

Minutes of the Ninth Meeting of the

**REGIONAL HOUSING PLAN ADVISORY COMMITTEE**

DATE: December 1, 2010

TIME: 1:30 p.m.

PLACE: Tommy G. Thompson Youth Center, Banquet Room 2  
State Fair Park  
640 S. 84<sup>th</sup> Street  
Milwaukee, Wisconsin

Members Present

Julie Anderson ..... Director, Racine County Planning and Development  
Michael Cotter ..... Director, Walworth County  
Land Use and Resource Management Department  
Jesse Greenlee ..... Manager, Community Development, WHEDA  
(representing Kim Plache)  
Joe Heck ..... Assistant Director, Racine Department of City Development  
Rob Henken ..... President, Public Policy Forum, Milwaukee  
Mike Hoeft ..... City Planner, City of Waukesha  
Gary Koppelberger ..... Administrator, City of Hartford  
J. Scott Mathie ..... Director of Government Affairs, Metropolitan Builders Association  
George Melcher ..... Director of Planning and Development, Kenosha County  
Linda Olson ..... Director of the Aging and Disability Resource Center, Washington County  
Antonio M. Pérez ..... Executive Director, City of Milwaukee Housing Authority  
Brian Peters ..... Housing Policy Advocate, IndependenceFirst  
Maria Prioletta ..... Housing Development Director,  
Milwaukee Department of City Development  
Welford Sanders ..... Executive Director, M.L. King Economic Development Corporation  
Kori Schneider-Peragine ..... Senior Administrator, Inclusive Communities Program,  
Metropolitan Milwaukee Fair Housing Council  
Syvil Shelbourne ..... Vanguard Group, LLC  
(representing Kalan R. Haywood Sr.)  
Michael J. Soika ..... Executive Director, YMCA Urban Campus, Milwaukee  
Andrew Struck ..... Director, Ozaukee County Planning and Parks Department  
John F. Weishan, Jr. .... Supervisor, Milwaukee County  
Commissioner, Southeastern Wisconsin Regional Planning Commission

Guests and Staff Present

Stephen P. Adams ..... Public Involvement and Outreach Manager, SEWRPC  
Nancy M. Anderson ..... Chief Community Assistance Planner, SEWRPC  
Cathie Madden ..... Milwaukee Housing Trust Fund and LISC  
Benjamin R. McKay ..... Principal Planner, SEWRPC  
Christine Mueller ..... Planning Intern, Racine County Planning and Development  
Christopher D. Parisey ..... Planner, SEWRPC  
Marne Stuck ..... Government Affairs Director, Greater Milwaukee Association of Realtors  
Monica Wauck ..... Urban and Regional Planner, Wisconsin Department of Transportation  
Kenneth R. Yunker ..... Executive Director, SEWRPC

## **CALL TO ORDER**

Ms. N. Anderson called the meeting of the Regional Housing Plan Advisory Committee to order at 1:35 p.m., welcoming those in attendance. She explained that the Advisory Committee Chairman, William R. Drew, could not attend the meeting and that she will chair the meeting.

## **APPROVAL OF MEETING MINUTES OF OCTOBER 27, 2010**

Ms. N. Anderson asked if there were any questions or comments on the October 27, 2010, meeting minutes. There were none. Ms. N. Anderson noted that a revised version of Attachment 5 of the minutes, "*Population by Race and Ethnicity in the Southeastern Wisconsin Region: 2000*," was provided to Committee members at the meeting. She explained that the attachment is a dot concentration map of the racial composition of the Region. Some minor editorial revisions have been made to the version attached to the minutes. Hearing no other comments, Ms. N. Anderson asked for a motion to approve the meeting minutes. Mr. Struck made a motion to approve the minutes from the October 27, 2010, meeting. Ms. Olson seconded the motion. There being no further discussion, the minutes were approved unanimously by the Committee.

[Secretary's Note: See Attachment 1 for the revised version of Attachment 5 to the October 27, 2010, minutes.]

