

City of Sheboygan

Analysis of Impediments to Fair Housing



Table of Contents

I.	Table of Contents	1
II.	Executive Summary	2
III.	Introduction	6
	a. Overview	
	b. Scope of Study	
	c. Fair Housing	
IV.	Sheboygan Background Data	7
	a. Overview	
	b. Sheboygan Metropolitan Area	
	c. Sheboygan Population Distribution	
	d. Racial Composition	
	e. Household Profiles	
	f. Housing Characteristics	
	g. Age Distribution	
	h. Employment and Income	
	i. Housing Supply	
	j. Education	
V.	Assessment of Current Fair Housing	21
	a. Fair Housing Programs and Activities	
	b. Sheboygan Fair Housing Ordinance	
	c. City of Sheboygan Comprehensive Plan	
	d. Fair Housing Legal Status	
	e. Fair Housing Commission	
	f. Focus Group Results	
VI.	Impediments to Fair Housing Choice	25
VII.	Recommendations	33
VIII.	Appendix	38

Executive Summary

The “City of Sheboygan: Analysis of Impediments to Fair Housing 2022” should be used as a meaningful tool and roadmap for the community to take steps to ensure equal access to housing opportunities for all persons in the City of Sheboygan. This study contains an analysis of demographic and economic characteristics in relation to their impact on fair housing; a discussion of fair housing impediments; and a series of recommendations designed to dismantle the impediments identified.

Sheboygan Background Data

An analysis of the demographic and economic characteristics in Sheboygan assists in identifying trends that currently have or will have an impact on Sheboygan’s housing market and impediments to fair housing choice. Some of the major findings include:

- Household sizes over the last five years have increased.
- The number of individuals born outside of the United States below 100% of the poverty level went from 6.1% in 2015 to 25.7% in 2020.
- 16.8% of the Sheboygan population speaks a language other than English in the home. Of these individuals, 39.8% speak English less than very well.
- Unemployment rates are higher for African Americans and Latinos than that of whites and Asians. Subsequently, median incomes are lower for African Americans and Latinos than for whites and Asians.
- The proportion of Asians and Latinos without a high school diploma is significantly higher than that of whites and African Americans.
- A majority of Sheboygan’s housing is comprised of older housing units.
- Sheboygan’s housing supply does not contain many large units (4 bedrooms or more).

Update on Impediments accomplished from the 2017-2022 Plan

In the past five years, the City of Sheboygan has been aggressive in funding agencies that can assist with fair housing impediments as it relates to budget and financial counseling services, post purchase housing counseling, and leveraging community non-profits to provide additional resources to low income homeowners to rehabilitate properties.

The American Rescue Plan allowed HUD to add 70,000 emergency housing vouchers in 2021 nationwide. In 2022 Wisconsin received another 350 vouchers. While more vouchers are still needed to bridge the gap, progress has been made in the last five years.

Using Community Development Block Grant funds, the City has provided a free First Time Homebuyers class. This class taught potential and prospective homebuyers everything they need to know about

purchasing a home. The City also offered a Tenant Training class that taught participants how to become knowledgeable tenants.

The City has recently updated the Fair Housing Guide. This guide is available in Spanish and English at City Hall.

The City has added 358 units of affordable housing. Currently four additional affordable housing structures are in the works to be built in the near future.

The City has been working towards creating more diverse boards. Women and minorities are much more prevalent on City boards than they were in the past couple of years.

The City has created the Neighborhood Revitalization Fund to increase and improve the supply of safe, quality, affordable housing and revitalize central city neighborhoods.

The Sheboygan County Housing Coalition, which is a cross-section of nonprofit, government and community representatives, continues to work collaboratively toward the prevention of homelessness and the creation of lasting housing solutions for homeless and at-risk families and individuals throughout Sheboygan County.

Impediments to Fair Housing Choice

An *impediment* to fair housing choice is defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin. Impediments may take the form of a city or other governmental entity's policy, practice or procedure, housing industry practices, or other societal factors that may contribute to impeding a person or family from obtaining housing. The City of Sheboygan's research and interviews with community representatives helped identify the following impediments:

City of Sheboygan Impediments

- Impediment #1: Group Homes of Community Living Arrangements (CLA): Advocates for persons with disabilities in other communities have waged successful legal challenges against municipal ordinances that are similar to Sheboygan's. These challenges asserted that these types of ordinances were too restrictive and were found to have violated the Federal Fair Housing Act.
- Impediment #2: Inadequate Affordable Housing Supply Relative to Resident Income: Currently, 25.84% of Sheboygan households (5,335 households) pay 30% or more of their income for housing costs. Three impediments that contribute to the shortage of larger (4 bedrooms or more) affordable housing are the structural quality of housing available, the lack of financial resources to build/preserve/rehabilitate affordable housing, and a lack of housing choice section 8 rent assistance vouchers.

- Impediment #3: Poor Credit, Lack of Credit History and Lack of Financial Literacy: Poor credit history, whether incurred by personal choices or circumstances beyond a person's control, can hinder a person's access to housing.
- Impediment #4: Transit Commuting Difficult to Some Surrounding Areas: Shoreline Metro provides limited routes to outlying communities which limits transit-dependent residents from living in certain neighboring communities, specifically the Town of Sheboygan. This is an impediment because it limits where these residents choose to live and/or work.
- Impediment #5: Racial/Ethnic Segregation and Linguistic Isolation: Almost all of the minority population in Sheboygan County is located in the City of Sheboygan. Specifically, the Latino and Asian populations are in the east central part of the City. While segregation and minority concentration are not as serious in Sheboygan as they are in larger urban areas like Milwaukee and Detroit, it is important to recognize their existence now, before the long term effects and costs of segregation start to impact Sheboygan as they have in Milwaukee and elsewhere.

Linguistic isolation exists in over 6% of the Sheboygan population. A population that does not speak English well will have specific housing impediments related to communicating effectively with a rental agent, real estate agent, mortgage lender or insurance agent.

- Impediment #6: Fair Housing Rights Information: No files or other fair housing complaint details were received by the City of Sheboygan in the last five years. The absence of complaints may be due to the public's unfamiliarity with the fair housing laws/ordinance and the weak protections the law offers, how the City of Sheboygan can assist them, as well as the subtle nature of housing discrimination.

Federal and State Impediments

While the City of Sheboygan is not directly involved in these Federal and State impediments, it is essential to address them because they impact the City's ability to "affirmatively further fair housing" as required by HUD. Federal and State impediments identified are:

- Impediment #7: Section 8 Housing Choice Vouchers Availability: Cuts in funding to the Section 8 program impedes local communities' ability to assist their population in finding quality, affordable housing.
- Impediment #8: No Infrastructure between Medicare/Medicaid and Section 8: The lack of infrastructure between Medicare/Medicaid and Section 8 costs the government more money and keeps persons with disabilities segregated and living in institutions instead of being integrated into society.

Private Market Impediments

Private market impediments are obstacles to fair housing in the housing production, mortgage lending and rental and home sales markets. Though Sheboygan is limited in its ability to directly address private market impediments, it can take a leadership role in bringing these issues to the public's attention.

- Impediment #9: Housing Producers: The main impediment to fair housing in housing production is attributed to a lack of programs that provide financial incentives to developers to build accessible housing, affordable housing or larger housing units to accommodate large families.
- Impediment #10: Mortgage Lending: Discrimination in mortgage lending prevents or impedes home seekers from obtaining the financing normally required to purchase a home. The major impediments identified include:
 - ❖ *Discrimination in the Lending Market*
 - ❖ *Lack of Spanish/Hmong-speaking lenders*
 - ❖ *Foreclosures*
 - ❖ *Lack of flexible underwriting to accommodate persons with no credit history*
- Impediment #11: Housing Sales and Rental Markets: A major impediment to housing choice is discrimination in the sale and rental of housing. Racial discrimination remains the major form of discrimination in the housing market and there is evidence that despite legislative and enforcement efforts, it has not diminished. In addition, with the burgeoning Hmong and Spanish-speaking populations, it is important to ensure an equal level of service be available to alleviate this impediment to fair housing choice.

