burdened households
  - a. Higher wages will lower residents' rent burdens and reduce the incidence of non-payment of rent (Agarwal et al, 2021; Nolan et al, 2016). While studies show rents do increase after a minimum wage increase, evidence suggests they do not increase immediately, and they do not increase proportionally to the wage increase, leaving low-income renters with more buying power (Brey, 2021; Yamagishi, 2020).
4. Advocate for higher caps on Supplemental Security Income and Social Security Disability Insurance

- a. As noted above, increasing renters' financial resources can reduce rent burden, especially for renters with fixed incomes.
- 5. Invest in housing land trusts and/or land banking (County Health Rankings and Roadmaps, 2023).
  - a. Community Land Trusts (CLT) are operated by non-profit organizations that own land with housing sited on it (County Health Rankings and Roadmaps, 2023). Homes in a CLT have lower mortgages because the CLT splits the housing cost from the land cost (Bates, 2022; County Health Rankings and Roadmaps, 2023). A participant in the CLT owns the home but leases the land from the CLT (Bates, 2022; County Health Rankings, 2023). The homeowner must sell the home back to the CLT or to another low- to middle-income when they decide to move (Bates, 2022; County Health Rankings, 2023). CLTs may also own land for other uses, like community gardens or parks (County Health Rankings, 2023)
  - b. More low- to middle-income renters can access affordable homeownership through a land trust, which ensures affordability indefinitely (Bates, 2022). As low- and middle-income renters move into homeownership, low and extremely low-income renters have less competition for the community's limited rental housing stock.
- 6. Consider the Capital Magnet Fund program through Community Development Financial Institutions (CDFI) Fund
  - a. With grants through CDFI's Capital Magnet fund, nonprofit affordable housing organizations can offer financing for affordable housing development and other community renewal work in communities that face economic disadvantage, such as rural communities. (Community Development Financial Institutions Fund, n.d.).

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## Planning and Management Competency

Assess population needs, assets and capacities that affect communities' health

### Objective 2, Strategy 1

Assess existing housing options and aggregate where the housing needs exist

The Outagamie County Community Improvement Plan (CHIP) Housing and Homelessness workgroup identified a goal to assess the region's current housing stock and determine its housing needs. While there is a wealth of existing data on housing options and needs in Outagamie County, the data exist in several different silos. To support this objective, I combine regional data on housing stock and housing needs, drawing from several different sources. This report is designed help the workgroup determine what additional information it needs to narrow the focus to its most urgent housing issues.

#### Data sources

The data here were drawn from several sources, including a series of discussions with members of the workgroup and other service providers in the region. I do not provide every single data point collected in the reports below, but rather highlight several pieces that I consider relevant to Objective 2, Strategy 1. workgroup members who continue to work on this Objective should refer to these reports for a more detailed review of the data.

- Fox Cities Housing Strategy Report 2022
- Outagamie County Public Health Division Community Health Assessment, 2021
- Institute for Community Alliances Wisconsin Data and Reports, Local Systems Performance Measures, 2017-2022
- Wisconsin Department of Administration Eviction Data Project, 2019-2022
- Up for Growth Housing Dashboard, 2022
- Wisconsin Balance of State Continuum of Care
- Wisconsin Department of Workforce Development Outagamie County 2023 Workforce Profile
- Conversations with Housing and Homelessness workgroup members, 2023

#### Resident financial picture

- Thirty percent (30%) of residents in the region are very low or extremely low income, meaning they earn less than \$42,000 per year (Outagamie County Development & Land Services [OC DLS], 2022)
- Forty-two (42%) of residents have low or moderate income, earning \$42,000-\$100,600 per (OC DLS, 2022)
- Twenty-eight (28%) of resident are high income, earning over \$100,600 each year (OC DLS, 2022)
- Just over 70% of the working age population is in the labor force (United States Census Bureau [Census])
- The unemployment rate in Outagamie County as of April 2022 was about 2%, which is lower than the state adjusted rate of about 3% for the same time period (Wisconsin Department of Workforce Development, 2023)

## **Population demographics, growth, and changes**

- As of July 2022, there were 192,127 residents in Outagamie County (Census, 2023) The racial and ethnic make-up of those residents was predominantly White, non-Hispanic/non-Latine (Census, 2023):
  - 86% of County residents are White, non-Hispanic/non-Latine
  - 5% are Hispanic or Latine
  - 3.9% are Asian
  - 2% are two or more races
  - 1.9% are American Indian or Alaska Native
  - 1.8% are Black or African American (
- Over 10% of the area's residents have a disability (OC DLS, 2022)
- Based on historical and expected population growth, Outagamie County Development and Land Services estimate an additional 23,046 people will live in the region from 2020-2030, and expect those people to make up about 9,298 households (OC DLS, 2022)
- The number of senior residents is growing faster than other age groups (OC DLS, 2022; see Exhibit 6 in appendices for more information).

## **Housing condition**

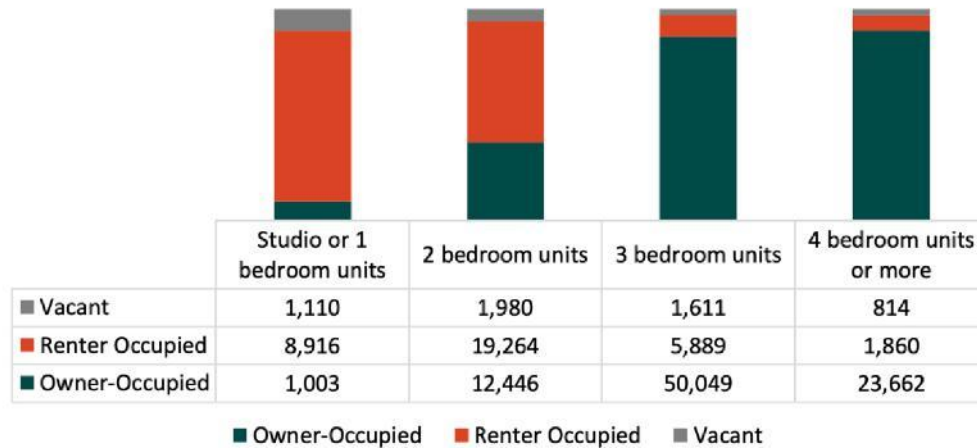
- 80% of the housing was built before 2000, so most housing is more than 20 years old (OC DLS, 2022)
- More than 50% of the housing was built before 1980, so over half the residential buildings are over than 40 years old (OC DLS, 2022)
- Workgroup members reported some concerns about housing condition, though it is not a primary concern (Howell & Olson, 2023; Prahll & Dean, 2023)
- There is limited data on housing condition, especially in older and lower-cost units.

