

Minutes of the Twenty Fourth Meeting of the  
**ENVIRONMENTAL JUSTICE TASK FORCE**

DATE: August 30, 2012  
TIME: 4:00 p.m.  
PLACE: Independence*First*  
540 South 1<sup>st</sup> Street  
Milwaukee, Wisconsin

Members Present

Adelene Greene..... Director of Workforce Development, Kenosha County  
Chair  
Nancy Holmlund..... President, WISDOM Interfaith Coalition  
Vice-Chair  
Yolanda Adams..... President and CEO, Urban League of Racine and Kenosha  
Ella Dunbar..... Program Services Manager, Social Development Commission, Milwaukee  
Lynnette McNeely..... Legal Redress Chair, Waukesha County NAACP  
Brian Peters..... Housing Policy Advocate, Independence*First*  
Wally Rendon..... Member Education/Outreach Representative, Racine Educator's  
Credit Union; former Racine Police Officer  
Theresa Schuerman..... Walworth County Bilingual Migrant Worker Outreach

Guests and Staff Present

Stephen P. Adams..... Public Involvement and Outreach Manager, SEWRPC  
Nancy M. Anderson..... Chief Community Assistance Planner, SEWRPC  
Nancy Hernandez..... President, ABRAZO  
Ryan W. Hoel..... Principal Engineer, SEWRPC  
Gary K. Korb..... Regional Planning Educator, UW-Extension/SEWRPC  
Catherine Madison..... UW-Milwaukee Center for Economic Development  
Benjamin R. McKay..... Principal Planner, SEWRPC  
Rebecca Nole..... UW-Milwaukee Center for Economic Development  
Joel Rast..... UW-Milwaukee Center for Economic Development  
Karyn Rotker..... ACLU of Wisconsin  
Kenneth R. Yunker..... Executive Director, SEWRPC

**CALL TO ORDER**

Ms. Greene called the meeting of the Environmental Justice Task Force to order at 4:05 p.m., welcoming those in attendance.

**APPROVAL OF MEETING MINUTES OF MAY 9, 2012**

Ms. Greene asked for a motion of approval regarding the past minutes. Mr. Rendon moved and Ms. Adams seconded approval of the Environmental Justice Task Force meeting minutes of May 9, 2012, as

distributed. The motion was approved unanimously. Ms. Holmlund complimented SEWRPC on the preparation of the minutes as a useful record of what had transpired at the meeting.

## **PUBLIC COMMENTS**

Ms. Greene asked if there were any public comments on the agenda or other Task Force business. There were none.

## **UPDATE ON THE SOCIO-ECONOMIC IMPACT ANALYSIS OF THE REGIONAL HOUSING PLAN**

Ms. Greene asked Nancy Anderson of the Commission staff to provide the Task Force with background related to recent work on the regional housing plan, and Ms. Madison to follow with an update on the work completed thus far for the Socio-Economic Impact (SEI) Analysis of the regional housing plan.

Ms. Anderson began by reviewing progress made on the regional housing plan since the Task Force had last met in May 2012. The Regional Housing Plan Advisory Committee had met an additional three times and made changes to the preliminary recommendations, in part due to comments made by the Task Force. Those changes and new recommendations since the last Task Force meeting were highlighted, via review of a revised list of recommendations (Attachment 1). Ms. Anderson also noted two handouts distributed for reference to Task Force members in relation to a new preliminary housing plan recommendation. That recommendation proposes that evaluation criteria for selecting projects that use Federal Highway Administration funding, Surface Transportation Program – Milwaukee Urbanized Area funding, and Congestion Mitigation and Air Quality Improvement funding potentially be revised to consider transit service and affordable housing. The preliminary recommendation calls for the TIP Advisory Committees to consider developing the revised criteria, with review of those criteria by the EJTF. The two handouts describe the current evaluation criteria and selection process. Ms. Anderson stated that time would probably not permit reviewing the handouts during the Task Force meeting, but future discussion on these could occur: Proposed Allocation of FY 2013 and 2014 Surface Transportation Program Funds and Selection of Projects for Funding within the Milwaukee Urbanized Area (Attachment 2); and Procedure for Selection of Congestion Mitigation and Air Quality Improvement (CMAQ) Program Projects (Attachment 3).