Recommendations

The *Recommendations* are the most critical element of the Analyses of Impediments to Fair Housing for local communities to address and remedy the barriers identified.

City of Sheboygan Recommendations

- Recommendation #1: Devote Resources to a Comprehensive Review of Section 15.206 of the City of Sheboygan's Ordinances: Community Living Arrangements (CLA): The City should partner with disability advocacy groups and Independent Living Centers to review and analyze the Community Living Arrangements section of their zoning ordinance.
- Recommendation #2: Facilitate the Production of Affordable and Accessible Housing: The City should do enforce existing laws that ensure accessible housing construction and continue to implement the Housing Rehabilitation program.

- Recommendation #3: Increase Education and Outreach about Fair Housing Issues and Resources: The City of Sheboygan must actively *affirmatively further fair housing* by making sure its residents are informed and educated on their fair housing rights and how to file a claim.
- Recommendation #4: Continue Landlord Training: The City should continue to offer landlord training to landlords to increase knowledge about Fair Housing Law.
- Recommendation #5: Continue to Utilize Appropriate Financing Mechanisms to Produce Accessible Housing and Affordable Housing: Ongoing efforts should continue to utilize available, appropriate financing mechanisms, such as Tax Incremental Financing (TIF) to increase the production of affordable housing units and accessible housing units for persons with disabilities.

Federal and State Recommendations

- Recommendation #6: Advocate for Changes in State and Federal Programs to Expand Affordable Housing Options: The City should advocate for the following: additional Section 8 Housing Choice Vouchers; affordable housing production resources; and for the creation of a smoother infrastructure between Medicare/Medicaid and Section 8.

Private Market Recommendations

- Recommendation #7: Advocate for Open and Inclusive Real Estate and Rental Markets: The City of Sheboygan should advocate for more open and inclusive home rental and sales markets by working with the housing industry and appropriate State departments.
- Recommendation #8: Improve Access of Minority and Low-Income Applicants to Home Mortgages: The City should help minority and low-income loan seekers to obtain greater access to home mortgages.

Introduction

Overview

The following report, the “City of Sheboygan: Analysis of Impediments to Fair Housing” is required by the U.S. Department of Housing and Urban Development (HUD) from all communities that receive Community Development Block Grant (CDBG) funds.¹ The AI serves as the basis for fair housing

¹ Under the Housing and Community Development Act of 1975, all recipients of Federal Community Development Block Grant (CDBG) funds, used for various housing and community development activities which primarily benefit low and moderate income persons, are required to certify that they will comply with Title VIII of the Civil Rights Act (also known as the Federal Fair Housing Law). HUD must ensure that all programs and activities relating to housing and community development are administered in a manner “affirmatively to further the purpose of Title VIII.” In 2012 the City of Sheboygan received \$793,502 in CDBG funds from HUD, down from \$981,553 in 2011.

planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. To maximize the potential of this report, the community must view it as more than just a requirement for receiving block grant funding. It should be used as a meaningful tool and roadmap in order for the community to take steps to ensure equal access to housing opportunities for all persons in the City.

Scope of Study

The City of Sheboygan: Analysis of Impediments to Fair Housing was conducted by the City of Sheboygan, Department of City Development. The report contains several components. First, the study provides an analysis of demographic and economic characteristics in relation to their impact on fair housing. Next is a discussion of impediments within the City of Sheboygan's policies, procedures and practices; within other governmental level policies; and within the private markets such as: mortgage lending, homeowners' insurance, real estate sales and the rental market. These impediments were identified as a result of extensive research and interviews with community representatives. The report concludes with a series of recommendations designed to dismantle those impediments identified in the previous section.

Fair Housing

Fair housing is a civil right that guarantees equal housing opportunities for all persons regardless of race, color, religion, sex, disability, familial status, national origin, (federal and state) source of income, age, marital status and sexual orientation (state only).² These categories, which are covered under these laws, are known as "protected classes." An *impediment* to fair housing is anything that may hinder or prevent a person from having equal access to housing because of their membership in one of the previously mentioned protected classes. Impediments may take the form of a city or other governmental entity's policy, practice or procedure, housing industry practices, or other societal factors that may contribute to impeding a person from obtaining housing.

Sheboygan Background Data

Overview

A combination of discrimination, geographic preferences, demographic shifts, changes in the number and structure of households and the economy, among other things account for the City of Sheboygan's current housing conditions. U.S. Census Bureau maps are used in this report to map socioeconomic and housing market conditions and to assist in highlighting patterns that may otherwise go unnoticed. The

² In Accordance with 24 CFR 570.904 fair housing choice is defined as the "ability of persons regardless of race, color, religion, sex, handicap, familial status or national origin, of similar income levels to have available to them the same housing choices." Impediments to fair housing are defined as, "any actions, omissions, or decisions, which restrict housing choice because of race, color, religion, sex, national origin, familial status or handicap."

City of Sheboygan's demographic, economic and social characteristics will be discussed in this section and connections will be made to characteristics that are related to impediments in the housing market.

Sheboygan Metropolitan Area

In order to evaluate the demographic and economic characteristics of the City of Sheboygan, the entire Sheboygan Metropolitan area must be analyzed to provide a larger base and to serve as a comparison to the City. The City of Sheboygan is part of the larger Sheboygan Metropolitan Statistical Area (Figure 1), as defined by the U.S. Census Bureau. The Sheboygan Metropolitan Statistical Area (MSA) and Sheboygan County share the same boundaries. The maps below illustrate the geographic areas analyzed in order to review socioeconomic housing patterns.

Figure 1: Metropolitan Sheboygan³

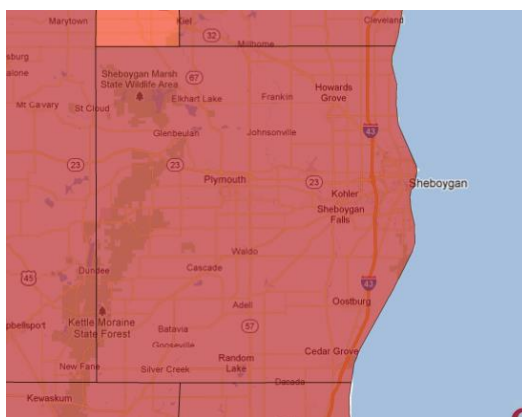
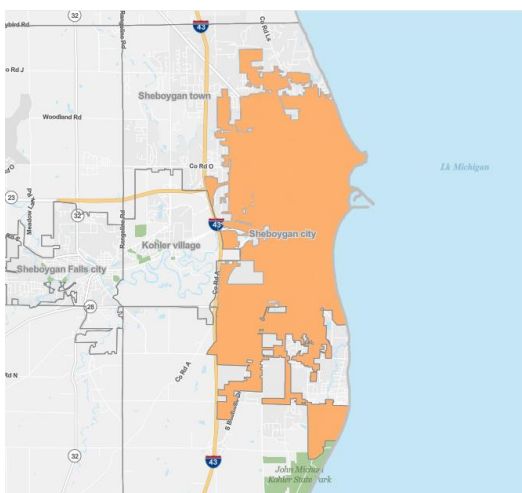


Figure 2: City of Sheboygan⁴



³ Source: <http://2010.census.gov/2010census/popmap/>

⁴ Source: data.census.gov

Sheboygan Population Distribution

In 2020, the City of Sheboygan's population was 48,153, a decrease of 2.3% from 2010. The surrounding county saw a smaller decrease during this time period of only .3%. During this period of slight decrease, whites in the City experienced a decline in population while most minority groups saw an increase in population. The implication is that while people of color were moving into the City of Sheboygan, whites were leaving.