## **DISCUSSION OF THE PRELIMINARY DRAFT OF CHAPTER IX, "ACCESSIBLE HOUSING," OF THE REGIONAL HOUSING PLAN**

Ms. N. Anderson asked Mr. McKay of the Commission staff to review the preliminary draft of Chapter IX, "*Accessible Housing*." The following discussion points and comments were made during the review:

1. Mr. Peters referenced page IX-1 of the Chapter and noted that the Federal Fair Housing Act was amended in 1988. Ms. N. Anderson asked if the amendment affects the provision of housing for persons with disabilities. Mr. Peters responded that persons with disabilities are recognized as a protected class under the amendment.
2. Mr. Mathie referenced the second bullet point under the discussion of Section 504 requirements related to housing on page IX-3 of the Chapter and asked if there are any standards to help determine what constitutes an "undue financial and administrative burden" with regard to providing reasonable accommodations for persons with disabilities. Ms. Schneider-Peragine responded that "undue financial and administrative burden" seems to be determined on a case-by-case basis by HUD officials and she does not know of any related standards. Mr. Peters noted that it often depends on the size of the project. Ms. N. Anderson noted that she researched this requirement and did not find any standards in the law or implementing regulations.
3. Ms. Prioletta referenced the Universal Design section beginning on page IX-7 and stated that universal design sometimes has a negative connotation, but the concept follows good building practices. She noted that universal design often makes housing more accessible to children in addition to older adults. She suggested that the findings section note that universal design can allow older adults to age in place. Mr. Mathie noted that the home building industry has recognized that universal design is attractive from a market standpoint. Ms. Olson noted that there is a large stock of 1970's era split level homes in the City of West Bend that do not sell well because their design limits accessibility.

4. Mr. Mathie referenced Table IX-4, “*Multi-Family Housing Units Constructed in the Southeastern Wisconsin Region: 1990-2009*,” and asked if all 50,000 multi-family housing units shown on the Table are accessible to persons with disabilities. Mr. McKay responded that the totals shown on Table IX-4 include all units in multi-family buildings of three or more units constructed after 1990, which, because of limitations on the data available, include units constructed before the Federal Fair Housing Act accessibility requirements took effect in 1991 and the State Open Housing Law accessibility requirements took effect in 1993; and may also include units above the ground floor in buildings without an elevator, which are not required to be accessible. Mr. Peters stated that he is not necessarily comfortable with assuming that all of the units are accessible, but this is the best estimate due to the data limitations. He suggested adding the text from the chapter that qualifies the 50,000 units as an estimate to Table IX-4.
5. Mr. Soika asked if communities can be mapped that are not accessible to persons with disabilities, such as communities that do not provide enough multi-family housing and do not have transit service. Mr. Yunker asked Mr. Soika if he was envisioning mapping done by sub-regional housing analysis area, such as that proposed for the Job/Housing Balance Chapter. Ms. N. Anderson noted that disability data is only available at the county level from the American Community Survey (ACS). Mr. Soika suggested that the mapping does not need to correspond to disability data and could show communities that do not provide housing and transportation that meet the needs of persons with disabilities. Mr. Yunker suggested that staff work on Mr. Soika’s suggestion and report back to the Committee.
6. Mr. Peters suggested adding a list of communities with zoning regulations that affect the location of community living arrangements (CLA), such as regulations that require CLAs to have a 2,500 foot separation. Ms. Schneider-Peragine noted that the City of Appleton limits CLA capacity to 1 percent of the population of an aldermanic district. Mr. McKay noted that limitations regarding CLAs is set forth in the *Wisconsin Statutes*. Ms. Schneider-Peragine noted that a Federal District Court decision found the Statute does not supersede Americans with Disabilities Act (ADA) or the Federal Fair Housing Act requirements. Ms. N. Anderson stated that it does not appear that the spacing requirement in the State Statute is enforceable and noted that the Statute does allow communities to adjust the spacing and other requirements. Mr. Hoeft noted that a community’s decision to deny a CLA application based on the spacing limitation in the State Statute would have to be challenged by the applicant. Ms. Schneider-Peragine noted that an applicant’s challenge would likely be successful because of the Federal Court decision. Mr. Yunker suggested that the Chapter text incorporate this discussion.
7. Ms. Olson noted that the Samaritan Health Center Nursing Home in the City of West Bend is not shown on Map IX-8. Mr. Cotter noted that the facility shown as a CBRF in the Village East Troy on Map IX-7 is a nursing home. Mr. Hoeft noted that the symbols showing nursing homes on Map IX-9 are incorrect. Ms. Prioletta noted that there are many facilities on the Milwaukee County map (Map IX-4) and some symbols may be overlapping. Ms. N. Anderson stated that staff will correct the mapping errors.
8. Mr. Peters referenced Table IX-6, “*Number and Percentage of Community and Assisted Living Arrangements in the Southeastern Wisconsin Region by County: 2010*,” and suggested that the number of facilities per 1,000 people should be included.