Ms. Madison of the UW-Milwaukee Center for Economic Development (UWM-CED) led the discussion related to the SEI using a PowerPoint handout entitled, “Socio-Economic Impact Analysis of the Preliminary Draft of the Regional Housing Plan by Southeastern Wisconsin Regional Planning Commission” (Attachment 4). Ms. Madison stated that the UWM-CED was currently completing the analysis of preliminary regional housing plan recommendations, and that public meetings on the findings would be held jointly with SEWRPC during November and December 2012. The SEI Analysis process was anticipated to be completed by the end of January 2012. The need for affordable housing is viewed by the UWM-CED as the central tenet of the preliminary regional housing plan recommendations and the attendant SEI. The following discussion points and comments were made:

1. Ms. Adams asked how devaluation in light of the recent mortgage crisis and recession fit into the plan’s preliminary recommendation stating that appraisers should consider all three approaches to value (cost, income, and sales comparisons). She noted that her house in Kenosha County had

lost nearly half of its value as estimated before the recent economic downturn compared to today. Ms. Anderson responded that the recommendation for appraisers includes the consideration of building costs and other unique factors. Ms. Anderson distinguished between distressed properties in foreclosure that owners may have walked away from because of deferred maintenance, and foreclosures due to economic reasons, where owners may have walked away from well-maintained property now in foreclosure because of job/income loss. Ms. Anderson stated that good appraisal practice is to consider only those homes in foreclosure due to economic reasons, and only where foreclosed homes make up the majority of home sales in an area. With respect to property assessments by local governments, the sale of foreclosed homes tends to drive down the values of all homes in the neighborhood.

2. Ms. Holmlund asked what percentage of the 1975 regional housing plan recommendations were implemented, given that its writers did not necessarily know what would happen with the economy, and some recommendations may have been based on social needs rather than simply the housing stock. Ms. Madison responded that the precise percent of implementation was not known, nevertheless, today's requirements and the current housing plan preliminary recommendations being analyzed via the SEI are much the same as in 1975.
3. Ms. McNeely cited present income disparities as a significant concern related to housing. Ms. Holmlund stated her concern that forecasting out so many years, to 2035, was difficult. Ms. Anderson stated that the current regional housing plan was designed to incorporate county and local comprehensive plans and zoning conditions; thus, the projections and analyses that form the basis for the desires of local government as related to housing were considered in the regional housing plan preliminary recommendations. Ms. Anderson also stated that addressing job/housing balance was a significant new component of the present planning effort.
4. Ms. Holmlund asked whether there was anything which would compel communities to implement the eventual regional housing plan recommendations. Ms. Anderson responded that there is a recommendation to tie the establishment of Tax Increment Financing (TIF) districts to housing performance measures.
5. Mr. Yunker stated that, since the completion of the 1975 regional housing plan, there had been an accelerated shift of southeastern Wisconsin jobs out of the manufacturing sector and into the service sector. While additional jobs have been created, the loss of manufacturing has had a decidedly negative effect on incomes in the Region.
6. Ms. Dunbar asked whether there would be penalties for lack of compliance related to the regional housing plan recommendations, and, regardless, whether there should be an educational process to enhance performance. Ms. Madison responded that education would be positive in any event, but that litigation, as in the case of New Berlin, was ultimately a tool that may be used during instances such as violation of Federal fair housing laws. Ms. Anderson stated that the U.S. Department of Justice (DOJ) would intervene if it felt Federal housing laws have been violated.
7. Mr. Peters stated that the Wisconsin Housing and Economic Development Authority (WHEDA), related to the case of New Berlin, made no effort to defend the development to which they allocated low income housing tax credits. He stated that increased support from WHEDA would aid the provision of affordable housing.