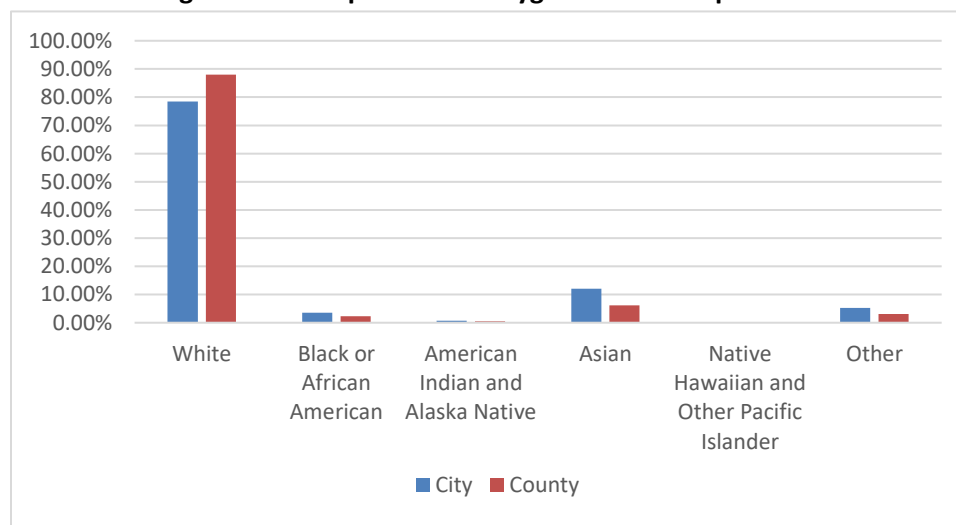
Table 1: Metropolitan Sheboygan Population Distribution⁵

	2010		2015		2020	
Geography	Population	Percent	Population	Percent	Population	Percent
Sheboygan County	115,507	57%	115,226	58%	115,152	58%
City of Sheboygan	49,288	43%	48,853	42%	48,153	42%

Racial Composition

There is evidence of a racial segregation component to the housing patterns in the City of Sheboygan. In 2020, 70% (13,837 persons) of the Sheboygan metropolitan minority population resided in the City. As pointed out above, the white population actually decreased by 9.7% from 2010 to 2020 in the City of Sheboygan while whites accounted for a majority of the growth for the outlying communities in Sheboygan County during that same period. Figure 3 depicts the racial housing pattern in Sheboygan County.

Figure 3: Metropolitan Sheboygan Racial Composition⁶



⁵ Source: data.census.gov

⁶ Source: data.census.gov

The Black population experienced the most pronounced percentage increase in population between 2000 and 2020. Between 2000 and 2010 the Black population grew by 102% (449 persons) and between 2010 and 2020 the Black population grew by 84% (747 persons). The Hispanic population had a large increase between 2000 and 2020 of 105% (3,195 persons); between 2000 and 2010 the Hispanic population increased by 60% (1,832 persons) and then by 28% (1,363 persons) between 2010 and 2020. The Asian population experienced an increase in population of 35% (1,149 persons) between 2000 and 2010 and grew by another 24% (1,080 persons) between 2010 and 2020.

Despite the rapid growth of the minority populations and the decline in the white population during the 2000's and 2010's, whites still make up the vast majority of the population within the City of Sheboygan. Table 2 summarizes the population growth characteristics experienced in the City of Sheboygan between 2000 and 2020.

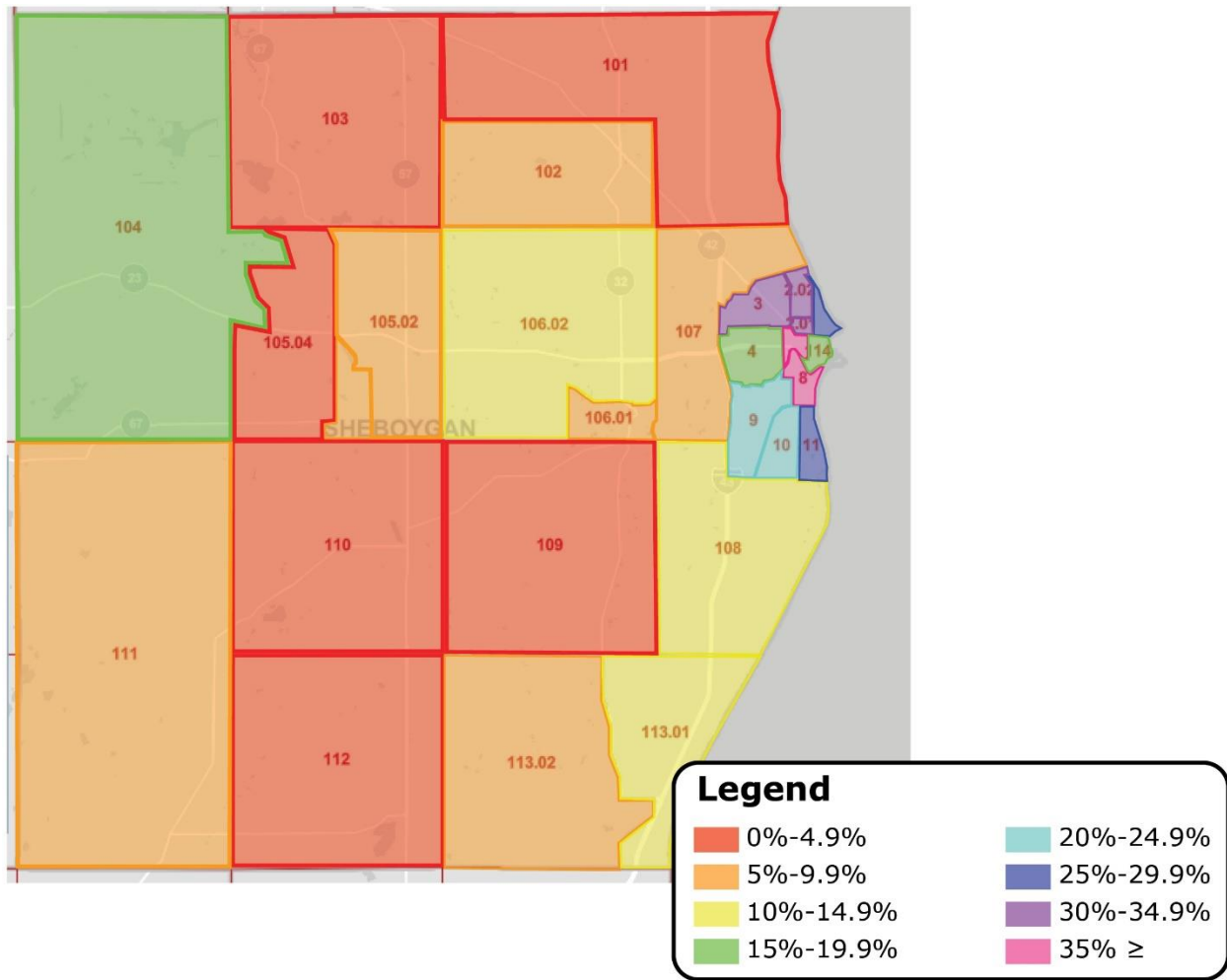
Table 2: City of Sheboygan Population by Race⁷

	2000		2010		2020	
	Population	Percent	Population	Percent	Population	Percent
Not Hispanic or Latino	47,758	94.03%	44,422	9.87%	43,700	87.52%
Hispanic/Latino	3,034	5.97%	4,866	90.13%	6,229	12.48%
Asian	3,290	6.48%	4,439	9.01%	5,519	11.05%
Black	436	0.86%	885	1.80%	1,632	3.27%
White	44,507	87.63%	40,685	82.55%	36,092	72.29%
Indian/Alaskan Native	242	0.48%	242	0.49%	317	0.63%
Hawaiian	18	0.04%	12	0.02%	16	0.03%
Other	1,447	2.85%	1,770	3.59%	2,408	4.82%
2 or more races	852	1.68%	1,255	2.55%	3,945	7.90%
Total	50,792	100.00%	49,288	100.00%	49,929	100.00%

Map 1 illustrates where all non-whites in Sheboygan County live. An overwhelming majority of people of color, also indicated in Figure 3, reside in the City of Sheboygan.