9. Mr. Mathie noted that workers must be paid prevailing wage for constructing accessible housing that receives Federal funding. He stated that the prevailing wage regulation results in higher construction cost per housing unit. The higher per unit construction cost then results in fewer accessible housing units. He stated that market rate construction wages would reduce the cost of construction of accessible housing and result in more accessible housing units. Mr. Soika noted that the prevailing wage regulation is a Federal law. Mr. Mathie stated that a recommendation could be made regarding the prevailing wage regulation to reduce the cost of constructing accessible housing.

Mr. Weishan noted that the prevailing wage regulation requires non-union contractors to pay workers the average union wage of the area. He stated that the prevailing wage requirement does not necessarily increase the cost of a project. He noted that skilled union labor is generally more efficient and productive than less experienced, non-union labor, and that many of the projects where the prevailing wage regulation would apply require skilled union labor because of their size and complexity. He stated that the prevailing wage requirement is also an issue of social responsibility because it provides family supporting wages and the Committee would be taking a dangerous path if it includes a recommendation against prevailing wages in the regional housing plan.

Mr. Mathie stated that prevailing wage is common in the construction of subsidized multi-family housing and market-rate wages are common in the construction of single-family housing. He stated that the market-rate wage workers are also productive. Mr. Pérez noted that projects with a greater number of housing units can be constructed at a competitive cost using workers earning the prevailing wage. Mr. Koppelberger stated that the prevailing wage regulation results in fewer accessible units in Washington County because the market-rate wage is much lower than the prevailing wage, which may not be the case in Milwaukee County. Mr. Mathie stated that he would provide the Committee data regarding the prevailing wage issue. Mr. Soika requested that the discussion be based on scholarly research that is verifiable. Mr. Peters suggested that the prevailing wage discussion may be more appropriate for the Subsidized Housing chapter (Chapter X). Mr. Yunker suggested that staff would consider including a discussion of prevailing wage in the forthcoming Subsidized Housing chapter so it can be reviewed by the Committee. Mr. Heck noted that the HUD website includes information regarding prevailing wage that may be useful.

10. Mr. Soika stated that suburban housing policies concentrate the population of persons with disabilities in the City of Milwaukee and that creates a cost burden because the City must provide a higher level of services. He stated that an equitable method of paying for the cost of providing housing and services to persons with disabilities is to share the costs regionally.
11. Ms. Schneider-Peragine referenced the Affordability and Service Coordination section of the Chapter and noted that the U.S. Supreme Court “Olmstead Decision” upheld the mandate of the ADA that requires public agencies to provide services in integrated settings. Mr. Peters noted that Wisconsin’s Family Care Program may allow people that may have previously required nursing home care an option to reside in the community.
12. Ms. Schneider-Peragine asked if data from the 2010 decennial Census will be more limited than that of past decennial Censuses. Mr. McKay responded that detailed data formerly gathered through the sample of households that received the Census long-form questionnaire, which was about one in six households, will now be collected through the American Community Survey (ACS). He noted that the questions included on the long-form and ACS questionnaires are

similar and that data from small geography levels will be gathered over a five-year period. Ms. Schneider-Peragine asked about ACS data margin of error. Mr. McKay responded that some of the data may have a large margin of error and the reliability of the data will not be known until it is made available. He noted that the data should be available by the end of December.