8. Ms. Adams stated that she recalled a local situation in which there was a public uproar related to a proposal for affordable housing. The city regarded the project favorably, but the community response was one of opposition, and key alderpersons caved-in to the pressure. Ms. Anderson stated that one of the preliminary plan recommendations would remove community support as a criterion for awarding tax credits to affordable housing proposals. Ms. Madison added that the States surrounding Wisconsin have taken this measure.
9. Mr. Rast stated that, aside from the apparent soundness of regional housing plan objectives and recommendations analyzed thus far in the SEI process, some recommendations may be very difficult politically to advance.
10. Ms. McNeely asked what the financial advantages would be for a community utilizing a TIF district to achieve affordable housing, since development area real estate taxes would not be available for their general fund. Ms. Anderson responded that once the infrastructure improvements within the TIF are paid off, then tax revenues available for communitywide use should increase substantially. In essence, the tax revenue between the base value and developed value is used to pay for the cost of infrastructure improvements in the TIF district. The district is then retired once the costs are paid-off. Ms. Anderson noted that communities have the option to extend a TIF district for one year if it uses the tax revenue generated from the increment in that year for affordable housing in the community.
11. Mr. Peters asked for a clarification regarding the proposed merging of housing authorities under the preliminary plan recommendations. He indicated that models he had seen in other geographic areas also discussed merging, but he did not believe it would be a necessity. Some housing authorities in Illinois, for example, continue to overlap. Ms. Anderson stated that the recommendation is more closely related to housing voucher portability, and Chapter XI (*Best Housing Practices*) describes a “voucher pooling” program in the Chicago Region.
12. Ms. McNeely asked whether it would be necessary to remove the density requirements for lot and dwelling size related to affordable housing. Ms. Madison responded that minimizing the requirements would likely have a positive effect on affordable housing and environmental justice. In the past, some suburbs have made development of new multi-family housing more difficult by making it a conditional rather than a principal use within a zoning district. Mr. Yunker added that conditional uses require a case-by-case review and approval by the local plan commission, and typically a public hearing, which principal uses do not. Thus, the former are more difficult related to gaining approval and proceeding with development.
13. Ms. Adams asked whether the communities treating multi-family housing as conditional uses could be documented. Mr. McKay stated that such documentation is contained within the draft regional housing plan. Mr. Rast stated that, from an academic standpoint, it would be desirable to write a report on how to remove barriers related to affordable housing; however, the UWM-CED was charged with preparing an analysis regarding the environmental justice implications of the preliminary regional housing plan recommendations, not the prospects of or obstacles to their implementation.
14. Ms. Dunbar asked whether there was some way to make a connection between the preliminary recommendations and environmentally conscious decision-making. She stated that it would be beneficial to outline why the specific recommendations under the regional housing plan were being made. Mr. McKay stated that compact development would result from implementation of

plan recommendations. He noted that environmental benefits of compact residential development include the protection of prime agricultural lands and preservation of environmental corridors. Mr. Rast added that the discussion and recommendations regarding job/housing balance had a relationship to lesser driving, with attendant environmental benefits to air quality and energy conservation. Mr. Yunker stated that the suggestion of providing reasons and environmental benefits behind the preliminary regional housing plan recommendations was a good one, which will be highlighted for the upcoming public meetings.