## **Housing Mix and Vacancies**

- Across Outagamie Count, more than 70% of the current housing stock is in single-family homes (OC DLS, 2022). However, specific communities see different housing mixes. See Exhibit 16 in appendices for more information.
- Vacancy rates help determine whether rent costs will increase or decrease. Vacancy rates under 5% generally lead to higher rents while vacancy rates over 5% generally lead to lower rents (Paulsen, 2023).
- As depicted in the chart below, there are few rental units with three or more bedrooms, as evidenced by the low vacancy rate (3%) in three- and four- bedroom units, and the higher percentage of owner-occupied three- and four-bedroom units (3%) (OC DLS, 2022)
- There is a higher vacancy rate across studio and one-bedroom units (10%), as shown in the chart below (OC DLS, 2022)
- Case managers at multiple nonprofits in the Fox Cities region report that affordable studio and one-bedroom units are especially hard to find for their very low and extremely low-income clients, despite the higher vacancy rate (Howell & Olson, 2023; Prahll & Dean, 2023)

**Exhibit 19. Housing Unit Size by Tenure, FC/GOC Region, 2019**

Data Source: U.S. Census, ACS 5-year estimates, 2015-2019.



### Housing shortage

- As of 2019, the housing shortage for Appleton was 2,047 units (Up for Growth, 2022)
- Oshkosh and Neenah had less of a shortfall, with only 262 units short (Up for Growth, 2022)
- To house everyone experiencing homelessness in Appleton at the end of May 2023, the region would need an estimated 247 additional units for extremely low-income residents (units where the tenant pays less than \$629 per month) (Wisconsin Balance of State Continuum of Care, 2023)
  - In order to support these residents, 11 additional case managers would need to be hired and trained (Wisconsin Balance of State Continuum of Care, 2023)

### Household cost burden

- Housing cost burdened is defined by the United States Department of Housing and Urban Development as spending more than 30% of household income on housing costs (United States Department of Housing and Urban Development, n.d.)
- 22% of households in the county are cost-burdened—or more than one in five residents (OC DLS, 2022)
- From 2014-2018, 35% of Outagamie County renters were cost burdened, while 20% of Outagamie County homeowners were cost-burdened (OCPH, 2021)
- In 2019, 38% of Outagamie County renters were cost-burdened, while only 16% of homeowners were cost-burdened (OC DLS, 2022)
- There are a few Outagamie County communities where one in three or one in four residents experience cost burden (OC DLS, 2022):
  - Bear Creek 33%
  - Black Creek 30%
  - Neenah 25%
  - Grand Chute 25%
  - Fox Crossing 25%
- Menasha, Appleton, Little Chute and Kimberly also see a higher proportion of cost-burdened households than the County average (OC DLS, 2022)

- The communities above have very different housing mixes and very different proportions of owner- or renter-occupied units, which points to the need for initiatives that are tailored to each community's housing needs in order to relieve struggling residents.

## Housing Cost and Financial Resources

### Exhibit 11. Assessment of Households by Income Group, FC/GOC Region, 2019

Data Source: U.S. Census, ACS 5-year estimates, 2015-2019. HUD Income Limits, 2019. Bureau of Labor Statistics, 2019.

Household Affordability Category:	Extremely Low Income < 30% of MFI	Very Low Income 30–50% of MFI	Low Income 50–80% of MFI	Moderate Income 80–120% of MFI	High Income > 120% of MFI
Household Income: <sup>5</sup>	< \$25,140	\$25,140 - \$41,900	\$41,900 - \$67,040	\$67,040 - \$100,560	> \$100,560
Households within Income Range:	18,490 15%	18,421 15%	25,512 21%	25,863 21%	34,804 28%
Affordable Housing Costs:					
Affordable <sup>10</sup> Rents:	< \$629	\$629 to \$1,048	\$1,048 to \$1,676	\$1,676 to \$2,514	> \$2,514
Affordable <sup>11</sup> Home Value:	< \$75,000	\$75,000 to \$126,000	\$126,000 to \$201,000	\$201,000 to \$302,000	> \$302,000

(OC DLS, 2022)

In 2019, about 13% of homes were valued at \$302,000 or higher in the county (OC DLS, 2022). Given the proportion of the population for whom those homes are affordable suggests that the region needs more high-value homes for its high-income homeowners. As high-income homeowners are able to move out of lower-value homes, those homes open to residents in the low- and moderate-income groups, reducing competition from high-income homeowners for these lower-value homes. However, home prices have increased since 2019, so it may be that more than 13% of homes are valued above \$302,000 in 2023 (Greenwood, 2023).

Almost 60% of rental units are in the affordable range for low income renters, so appears there is an abundance of housing units in a price range that is accessible for extremely and very low-income residents (OC DLS, 2022). However, there are so few units at higher prices that higher income residents are forced to “rent down” (renting a unit that is considerably less costly than the amount a household can afford) because low-cost units are the only units available (or because they want to save money) (OC DLS, 2022). Building units that are income- and rent-restricted—like those subsidized through low-income tax credits—protects those units from higher-income renters who choose to rent down, reducing competition for those units (City of Madison, 2023).

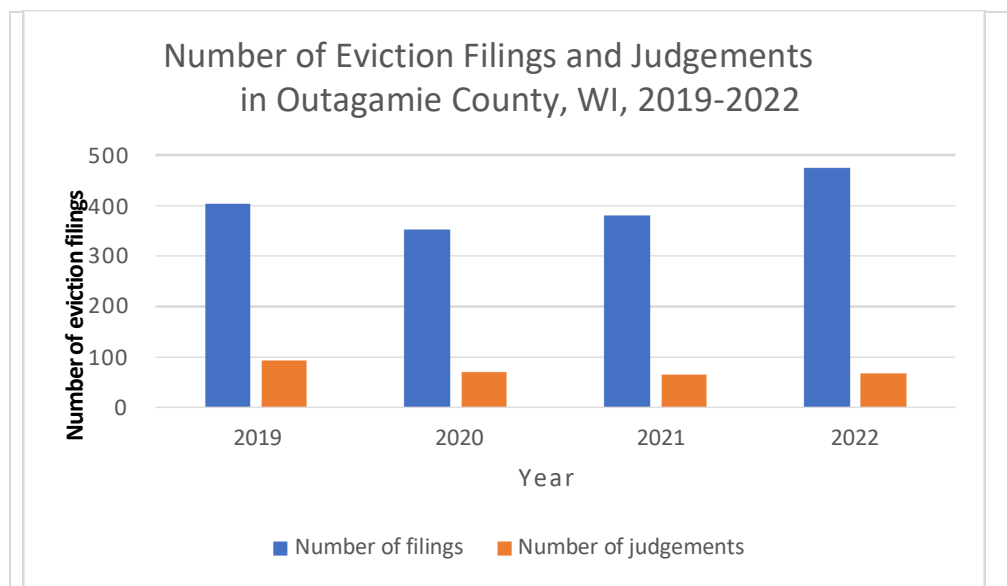
Again, the data above are from 2019, before the pandemic. Updated data on housing costs and household incomes could reveal pandemic-era impacts on the Outagamie County and Fox Cities regional housing market.