⁷ Source: data.census.gov

Map 1: Minority Residents in Sheboygan County (MSA)⁸



Household Profiles

Throughout much of the U.S., an increase in households is occurring at a rate that exceeds population growth. This is due to the growing number of single person and single parent households, longer life expectancies, the rate of divorce, etc. A by-product of this trend is smaller household size. The City of Sheboygan has seen the number of households decrease by .4% between 2010 and 2020; this may be an effect of the decrease in population or result of the current economic condition. Also reverse of this trend is the increase seen in 6-person households. Between 2010 and 2020, the City saw a 27.63% (126 households) increase in 6-person households. The most significant change that the City saw was an increase in the number of 1 person households of 8.76% (594 households).

⁸ Source: data.census.gov

Table 3: City of Sheboygan Household Size⁹

Household Size	2010		2020	
	Number	Percent	Number	Percent
1 Person	6,778	33.4%	7,372	36.6%
2 Person	6,634	32.7%	6,459	31.9%
3 Person	2,780	13.7%	2,642	13.1%
4 Person	2,260	11.1%	1,865	9.2%
5 Person	1,011	5.0%	942	4.5%
6 Person	456	2.2%	582	2.9%
7 Person	389	1.9%	365	1.8%
Total	20,308	100.0%	20,227	100.0%
Average Household Size	2.4		2.5	

City of Sheboygan residents have experienced changes in marital status between 2010 and 2020, as illustrated in Table 4. For example, persons falling within the “never married” category of marital status have increased by almost 5%, or 594 persons, while “married” persons have declined by 5.83% or 1,118 persons. This may be due in part to persons waiting until they’re older to get married. “Divorced” persons increased to 5,198 in 2020, an increase of 22.05%. Both the increase in divorced persons and an increase in persons not married are related to smaller overall household sizes.

Table 4: City of Sheboygan Marital Status¹⁰

Marital Status	Never Married	Married	Divorced	Widowed
2010	11,918	19,185	4,259	3,048
2020	12,512	18,067	5,198	2,328
Change	594	-1,118	939	-720
% Change	4.98%	-5.83%	22.05%	-23.62%

Housing Characteristics

The City of Sheboygan experienced a housing unit decrease of 2.3% from 2010 to 2020, or 520 housing units. Vacant housing units have decreased along with the housing unit decrease, with a decrease of 439 vacant units. This decrease in housing units may be due to the age of the housing stock in the City and the need to demolish older homes and they fall into disrepair. Owner-occupied housing accounted for 58.79% of occupied housing units in the City of Sheboygan, as opposed to the 41.21% who are renter-occupied.

⁹ Source: data.census.gov

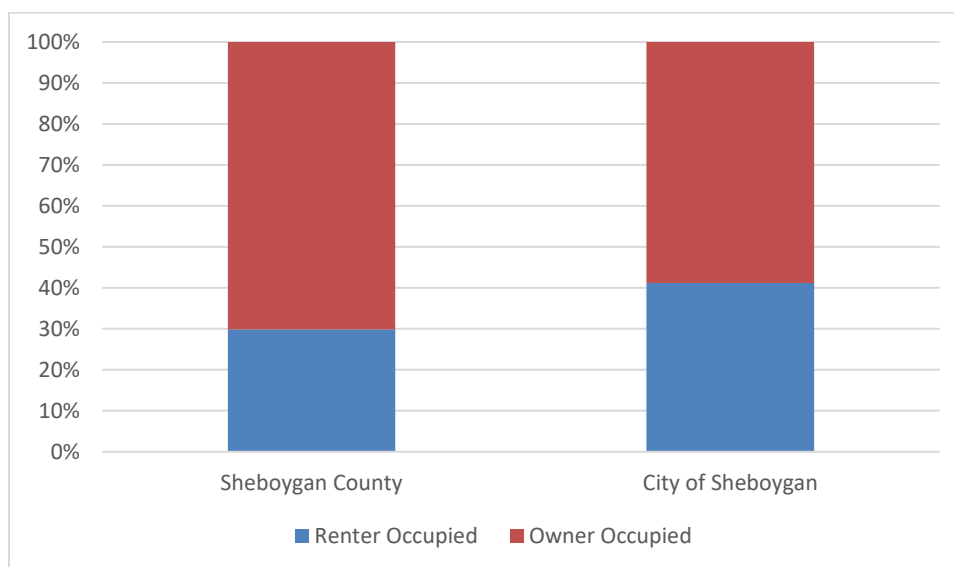
¹⁰ Source: data.census.gov

Table 5: City of Sheboygan Homeownership Status¹¹

Household Size	2010		2015 (Estimate)		2020	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	22,339		21,994		21,819	
Occupied	20,308	90.9%	20,183	91.8%	20,227	92.7%
Owner	12,430	61.2%	12,218	60.5%	11,892	58.79%
Renter	7,878	38.8%	7,965	39.5%	8,335	41.21%
Vacant	2,031	9.1%	1,811	8.2%	1,592	7.3%

As mentioned, Sheboygan’s housing stock is primarily owner-occupied; however, this number has been steadily declining. Sheboygan County’s owner occupancy is higher, at 70.27%, than the City’s at 58.79%.

Figure 4: Metro Sheboygan Homeownership Status¹²

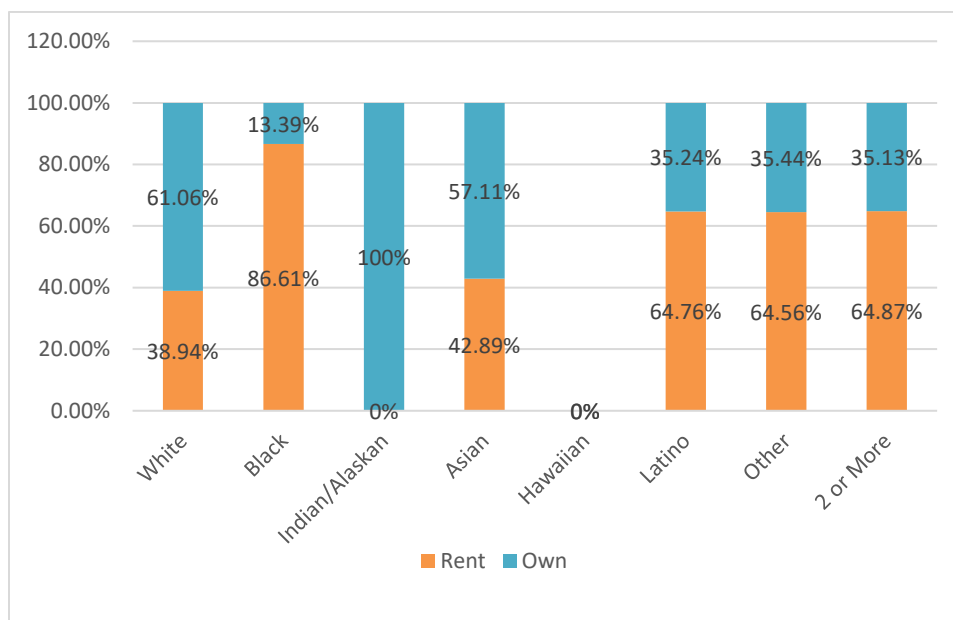


There are vast disparities in homeownership rates by race in the City of Sheboygan. For instance, more than 4.5 times as many whites own their own homes compared to blacks, whites are almost twice as likely to own their homes than Latinos, and about 7% more whites own their homes than Asians. As home equity is often the foundation for educational, employment and business opportunities, these disparities disadvantage minorities. While incomes by race and ethnicity are generally lower, it is disconcerting that access to financing for non-whites and Hispanics for homeownership may be an impediment. Impediments to homeownership are impediments to fair housing.