15. Ms. McNeely asked what impact TIF districts have on other taxing jurisdictions. Mr. McKay stated that around 10 percent of a community's tax base would be the maximum that could be included within TIF districts in a community at one given time. Mr. Rast added that TIF was initially intended and used to relieve distressed areas, but since has been applied more generally to all sorts of areas and development projects when advantageous.
16. Ms. Adams stated that there were local losses due to a TIF project in the City of Kenosha for the struggling Chrysler Corporation, designed to help retain a Kenosha presence and local jobs. Ms. Madison stated that the preliminary plan recommends a change in the Wisconsin TIF law that would require communities to address the balance between jobs and housing in order to create a new TIF district.
17. Mr. Peters stated that a housing development using Community Development Block Grant and HOME dollars is required to include accessibility features, so related language within the SEI summary points should be improved. Mr. Peters suggested consideration of disaster assistance as well, because that could be skewing some of the Federal housing/trend numbers. Ms. Anderson stated that Stimulus Program dollars might also have had an effect, though she thought there had not been a funding decline in "baseline" funding for tax credit housing. Mr. McKay stated that housing trust fund dollars can be used to leverage additional funds; and Mr. Yunker cited the specific example of the City of Milwaukee Housing Trust Fund, which under administration of the City's Community Block Grant Office used some \$3 million to leverage more than \$60 million in constructing over 400 housing units.
18. Ms. Madison stated that the preliminary plan's discussion of homelessness is impressive, but that from an SEI perspective there is no recommendation to analyze. Mr. Peters stated that funding for homeless shelters occurs through donation-subsidized and Federal funding programs, so probably this as a need becomes overlooked.
19. Ms. Adams asked whether the subject of migrant housing warranted further attention. Ms. Anderson noted that there was some discussion in the Job/Housing Balance chapter of the regional housing plan, but that perhaps staff could work with Ms. Adams and Ms. Schuerman to explore the matter.

#### **DISCUSSION OF THE DRAFT TRANSPORTATION IMPROVEMENT PROGRAM FOR SOUTHEASTERN WISCONSIN: 2013-2016**

Ms. Greene asked Mr. Yunker to provide a brief overview of the process used for preparing the Transportation Improvement Program. Mr. Yunker proceeded, using a PowerPoint handout entitled, "Draft 2013-2016 Transportation Improvement Program" (Attachment 5). Mr. Yunker stated that the draft document, *Transportation Improvement Program for Southeastern Wisconsin: 2013-2016*, was

available for review and comment through September 13, 2012. The transportation improvement program, or TIP, is a listing of all arterial highway, public transit, and other transportation improvement projects proposed to be carried out by State and local governments over the next four years in the seven county Region. Background information and copies of the draft TIP have been made available electronically on the SEWRPC website or from the Commission offices, with key groups such as the EJ Task Force notified directly. Hard copies of the draft TIP were also made available to anyone interested at this EJTF meeting. The following discussion points and comments were made:

1. Ms. McNeely observed that there was no listing of minority business owners associated with prospective projects in the TIP. Mr. Yunker stated that this matter is addressed at the individual project level by local units of government, the transit operators, and the Wisconsin Department of Transportation. Ms. Dunbar noted that the issue of appropriately utilizing minority contractors is one that is also somewhat broader, and gaining considerable attention, as evidenced by the NAACP complaint related to the City of Milwaukee and its contracting practices for public projects.
2. Ms. Holmlund stated that she had heard Wisconsin State Senator Chris Larsen address a group regarding the “fix it first” movement advocating repair and replacement of deteriorating transportation facilities as opposed to the building of new facilities, which may be something to consider regarding the TIP.

#### **REVIEW OF REGIONAL HOUSING PLAN PUBLIC INFORMATIONAL MATERIALS**

Mr. Yunker referred the Task Force to the draft bulletin, *Planning for Housing in Southeastern Wisconsin, September 2012*, and the draft brochure, *Year 2035 Regional Housing Plan for Southeastern Wisconsin, October 2012*, which were distributed during the meeting (Attachments 6 and 7, respectively, in final form). Mr. Yunker stated that each of these summary materials would be examined by staff, in keeping with an earlier suggestion by Ms. Dunbar, with an eye toward identifying a prominent means to briefly incorporate reasons as to why housing recommendations were being made and/or would be beneficial to implement.

Ms. Greene asked whether there were any additional observations or comments on the draft public informational materials. There were none.