### Communities who face housing disparities

- In the Fox Cities, communities of color, especially Black residents, face housing disparities:
  - Likelihood of experiencing homelessness, as compared to White people (Wisconsin Balance of State Continuum of Care, 2023):
    - Black or African American people 16.9 times
    - Native Hawaiian or Pacific Islander people 12.2 times
    - American Indian or Alaskan Native 4.2 times
    - Multi-racial 1.9 times
    - Hispanic/Latine 1.8 times
- People with disabilities, including those with physical disabilities and people with intellectual or developmental disabilities.
  - Many people with disabilities receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) as their primary income source. Based on average SSI award, an affordable rent amount is \$277 per month, while the median rent in Outagamie County is \$874 per month (Wisconsin Balance of State Continuum of Care, 2023).

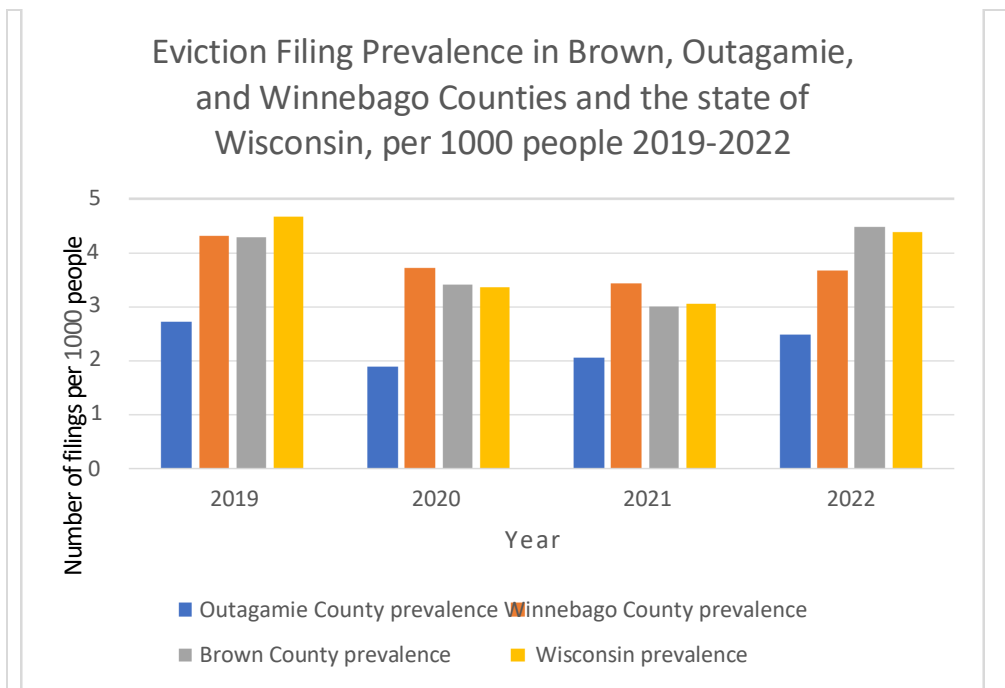
### Eviction trends

Outagamie County saw fewer evictions filed in 2020 and 2021, likely due to the COVID-19 pandemic, but the number of evictions filed in 2022 exceeded the number filed in 2019, before the onset of the pandemic (Wisconsin Department of Administration [WI DOA], 2023). Only a small proportion of the total eviction filings in Outagamie County became judgements of eviction, indicating most tenants reached agreements in court to move out, cure the violation, or pay back rent to avoid a writ being served.



(WI DOA, 2023)

Over 2019-2022, Outagamie County saw consistently fewer eviction filings per 1,000 people as compared to Brown County, Winnebago County, and the state as a whole (WI DOA, 2023).



(WI DOA, 2023)

The prevalence of eviction judgements decreased in Outagamie County from 2019-2022 (WI DOA, 2023; see appendix for more information). However, Outagamie County consistently has a high percentage of eviction filings become judgements relative to the state and neighboring counties (WI DOA, 2023; see appendix for more information).

These data do not specify the reason for the eviction. The data include evictions for non-payment of rent, holding over, and other lease violations. These data also fail to show information about informal causes of displacement. Especially within immigrant and undocumented communities, people may move out when they receive an eviction notice rather than try to cure or fight the notice in court. These data also do not reveal anything about non-renewals of a month-to-month lease—though a tenant could end up in eviction court if they hold over in their unit past the end of that non-renewal notice.

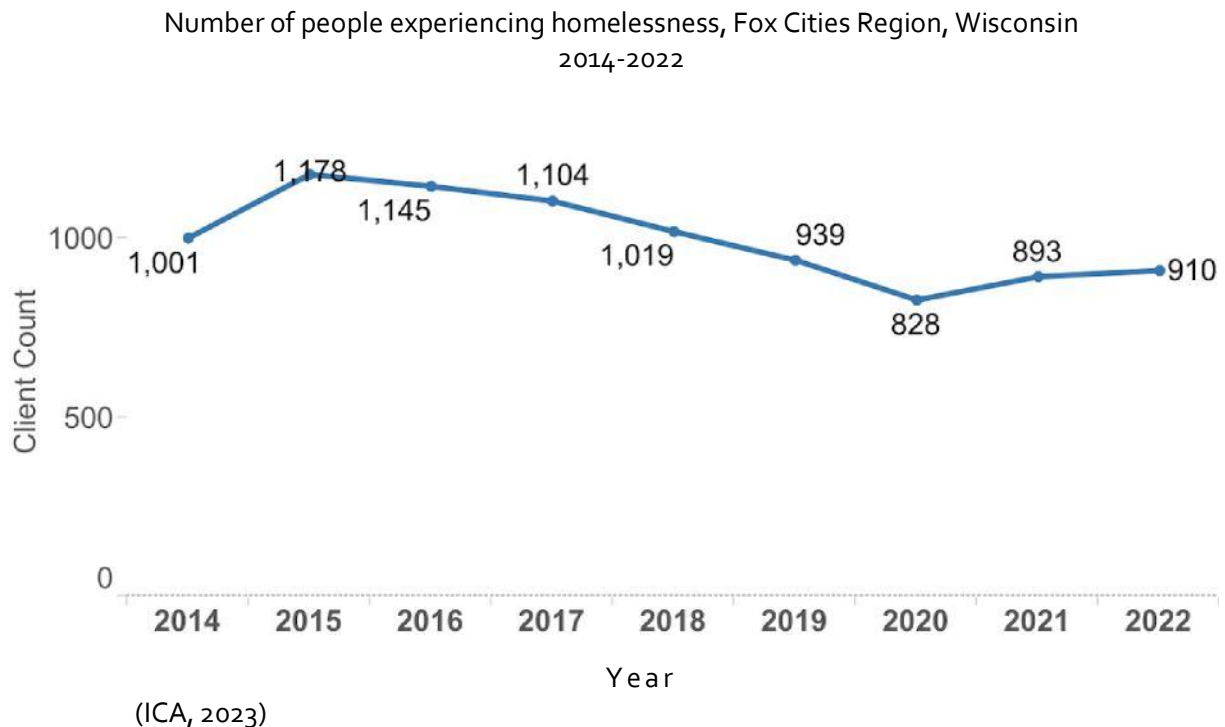
It's clear that, even though 35-38% of renters in Outagamie County are cost-burdened (OC DLS, 2023), only a small proportion of those tenants end up in eviction court. About 30% of the region's residents are renters, or about 57,212 people (OC DLS, 2022). Thirty-eight percent (38%) of renters—or about 21,741 County residents—are cost-burdened. Of those, 9,154 of them are *severely* cost-burdened (OC DLS, 2022). However, the county does not see anywhere near 9,000 eviction filings each year (WI DOA, 2023).