¹¹ Source: data.census.gov

¹² Source: data.census.gov

Figure 5: City of Sheboygan Homeownership Status by Race¹³

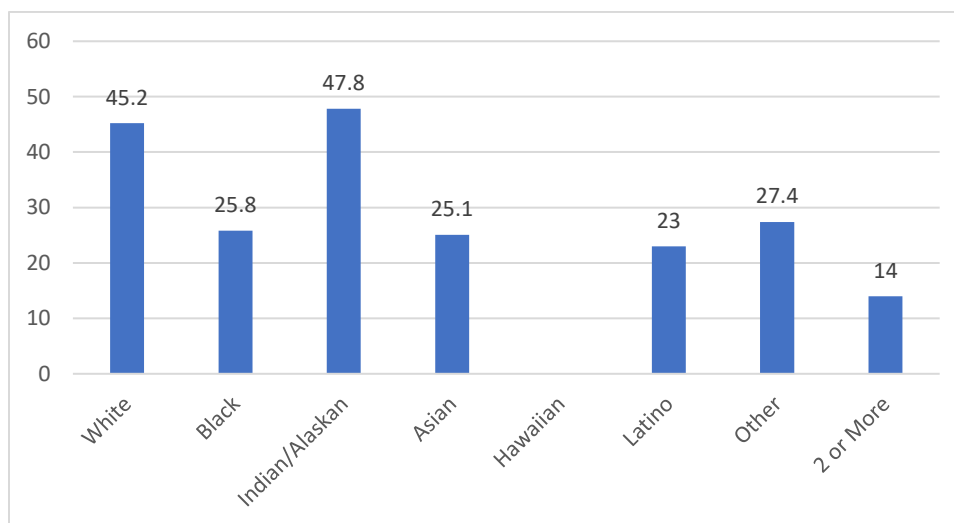


Age Distribution

The median age for the City of Sheboygan is 36.8, which is a year less than the United States median age and almost two years less than the State of Wisconsin median age of 38.6, and a significant 4.5 years less than the Sheboygan County median age of 41.3. Median age by race and ethnicity varies significantly in Sheboygan, as shown in Figure 7. For instance, Latinos have a median age that is almost 50% below that of whites, while blacks have a median age that is roughly 43% less than whites and Latinos have a median age that is 44% less than whites. The significantly younger median age of minority households presents many implications for future and current housing needs. Currently, larger units are needed to accommodate larger families with children. As the children of these families become adults – they will likely create demand for affordable housing and larger housing units (currently housing characteristics more prevalent in minority communities).

¹³ Source: data.census.gov

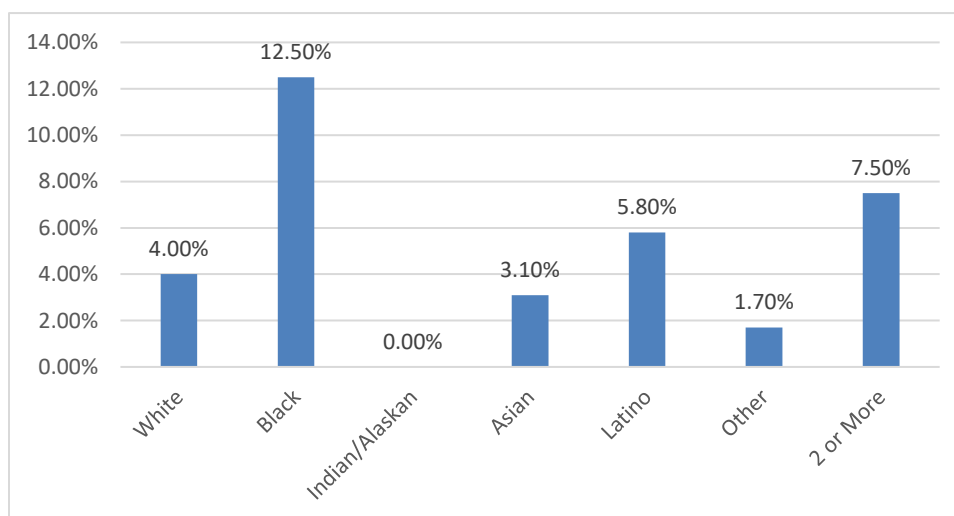
Figure 6: City of Sheboygan Median Age by Race¹⁴



Employment and Income

The City of Sheboygan's unemployment rate in 2020 was 4.2%, which compares to 5.4% for the United States and 4.7% for the State of Wisconsin. However, the unemployment rate for blacks in the City of Sheboygan is over 200% higher than for whites, for Latinos it is roughly 45% higher, and for individuals of 2 or more races is 87.5% higher.

Figure 7: Unemployment by Race¹⁵

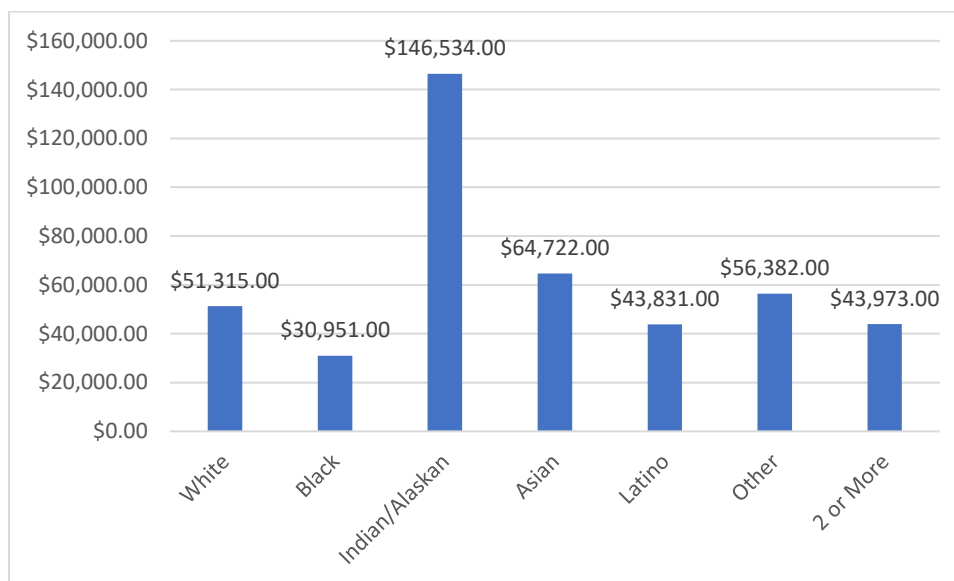


¹⁴ Source: data.census.gov

¹⁵ Source: data.census.gov

Furthermore, on average – blacks earn \$20,364 less per year than whites, which works out to roughly \$1,697 per month. Latinos earn \$7,484 less per year than whites, or \$623 per month. Individuals of 2 or more races earn \$7,342 less per year than whites, or \$612 per month. Given the relatively higher unemployment rates and lower incomes of African Americans, Latinos, and individuals of 2 or more races in Sheboygan, the need for affordable housing for these populations is more evident.