13. Mr. Pérez referenced the last bullet on page IX-19 in the Findings section and noted that it states “In addition, some examples of universal design features listed in Table IX-1, such as bathrooms and kitchens designed to accommodate persons using wheelchairs, may increase the cost of new single-family housing significantly.” He asked if the term significantly could be quantified. Ms. N. Anderson replied that staff will work on this request. Ms. Prioletta noted that accessible design features are less expensive if they are included in the initial construction of a residence as opposed to a retrofit. Mr. Melcher noted that some features are not costly. Mr. Peters noted that the most expensive features are typically accessible kitchens and wider doorways; however, these costs will be reduced if universal design becomes more standard.
14. Mr. Henken referenced the Affordability and Service Coordination section on page IX-16 of the Chapter and suggested that a reference to monthly Supplemental Security Income (SSI) payments would be helpful. Mr. Peters noted that the Technical Assistance Collaborative, Inc. (TAC) provides information regarding the availability of housing that is affordable to an individual receiving an SSI payment.
15. Mr. Peters referenced page IX-2 of the Chapter and noted that HUD has seven “safe harbors” in addition to the American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Disabled People (ANSI). He then referenced page IX-9 of the Chapter and noted that the Inclusive Home Design Act of 2009 is not likely to be enacted, and suggested the chapter be revised accordingly.
16. Mr. Peters noted that, prior to the meeting, he asked staff if it is possible to gather data regarding where people receiving home health care services reside. He noted that one source of information may be managed care organizations, which administer the Wisconsin Family Care Program. Mr. McKay noted some of the data limitations regarding home health care provider statistics provided by the Wisconsin Department of Health Services and that staff would investigate further.
17. Ms. N. Anderson asked the Committee if there were any other comments or questions regarding the Chapter. There were none. She then asked the Committee if they would like to make a motion to approve Chapter IX, “*Accessible Housing*,” pending a review of the Committee’s comments in the meeting minutes, or if the Committee would like to review a revised draft of the Chapter prior to taking action. Mr. Mathie asked if the revisions will include the discussion regarding prevailing wage. Mr. Soika requested the Committee defer action on the Chapter if it is going to include the prevailing wage discussion. Ms. N. Anderson noted that the prevailing wage discussion will be included in Chapter X, *Subsidized and Tax Credit Housing*. Ms. Olson noted that, depending on availability, information regarding accessible non-subsidized single-family units could be included in the revised draft. Committee members agreed to defer action on the preliminary draft of Chapter IX, *Accessible Housing*.

[Secretary’s Note: A revised draft of Chapter IX, “*Accessible Housing*,” is anticipated to be included on the July 27, 2011, Advisory Committee meeting agenda along with the preliminary draft of Chapter X, “*Subsidized and Tax Credit Housing*.” The revised version of Chapter IX will include

Committee comments and additional inventory information regarding subsidized accessible housing units.]

### **PUBLIC COMMENTS**

Ms. N. Anderson asked if there were any public comments. There were none.

### **CORRESPONDENCE AND ANNOUNCEMENTS**

Ms. N. Anderson noted that staff had no additional correspondence or announcements.

### **NEXT MEETING DATE**

Ms. N. Anderson stated that the next meeting is scheduled for January 26, 2011, from 1:30 p.m. to 3:30 p.m. in Banquet Room 2 of the Tommy G. Thompson Youth Center. She noted that the anticipated agenda items include discussion of the revised version of Chapter VI, *Housing Discrimination and Fair Housing Practices* and the preliminary version of Chapter IV, Part 3: Housing Foreclosure Activity in the Region.

### **ADJOURNMENT**

Ms. N. Anderson thanked the Committee members and guests for their time and participation and declared the meeting adjourned at 2:40 p.m.

Respectfully submitted,

Benjamin R. McKay  
Recording Secretary

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