This could mean residents are accessing emergency funds to prevent eviction through programs or friends and family. It could mean severely cost-burdened residents are moving out to avoid eviction, and becoming homeless or doubling up with friends or family. It could mean that landlords are working

with their tenants to avoid filing an eviction. The higher percentage of eviction filings that become judgements could indicate a lack of access to legal services for court-involved households.

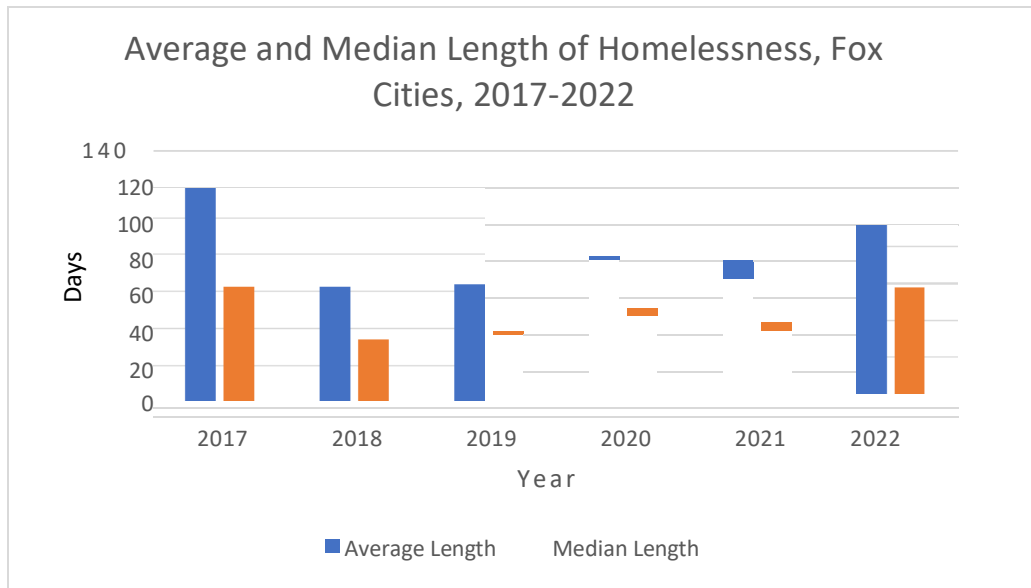
### Homelessness and housing insecurity

- In 2018, United Way's 211 received more calls for rental assistance than for any other category of assistance request. Rental assistance requests comprised almost a quarter of all assistance requests in 2018 (OCPH, 2021)
- Homeless services providers in the Fox Cities region have noticed increases in the number of older adults and people with disabilities who are experiencing homelessness. (Prah & Dean, 2023)
- Currently, about one third of Pillars clients have a physical disability, and just less than one third have a developmental disability (Prah & Dean, 2023)
- As of July, 2023, there were 121 households on the coordinated entry list seeking eviction and homelessness prevention financial assistance (Howell, 2023), and the community has spent over \$19,000 in prevention assistance for the fiscal year (Howell, 2023).
- The Institute for Community Alliances (ICA) supports with data collection and analysis for Wisconsin organizations providing federally funded homeless services. ICA collects data on length of homelessness, type of exit from shelter, and other measures. Below are homelessness data for the Fox Cities region drawn from ICA's data dashboard from 2014-2022.
- The number of people experiencing homelessness in the Fox Cities region decreased steadily from 2015-2020, but has been on the rise again since 2020 (ICA, 2023). These numbers include those in emergency shelter, safe haven, and transitional housing.



### Length of Homelessness

While there was a sharp decrease in the average and median lengths of homelessness from 2017 to 2018, the lengths appear to be rising again from 2019 levels to 2022 levels (ICA, 2023). The average length of homelessness is consistently longer than the median length, suggesting there are some individuals with very long lengths of homelessness that skew the average higher than the median.

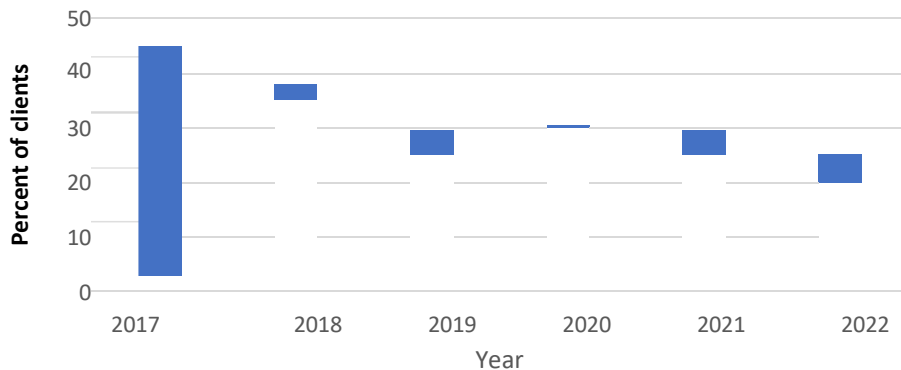


(ICA, 2023)

### Percent of clients with successful exits from shelter and similar services

There has been a general decline in the percentage of shelter guests who exit shelter to housing or some other stable setting. While two out of five clients successfully exited in 2017, only one in four clients exited shelter successfully in 2022 (ICA, 2023).