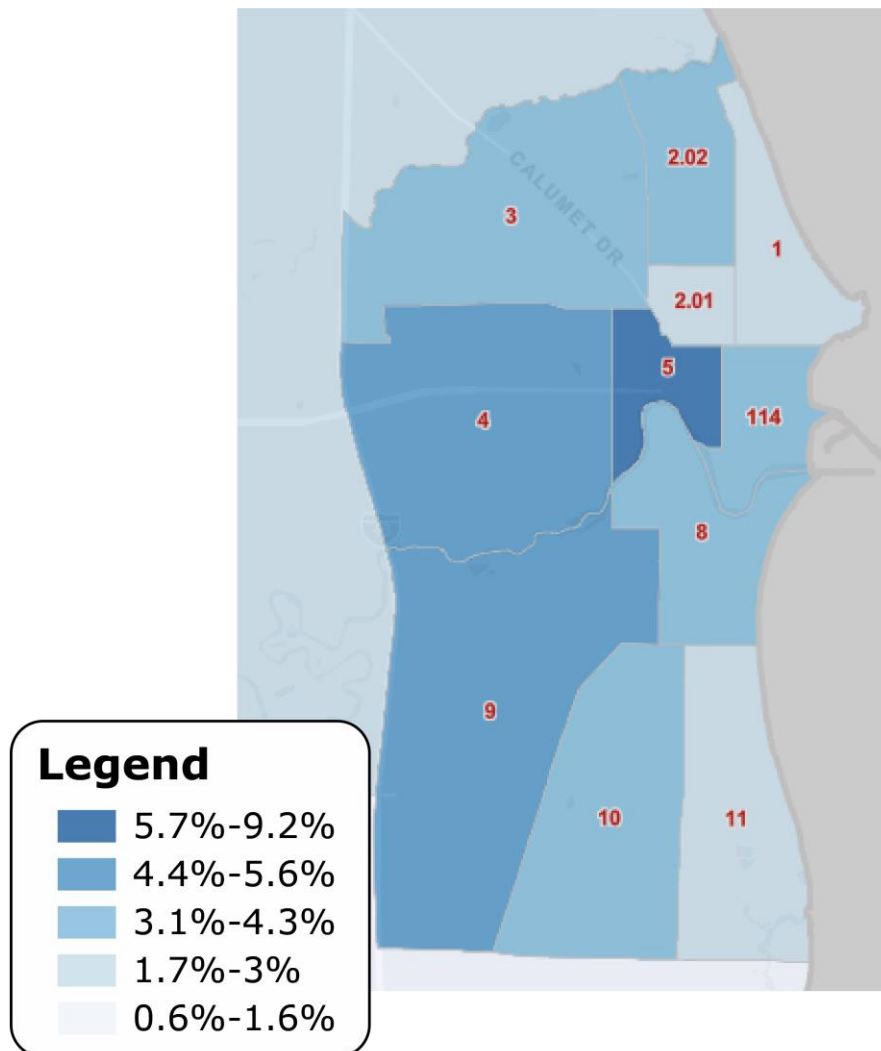
Figure 8: Median Household Income by Race¹⁶



¹⁶ Source: data.census.gov

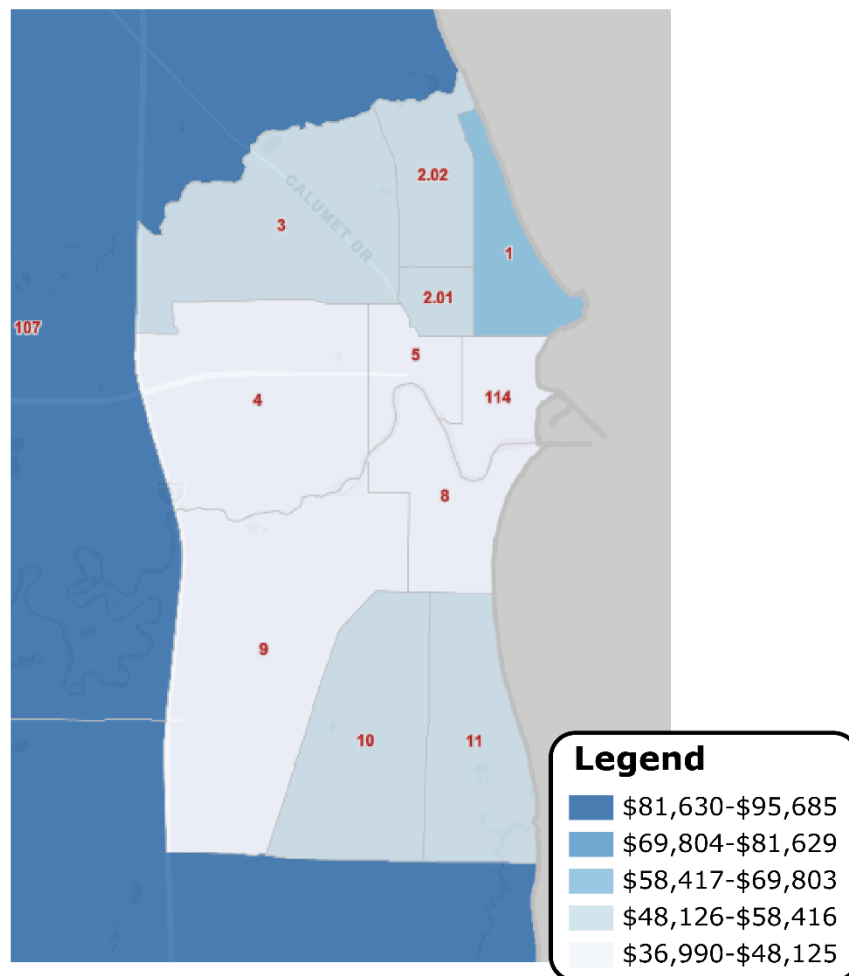
Map 2 illustrates the percent of persons unemployed in each census tract in the City of Sheboygan. The highest unemployment rates are in census tracts toward the middle of the City.

Map 2: City of Sheboygan's Unemployed Population¹⁷



¹⁷ Source: data.census.gov

Map 3: City of Sheboygan's Median Household Income¹⁸

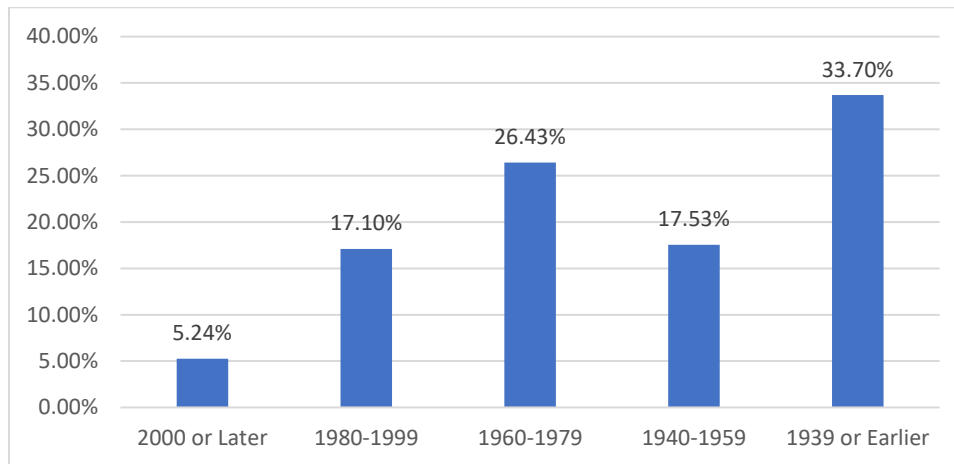


Map 3 illustrates the median household income for each census tract in the City of Sheboygan. The overall Median Household Income for the City of Sheboygan is \$52,088. While the representation of the lowest median income, shown on this map, does not correspond exactly to the areas of highest unemployment, shown on Map 2, both of these issues exist (as do many of the impediments relating to fair housing) in the middle of the City. Poverty restricts housing choice. Families and children living in poverty may hesitate to assert their housing rights for fear of retaliation by the landlord. With vacancy rates so low and the supply of affordable housing scarce, poor households are often caught in a vicious cycle of lacking the financial means to move and feeling that they have no choice but to remain in unsafe housing.