#### **DISCUSSION OF POTENTIAL DATES AND FORMAT FOR NEXT MEETING(S) IN LIGHT OF PREFERENCES FROM MEETINGS WITH INDIVIDUAL EJTF MEMBERS**

Ms. Greene summarized the preferences for future meetings which the Task Force had relayed to Commission staff in their individual meetings conducted during Spring 2012. Specifically, from a logistical standpoint, there appeared to be no single time of day, nor any particular day of the week or month, which could be identified as being suitable for all members to attend meetings. A key part of the attendance difficulties was that conflicts arose for different people as the meeting dates varied among midweek days selected, and for one person with the time frame. Therefore, some rotation appeared to be in order. Ms. Greene suggested that October 9<sup>th</sup>, a Tuesday, may offer a good possibility given that work on the draft SEI on the preliminary regional housing plan recommendations needed to be wrapped up and reviewed before proceeding to public meetings. Mr. Peters stated that Independence<sup>First</sup> would not be available on that date, but he would probably be able to attend at the typical 4:00-6:00 p.m. meeting time.

Ms. Greene stated that October 9, 2012, would continue to be investigated, and Task Force members were asked to contact the Commission if they discovered potential conflicts.

## **FURTHER PUBLIC COMMENTS**

Ms. Greene thanked the Task Force members for their participation. She then asked whether those in attendance had any additional comments. The following discussion points and comments were made:

1. Ms. Rotker stated that the 1975 regional housing plan had proposed a fair share of affordable housing, but that those recommendations had not been implemented. At that time, Milwaukee was not the most segregated major metropolitan area in the United States, she indicated, but now it is. Ms. Rotker stated that therefore the SEI should examine what happens if no implementation occurs and the current trajectory continues.

Regarding the TIP, Ms. Rotker stated that it was necessary to tie projects to affordable housing. She stated that the Durham-Chapel Hill, NC metropolitan area allocated the same number of points to proposed projects for environmental justice components including affordable housing, as were allocated because of other beneficial components of transportation improvements. Ms. Rotker also stated that not all transit benefits communities of color; for example, the proposed Milwaukee Streetcar, previously proposed commuter rail lines, and some commuter bus lines do not offer such benefits.

Ms. Rotker acknowledged that commuting data indicate that minorities who work are more likely to use automobiles for commuting purposes. She stated that perhaps if there were more transit, more minorities would have jobs, and there would be increased transit use by minorities. Ms. Rotker also stated that she has for some time advocated the “flexing” of highway funds into transit. Ms. Rotker concluded that the TIP report should state that Milwaukee minorities were being hurt by the lack of transit improvement and expansion; and, as it is, she felt that the TIP did not uniformly produce a fair share of benefits.

Mr. Yunker noted that, because of limited meeting time, he would offer only a few responses. He stated that the Commission has been working with the Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area (Milwaukee Area TIP Committee), involving wide representation of local officials. In that regard, Mr. Yunker mentioned two categories of funding which offered the potential for “flexing” of transportation funds—the Surface Transportation Program funds for the Milwaukee urbanized area (STP-M), and Congestion Mitigation and Air Quality Improvement (CMAQ) program projects. These are the categories to which the preliminary housing plan recommendation applies. That recommendation calls for job/housing balance and public transit to be considered when selecting projects to include in the TIP. For the current TIP process, Mr. Yunker indicated that there were no new projects in these categories. The last such projects were selected in 2011, and the next would not be acted upon until 2013. As the regional housing plan continues to proceed toward conclusion, including public review, completion of the SEI, and then adoption, the TIP Committee and Task Force would consider the matter of criteria to be employed in reviewing related transportation projects. Mr. Yunker stated that for CMAQ funds, transit projects have been the highest priority and that he believed every proposed project had been funded. With respect to STP-M funding, only capital projects can be funded, and STP-M funds set aside for

such projects remained unused for decades as the financial problems with public transit concern the transit annual operating budget.

2. Ms. McNeely asked whether the TIP projects being considered were local or limited in nature. She stated that it would be useful to see where the funding would be going. Mr. Yunker stated that the TIP includes all highway and transit projects, which are listed in the TIP report with respective funding ([http://www.sewrpc.org/SEWRPCFiles/Publications/TIP/TIP\\_2011-2014.pdf](http://www.sewrpc.org/SEWRPCFiles/Publications/TIP/TIP_2011-2014.pdf), wherein Appendix A lists all projects and costs).

## **ADJOURNMENT**

Ms. Greene thanked everyone for attending and declared the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Gary K. Korb

Recording Secretary

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