Percent of clients with successful exit from shelter, safe haven, or transitional housing, Fox Cities, WI 2017-2022



(ICA, 2023)

### Putting the picture together

Based on all the above information, Outagamie County needs more:

- Housing for residents at all income levels
- Affordable studios, single room occupancy units, and one-bedroom units for low and extremely low-income individuals exiting homelessness
  - While there is a fairly high vacancy rate for studios and one bedroom units across the county, only a small portion of the studios and 1 bedrooms in the community are accessible (financially and otherwise) to people exiting homelessness. There is a mismatch between the type and cost of available small units and those who need them.
- Three- and four-bedroom units at all income levels
- Income- and rent-restricted units at below market rate
- Housing options for seniors, including accessible units and downsize options with adequate storage and amenities
- Housing options for people with disabilities, including accessible units for people with mobility disabilities
- Financial assistance and case management for people experiencing housing insecurity or homelessness

These data are not exhaustive, and may miss some important trends because of the way the data were collected and/or the way they were summarized. The workgroup could seek additional information about some of the following categories:

- Housing access barriers
- Updated (i.e. post-pandemic) data on housing costs and household incomes
- Housing condition
- Landlord-tenant interactions and relationship

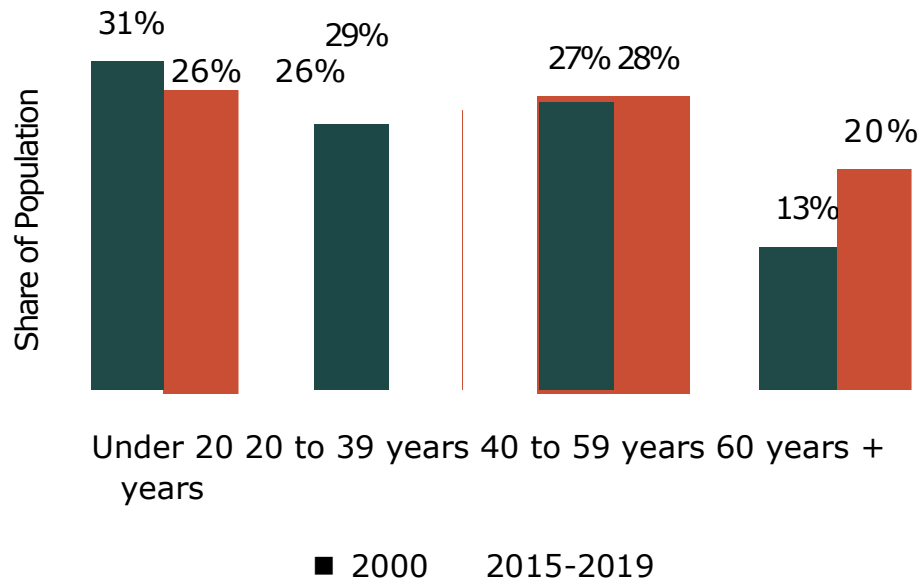
- Communities who face additional barriers to housing access, including people with disabilities, people for whom English is a second language, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Plus (LGBTQIA+) youth, people living with human immunodeficiency virus (HIV), undocumented immigrants, and others
- Housing stability (i.e. causes of foreclosures, homelessness, evictions, non-renewals)
- Housing discrimination patterns
- Safety and security of housing and neighborhoods
- Housing adequacy (i.e. size and crowdedness)
- Landlords' and tenants' knowledge level of rights and responsibilities
- Potential homeowners' knowledge level of financial and legal path to homeownership

Appendix

1. Age group changes in Fox Cities and Greater Outagamie County Region

**Exhibit 6. Change in Age by Age Group, FC/GOC Region, 2000 and 2019**

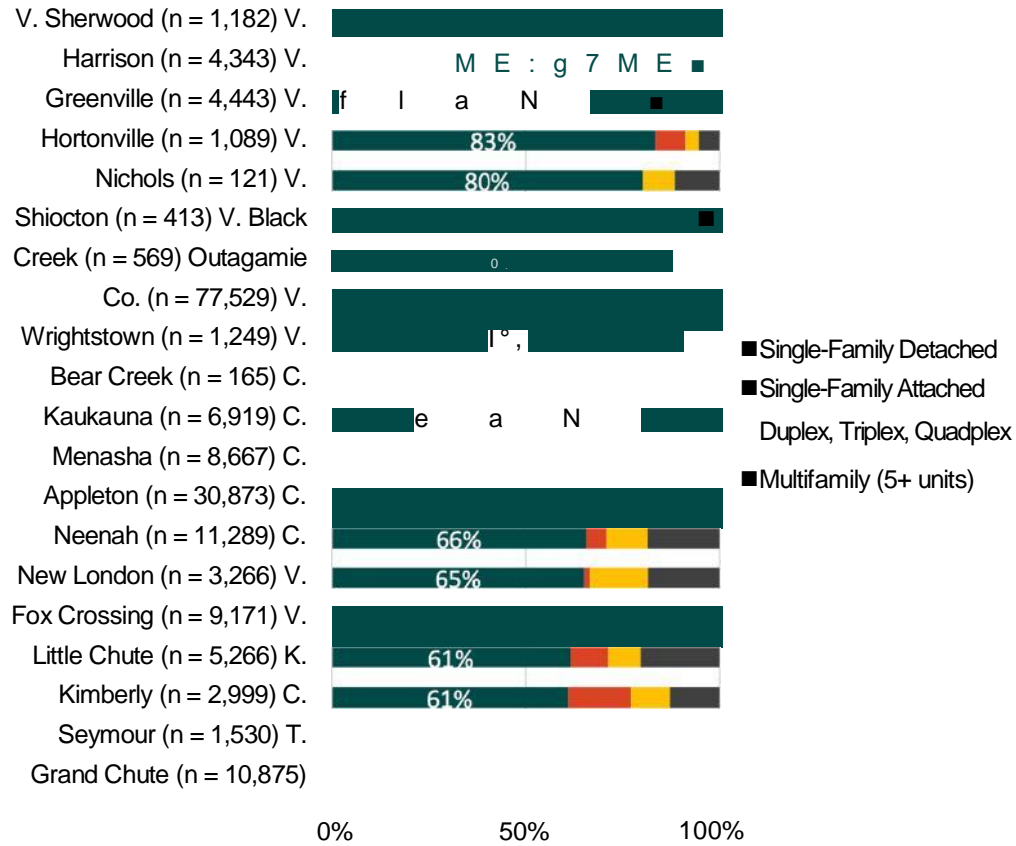
Data Source: U.S. Census, Decennial Census, 2000 and ACS 5-year estimates, 2015-2019.