¹⁸ Source: data.census.gov

Housing Supply

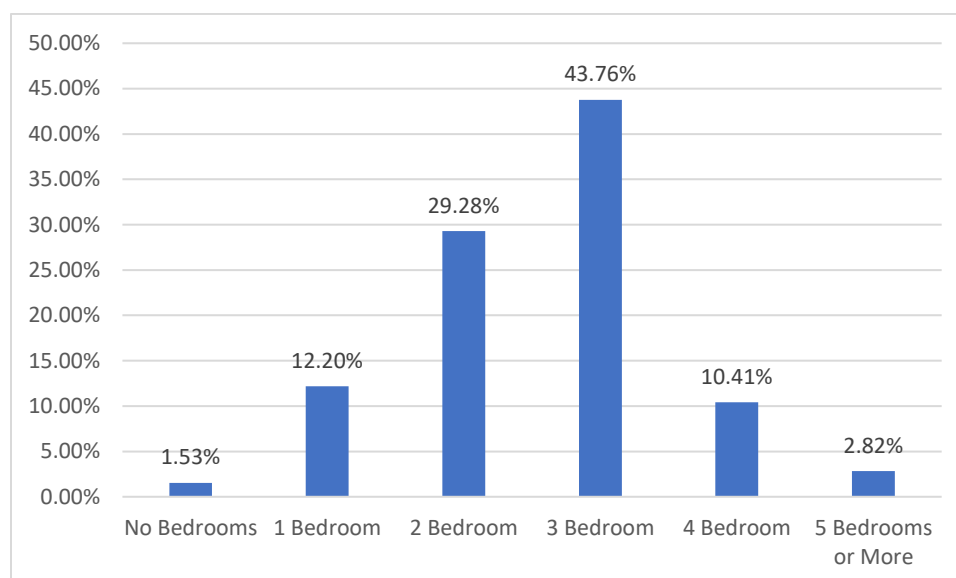
Figure 9: City of Sheboygan Year Housing Units Built¹⁹



The vast majority of the City of Sheboygan's housing was constructed before 1939. The median year that all structures were built in the City is 1959, which compares with Wisconsin's median of 1975 and the United States' median of 1980. In general, older housing stock is likely to be less expensive because it is more likely to be in disrepair or have greater maintenance needs, but it is also more likely to be inaccessible to persons with disabilities. In addition, an old housing stock raises concerns about the need to address lead-based paint hazards. Because old houses are more likely to have lead hazards and because lower income households are more likely to live in older housing, there is a high concern about lead based paint hazards, especially in young children. While it is required for landlords to disclose the possibility of lead-based paint hazards to tenants, not all landlords are compliant. Poor households may be constrained in their ability to find and afford rental housing that does not have lead hazards.

¹⁹ Source: data.census.gov

Figure 10: City Sheboygan Number of Bedrooms per Unit²⁰



The City of Sheboygan’s housing is primarily composed of two and three bedroom units, which make up about 73% of the total housing units. The prevalence of two and three bedroom units is relevant given the current and potential need for larger housing units addressing the needs of many of the larger Latino and Asian families.

Education

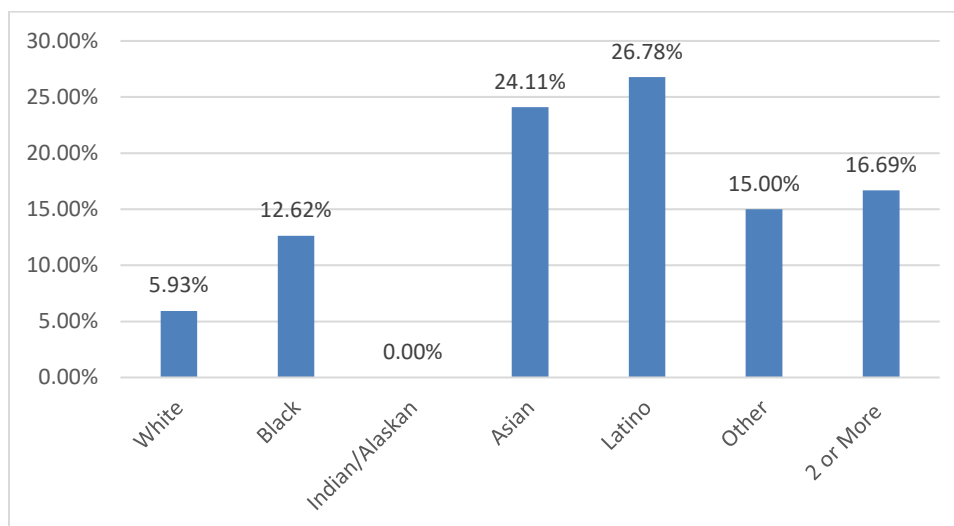
Twenty two percent of the City of Sheboygan’s population age 25 and older have a bachelor’s degree or beyond, which compares to 33% of the United States population and 31% of the State of Wisconsin’s. Vast disparities in educational attainment manifest when analyzed by race and ethnicity. For instance, whites are about four times as likely to graduate from high school than Latinos and Asians.

The large disparity between whites, Asians and Latinos are due in part to families immigrating to Sheboygan from other countries. For instance, Hmong adults coming from a refugee camp in Thailand are unlikely to have received high school education equivalency. Perhaps over time, the longer immigrant families are here, the more likely the next generation of these families will get a high school diploma and the educational rates will positively change.

Disparities in education are important to fair housing for several reasons. First, persons with less education on the average will have lower incomes than those with more education. This has an effect on how much housing one can afford and the choices available. Also, persons with less education will likely have less access to educational or financial resources that assist people in purchasing a home or obtaining a loan.

²⁰ Source: data.census.gov

**Figure 11: Education by Race
(No Highschool Diploma Received)²¹**



Assessment of Current Fair Housing

Fair Housing Programs and Activities

1. CDBG Programs

The City of Sheboygan, Department of City Development currently provides funding to income eligible homeowners through a HUD program. The Housing Rehabilitation Loan Program provides renovation funding to income-eligible homes either on a deferred basis or a 0-4% payback loan. This program provides funding to better affordable housing in our low-to-moderate income neighborhoods. This fund may also be used to address accessibility issues for disabled populations.

2. Developer Incentives

To give developers more incentive to develop affordable housing within the City, the City utilizes TIF 1-year extension which allows a TID to be open for an additional year and funds to be used for affordable housing.

3. Homebuyer Assistance

Partners for Community Development assists eligible applicants with financial assistance to cover the upfront costs of acquiring a single-family home under this program to income eligible applicants. Financial assistance through this program is provided as a 0% interest, deferred loan with no required monthly payments.

²¹ Source: data.census.gov

4. Rebuilding Together

The Rebuilding Together organization's mission is to preserve and revitalize houses and communities, assuring that low-income homeowners, particularly those who are elderly and disabled and families with children, live in warmth, safety, and independence. The goal is to make a sustainable impact in partnership with communities.

5. Lakeshore CAP

Lakeshore CAP provides home buying and rental assistance programs for Sheboygan's LMI residents. The Home Buyer and Financial Assistance program is designed to educate and assist income-eligible households with mortgages for the purchase of a home. The Supportive Housing/Rental Assistance program provides resources and assists eligible households who are experiencing homelessness or are at risk of becoming homeless to maintain housing, and work towards self-sufficiency.