## 2. Housing Mix in communities across Fox Cities and Greater Outagamie County

**Exhibit 16. Housing Mix, Various Communities in the FC/GOC Region, 2020**

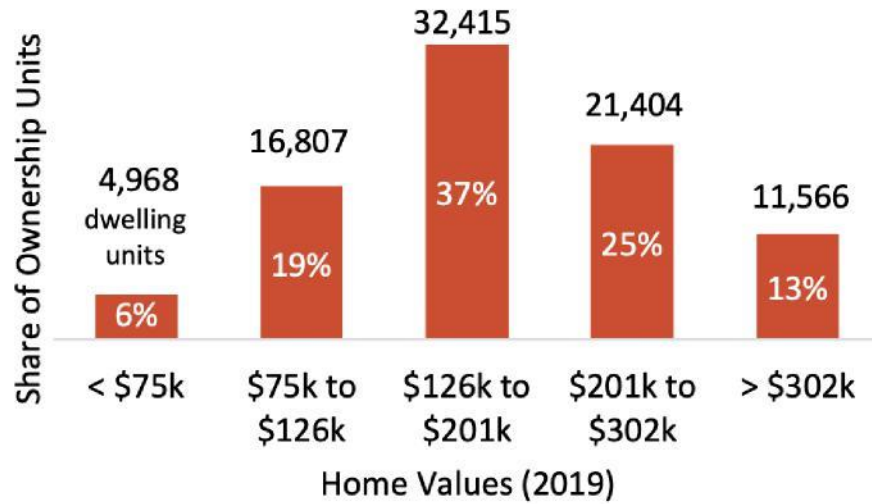
Data Source: U.S. Census, ACS 5-year estimates, 2016-2020. Note: The annotation "n" denotes the total number of housing units.



3. Distribution of home values for owner-occupied dwelling units in Fox Cities and Greater Outagamie County Region

**Exhibit 23. Distribution of Home Values, of Owner-Occupied Dwelling Units, FC/GOC Region, 2019**

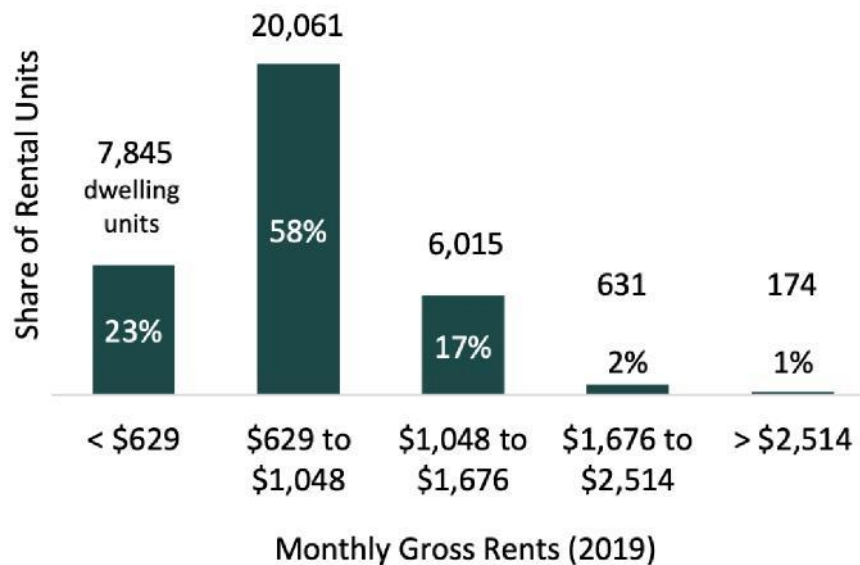
Data Source: U.S. Census, ACS 5-year estimates, 2015-2019.



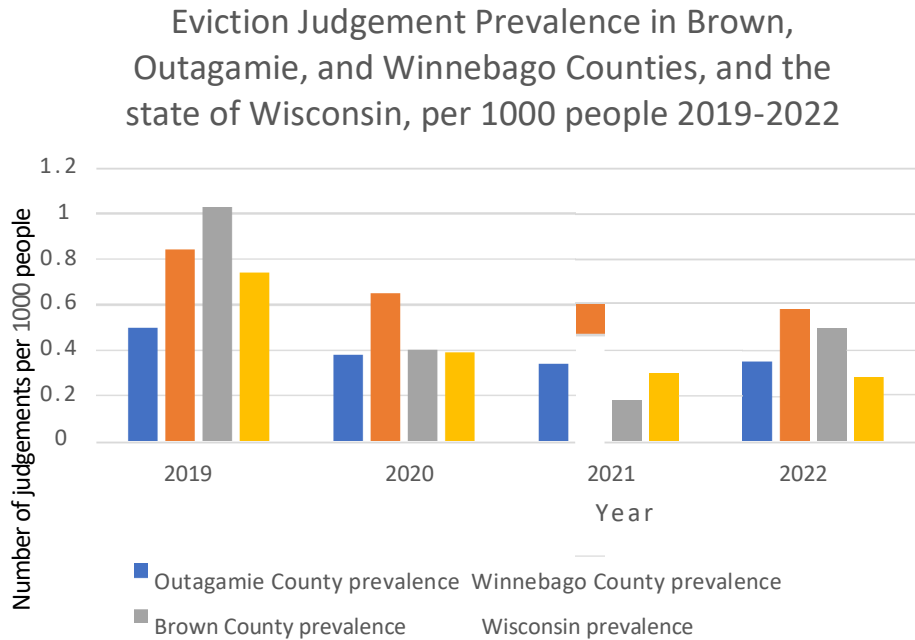
4. Distribution of rent costs per month for renter-occupied dwelling units in Fox Cities and Greater Outagamie County Region.

**Exhibit 22. Distribution of Gross Monthly Rent, of Renter-Occupied Dwelling Units, FC/GOC Region, 2019**

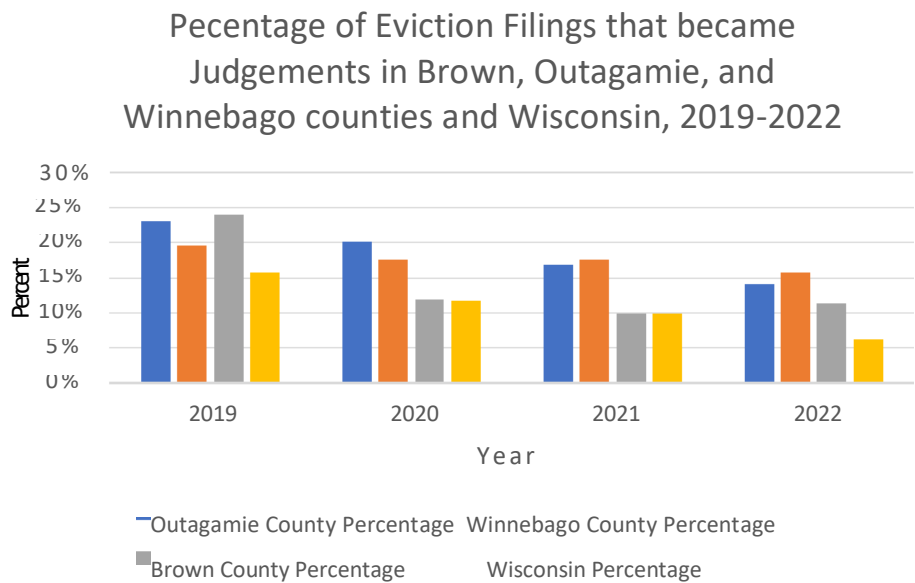
Data Source: U.S. Census, ACS 5-year estimates, 2015-2019.



5. Prevalence of Eviction Judgement in Brown, Outagamie, and Winnebago Counties and the state of Wisconsin, per 1000 people 2019-2020



6. Percentage of eviction filings that became judgements in Brown, Outagamie, and Winnebago Counties, and state of Wisconsin, 2019-2022



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## **Outagamie County Housing and Homelessness Community Health Improvement Plan Group**

**Objective 3, Strategy 1:** Work to increase diversity of housing units in neighborhood construction through a community-led master planning process.

To support the Housing and Homelessness Community Health Improvement Plan (CHIP) workgroup in implementing Strategy 1 of Objective 3, I outline several community engagement guides and master planning models and resources. In this guide, I will cover the following:

- Community engagement considerations for affordable housing development
- Community Engagement Guide outlines
- Master planning overview
- Master planning models and resources
- Housing development impacts
- Additional strategies to diversify housing stock

### **Community Engagement and Affordable Housing**

Community engagement comes in many forms, and can empower community members to affect change. Alternatively, it can limit community members' actual influence over the decisions the government ultimately makes. Community engagement can also place more power in the hands of residents who already hold considerable power over local decision-making, further disenfranchising residents who have historically been marginalized.

By and large, residents who are currently active at community meetings across the United States are older, have higher education levels, higher incomes and more financial assets, and are most often white (Einstein et al, 2018; Klein, 2022). Put another way, these residents already have considerable power in the forms of wealth, knowledge, and political savvy (Klein, 2022). This group of residents is usually not representative of their wider communities, but exercises an outsized amount of power over local development (Einstein et al, 2018). Over the course of the first half of the 20<sup>th</sup> century, white homeowners used restrictive zoning, redlining, and other discriminatory tools to exclude people of color and people with lower incomes from their neighborhoods, schools, parks, and other "public" facilities (Einstein et al, 2018; Trounstone, 2018; Klein, 2022). Data from across the U.S. show that white homeowners today continue to use these outdated zoning regulations to exclude people from their neighborhoods (Einstein, 2018). Homeowners in neighborhoods across the country believe that the existing restrictive zoning regulations benefit their property values, so they believe it is in their financial interest to oppose development (Einstein, 2018; Klein, 2022).

According to several members of the workgroup, the Fox Cities region has recently seen homeowner-driven opposition to affordable housing development in Neenah, where just 20% of residents were able to prevent the rezoning and development of affordable housing in a former school building located in their neighborhood.

Engaging with a more representative sample of residents could help balance the discussion at community meetings about housing development. If local elected officials and planning commissions

hear only opposition from the community, they may vote against development proposals on that basis alone. However, if they hear a mix of perspectives, elected officials may be less likely to vote down development proposals.

Increasing participation at community meetings is difficult. Residents who have been most harmed by opposition to housing development are less likely to have the time, resources, knowledge, and supports to enable them to engage in community meetings (Einstein et al, 2018). County and sec officials could consider ways to incentivize participation and offer meetings at several locations outside of government spaces and at a variety of different times. City and county officials could also review and rewrite county and city outreach requirements. Instead of requiring developers to notify abutting, adjoining, and adjacent landowners in an area, the local government could require developers to notify all residents in an area, which would include renters (Einstein et al, 2018).

Further, city and county officials could consider potential allies to increase the number of supporters at meetings. Potential allies include employees and volunteers of area nonprofits involved in housing work. Less obvious allies might include construction workers and the unions that represent them (Einstein et al, 2018). Construction workers could highlight not just the benefits of additional construction work in the region but also the opportunity to afford housing in the community where they work (Einstein et al, 2018). Other potential allies include developers and real estate companies other than those actively involved in the proposal at question during a specific meeting (Einstein et al, 2018).

Some potential allies, like low-income renters and their advocates at nonprofits, may oppose development for fear of increasing housing costs and gentrification (Einstein et al, 2018). If affordable housing is removed to make way for higher-cost development, low-income residents may be forced out of their neighborhoods. This could disrupt community ties, as well as access to transportation, schools, and jobs. While the Fox Cities region needs more housing units, there is already a mismatch in the type of units and the people who are seeking housing (see materials for Housing and Homelessness CHIP workgroup Objective 2, Strategy 1). Therefore, building more high-cost apartments, especially studios and one-bedroom units, may do little to relieve housing access pressures for the region's most vulnerable residents. By prioritizing housing affordability in the master plan, communities in the Fox Cities region could help alleviate these residents' legitimate concerns.

## **Guides for Community Engagement**

Below, I outline two guides for community engagement. These guides offer strategies to increase participation from community members who may not currently be engaged, or who may have historically been excluded from decision-making spaces. Both guides prioritize building ongoing relationships with community members across races, socioeconomic status, education levels, and other characteristics. The full guides are available online via the links inserted below.

1. [Urban Institute: Changing Power Dynamics among Researchers, Local Governments, and Community Members](#)
  - a. Principles for using Community Engagement to Drive Racial Equity in Local Government Operations:
    - i. Empower historically excluded voices.
    - ii. Recognize people's intersectional identities.
    - iii. Understand historical context and challenges pervasive stereotypes.

- iv. Compensate expertise and efforts.
  - v. Develop accountability measures for sustainable systems change.
- b. Ten focus areas assess when beginning a new racial equity and community engagement process:
  - i. Historical context
  - ii. Existing data
  - iii. Community impact
  - iv. Policy consequences
  - v. Form of engagement
  - vi. Previous engagement efforts
  - vii. Community participation
  - viii. Systems-level impact
  - ix. Data and metrics
  - x. Ongoing relationships
- c. Seven operational areas where local governments can reimagine their process:
  - i. Audits
  - ii. Budgets
  - iii. Cross-departmental and intergovernmental coordination
  - iv. Fines and fees
  - v. Procurement
  - vi. Public employment
  - vii. Public services

2. [The Sustainable Communities Initiative: Guidelines for Meaningful Community Engagement](#)

- a. Principles of engagement:
  - i. Honor the wisdom, voice, and experience of residents.
  - ii. Treat participants with integrity and respect.
  - iii. Be transparent about motives and power dynamics.
  - iv. Share decision making and initiative leadership.
  - v. Engage in continuous reflection and willingness to change course.
- b. Guidelines:
  - i. Be proactive and targeted in engagement strategies.
  - ii. Build clear opportunities for decision making and partnerships among community organizations.
  - iii. Grapple with past failings and current challenges in fragmented and disempowered communities.
  - iv. Prioritize community knowledge and concerns.
  - v. Develop cultural competency skills and cultivate humility.
  - vi. Support capacity building to engage meaningfully.
  - vii. Include space for iterative and reflective processes.
  - viii. Target resources to support ongoing engagement.
  - ix. Align engagement efforts with clear opportunities to influence more equitable policies and allocation of resources.

## Master Planning

A master plan is a planning document that focuses on a specific neighborhood, planning topic (like housing, transit, etc.), or area of a community (DiNatale Burda, 2023). Master plans are generally created based on priorities identified in a community's comprehensive plan, which is a broad vision for the community's growth over several years (DiNatale Burda, 2023; Titel, 2023). A master plan does not dictate what development will happen in the focus area, but provides a guide for what types of development proposals the government will support (Titel, 2023). Smaller communities with limited planning staff often hire a consultant to lead the master planning process because of limitations on staff capacity and technical expertise (Titel, 2023).

Master planning should include a community engagement component, and often generates more interest than a broader comprehensive plan, because they are neighborhood- or issue-specific (DiNatale Burda, 2023; Titel, 2023). Projects that are in compliance with the comprehensive and master plans, and "allowed by right," do not go through the planning commission, so there is less opportunity for feedback from the community (Titel, 2023). Instead, community members have provided input during the master planning process so the area is set up to allow preferred types of development (Titel, 2023). With a master plan in place, the area doesn't need to be rezoned, and developers would not need to request a variance in order to move forward with a proposed project (Titel, 2023).

## Master Planning Resources and Models

[Enabling Better Places: A User's Guide to Wisconsin Neighborhood Affordability:](#)  
(Congress for New Urbanism, 2022)

1. Background:
  - a. Introduction
  - b. Code Reform in Wisconsin
  - c. The Process
  - d. Wisconsin Development Patterns
  - e. Laying the Groundwork
2. Recommendations
  - a. Common Code Issues
  - b. Community Education
3. Resources
  - a. Character Survey
  - b. Accessory Dwelling Units
  - c. Minimum Parking Standards
  - d. Historic Neighborhood Standards
  - e. Additional Resources

[Community Housing Initiative, Minneapolis-St. Paul, MN](#)  
(Forsyth et al, 2010)

Process outline:

- Convene government, developers, and community members at a workshop to simulate designing commercial and residential buildings in specific plots in a neighborhood.
- Workshop participants work together to imagine what development they would like to see in their neighborhood.
- A developer and designer sketch out the development plan and run the numbers on its financial viability.
- If a proposed development is infeasible, the workshop participants change their design.
- The developer and designer sketch out the revised development plan and run the numbers on its financial viability.
- The iterative process continues as government officials and community members alike learn about the realities of development and design in their communities.
- Facilitate discussion after the workshop using neutral facilitators (people who are not developers, government officials, or community members) to ensure discussion is respectful and productive

[Complete Communities Toolbox: Nine-Step Master Plan, Institute for Public Administration at the University of Delaware](#)

(Institute for Public Administration, 2014)

1. Identify key stakeholders:
  - a. State agencies
  - b. Local officials
  - c. Civic leaders
2. Get organized:
  - a. Problem description
  - b. Project area
  - c. Preliminary vision
  - d. Project management
3. Commit to move forward:
  - a. Stakeholder contributions
  - b. Funding and staffing
  - c. Signed Memorandum of Agreement
4. Assess existing conditions:
  - a. Existing land use
  - b. Community facilities
  - c. Housing and employment
  - d. Environmental resources
5. Involve the public:
  - a. Workshops, charrettes
  - b. Visioning
  - c. Scenario building
6. Prepare the draft plan:
  - a. Stakeholder chapter authors
  - b. Plan elements
  - c. Implementation, commitments
  - d. Staging, density

7. Get feedback on draft
  - a. PLUS review
  - b. Public review of plan elements (back to step 5)
8. Adopt plan
  - a. Feedback from review of draft
  - b. Formal adoption in local plans
9. Implement plan
  - a. Incorporate in capital budgets
  - b. Execute cost-sharing agreements
  - c. Amend local land use laws
  - d. Track progress/Periodic reports

## **Impacts of Development**

Housing advocates with knowledge of the impacts of housing development may be better able to persuade elected officials to vote for development proposals. Below is an overview of peer-reviewed research on the impact of affordable housing in multiple communities spanning the United States and many years.

- Systematic reviews of years of research from communities across the United States show that affordable housing developments generally do not reduce property values. Sometimes, affordable housing developments increase nearby property values, especially in neighborhoods with already high property values (New York University Furman Center, 2008; Holder, 2022; National Association of Realtors, 2023).
- Multiple studies show crime rates either were not affected or dropped after the addition of affordable housing development (Cruz, 2022; Holder, 2022).
- How the housing is designed, managed, and maintained matters more than the exact type of affordable housing when it comes to nearby property values (New York University Furman Center, 2008)
- Vacant lots and distressed properties *do* reduce property values (New York University Furman Center, 2008)
- High housing costs contribute to inflation, driving costs up across various sectors (Horowitz & Canavan, 2023)
- Local neighborhood zoning decisions that prevent people from moving into communities with economic opportunities depress economic growth throughout an entire region (Klein, 2022)
- Census tracts with greater housing stock diversity had lower rates of foreclosures during the 2008 financial crisis, suggesting that greater diversity in neighborhood housing type protects against neighborhood instability (Chakraborty & McMillan, 2018)

## **Beyond the master plan: additional steps to develop more—and more affordable—housing**

Removing exclusionary zoning regulations appears to be a necessary step to develop diverse and affordable housing (Poethig, 2018; Cohen, 2023). However, research also shows that writing inclusive zoning regulations is not enough on its own to ensure developers will build the housing that a community needs (Poethig, 2018; Cohen, 2023). Further, workgroup members have identified that

changing zoning regulations is a piece of the puzzle, but not enough on its own to allow developers and homebuilders to build the housing the region needs (Sunstrom, 2023).

#### Assess other regulations

There are other regulations that can deter developers from building affordable housing. While it is important to recognize that many regulations are designed to maintain health—especially for vulnerable residents like children, people with disabilities, and the elderly—some community-specific regulations like architectural or design requirements can add costs to a project and do not improve health or safety. However, these aesthetic “neighborhood character” regulations may also ease community member opposition to new construction, so each community must weigh the costs and benefits of removing these types of restrictions.

Communities could also assess other regulations like the permitting process and fees associated with permitting to reduce development costs and expedite the development process (Sunstrom, 2023).

#### Provide subsidies

Research also shows that, even after removing regulations that deter affordable housing construction, many of these projects are not financially feasible without state and federal subsidy (Poethig, 2018). Communities need both inclusive zoning and federal subsidy working in conjunction to move affordable housing projects forward (Poethig, 2018). However, even considerable federal subsidy may be insufficient to develop some of these projects. This appears to hold true for the Fox Cities region, given the low number of grant applications for building new affordable housing units that would be subsidized by American Rescue Plan Act (ARPA) grant funds from both the City of Appleton and Outagamie County (Greenwood, 2023). Because there are a limited number of affordable housing developers in the Fox Cities region, the community could benefit from drawing on local foundations to bridge financing gaps.

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