6. Habitat for Humanity

Habitat for Humanity's mission is to bring people together to build homes, communities and hope. Habitat for Humanity Lakeside, the local chapter has continued its Home Repair Program (formerly known as A Brush with Kindness) to assist homeowners with making repairs to their properties.

7. Love, Inc.

Love Inc.'s Gap Ministry helps fill unmet needs in community services and products. Their home repair program provides services necessary to make improvements to the home.

8. Sheboygan County Economic Development Corporation Forward Fund

Sheboygan County Economic Development Corporation (SCEDC) has created The Forward Fund, a community partnership to help move Sheboygan County forward. They have raised funding to create a new community housing development program to support the construction of new housing units. The SCEDC will lead in developing approximately 600 housing units over the next three to five years throughout Sheboygan County to bring entry-level housing to the market.

9. Family Services Association

Family Services Association is dedicated to helping individuals and families maintain and achieve financial stability and improve their quality of life. This is accomplished by providing education, counseling, advocacy, and financial management programs. The Consumer Credit Counseling Service program provides financial education/counseling to groups or individuals as it relates to budgeting, student loans, housing, bankruptcy, ID Theft, and Debt Repayment Plans. This program also has a Rent Smart course that helps renters to understand their rights as tenants, overcome challenges in finding and securing rental housing, and develop a positive relationship with their landlord.

Sheboygan Fair Housing Ordinance

Municipal Code of the City of Sheboygan, Chapter 46 – Fair Housing (see Appendix A).

Declaration of Policy

It is declared to be the policy of the city, pursuant to the United States Constitution and state constitution, Wis. Stats. §§ 66.1011 and 106.50, and also its power to protect the public health, safety and general welfare that all persons are entitled to fair and equal access to housing and to be free of all forms of discrimination, regardless of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation. To that end the city enacts this chapter, which prohibits any person, not exempted in this chapter, from discriminating against any other person by impairing to any degree access to any housing or housing accommodations on the basis of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation and creates a board with the power and duty to enforce equal opportunity in housing for all citizens of the city.

City of Sheboygan Comprehensive Plan

On December 5, 2011, the City of Sheboygan adopted its Comprehensive Plan. Chapter Four of this plan describes the City's goals for Housing and Neighborhood Development. The plan states the following:

“Facilitate the provision of quality, safe, and appealing housing at a variety of price points and for all stages of life. Support the development and maintenance of strong neighborhoods.”

The City also states that it will strive to adapt to changing demographics, living preferences, family sizes and economic conditions to continue meeting the needs of existing and potential new residents.

Fair Housing Legal Status

No files or other fair housing complaint details were received by the City of Sheboygan in the last five years. Neither the City Attorney's office nor the Department of City Development maintained records of complaints filed under the City's fair housing ordinance. In addition, neither entity had records of fair housing actions initiated against the City, a company or corporation within the City.

Fair Housing Commission

On April 12, 2006, the Fair Housing Commission made a motion to hold two agenda items until further information is provided. Each motion carried (see Appendix B). The Fair Housing Commission has not met since the April 12, 2006 meeting.

Gen. Ord. No. 63-09-10 adopted April 19, 2010 states that the Fair Housing Commission and the Board of Housing Appeals were merged into a new Board of Housing Appeals and Fair Housing Practices. The Board of Housing Appeals and Fair Housing met six times between 2016 and 2017 and last met April 4, 2017.

R. C. No. 375-16-17 adopted on April 5, 2017 eliminated and re-established various committees and amended the composition of other. According to chapter 46 of the City of Sheboygan's municipal code, the City Plan Commission has authority to receive, initiate and investigate complaints alleging any discrimination or discriminatory practice.

Affordable Housing Market Study

In 2021, an Affordable Housing Market Study was completed for the City of Sheboygan. As part of this study a variety of methods and data was gathered and used to understand the housing market. This study also incorporated a series of interviews with people familiar with the housing market- the housing experts, and a community survey of area residents. The project team met and interviewed a variety of people with knowledge and insight about the local housing market, including realtors, lenders, developers, landlords, and employers. A community survey was conducted online and had approximately 850 responses. This study helped the City to better understand its affordable housing market, which starts with a general understanding of the overall housing market. The study also lays out strategies the City can use to fill gaps identified in the housing market, with the overarching goal of improving housing affordability throughout the community.

Sheboygan County Housing Coalition Tall Hall Series

The Sheboygan County Housing Coalition presented its first Town Hall series relating to affordable housing concerns in our community. The goal of this series was to educate community members on housing basics, types of housing, and what contributes to housing insecurity. This series helped to build a basic foundation of knowledge in an effort to engage the entire community in developing housing solutions. In this first series "Building a Foundation of Knowledge" four Town Hall Meetings (sessions) were held.

Impediments to Fair Housing Choice

Impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices
- Any actions, omissions, or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

This section describes fair housing impediments identified through the City of Sheboygan's research and communications with community housing partners. This section is organized into City of Sheboygan impediments, Federal and State impediments and Private market impediments.

Impediment #1: Group Homes of Community Living Arrangements (CLA)

Community Living Arrangements by City definition refer to facilities licensed by the State of Wisconsin, including child welfare agencies, group homes for children, and community based residential facilities. CLAs of 9 or more residents, as stated in the Sheboygan zoning ordinance, shall not be within 2,500 feet of another CLA. In addition, the City ordinance states, "The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1% of the City's population (unless specifically authorized by the City Council following a public hearing)."

Advocates of persons with disabilities have said that the intent of this 2500-foot law is to prevent the *ghettoization* of group homes, but instead ends up being an impediment to locating these group homes. Advocates in other communities have successfully challenged similar municipal ordinances as violations of the Federal Fair Housing Act.

Impediment #2: Inadequate Affordable Housing Supply Relative to Resident Income

A shortage of affordable housing may not appear to be a fair housing issue on its face. However, the negative impact that lack of affordability has particularly on persons with disabilities, people of color, families with children or the elderly cannot be ignored. Having an adequate supply of affordable housing, both for ownership and rental, in which a household will pay no more than 30% of its gross annual income, is essential for an open and inclusive housing market in Sheboygan. The Fair Market Rent for a two-bedroom apartment in Sheboygan for 2022 was \$797. According to the National Low Income Housing Coalition's Out of Reach report, in order to afford this level of rent and utilities without paying more than 30% of its income on housing, a household must earn \$2,657 monthly or \$31,880 annually. Currently, 25.84% of Sheboygan households (5,335 households) pay 30% or more of their income for housing costs. Spending more than 30% of household income on rent or housing costs is considered to be a rent burden. See Map 4.

Structural Quality/Substandard Housing

The age of a housing unit is not an absolute predictor of housing quality; however, the older the housing structure, the greater the likelihood of code compliance problems. Thirty three percent of Sheboygan's housing was built before 1939. The majority of those units are located in the central part of the City. Not surprisingly, the least expensive housing costs are also in the older, central part of the City. (It is likely that one reason many of the homes there are not expensive is because they are more likely to be in disrepair.)

The Lack of Financial Resources to Build/Preserve/Rehabilitate Affordable Housing

In part, the shortage of affordable housing is due to a lack of resources to build and preserve affordable units in Sheboygan. Constructing any type of affordable housing requires numerous subsidies. This layering of subsidies is common in affordable housing and necessary to close the financing gap. Most developers currently obtain financing by combining federal money disbursed through local and state governments. In addition to this very complex nature of financing, the development of affordable housing is also highly competitive. When financing and subsidy resources are scarce and a higher return on investment is unlikely, many developers prefer to build simpler and more profitable market rate housing developments.

Housing Authority City of Sheboygan (HACS): Lack of Housing Choice Section 8 Rent Assistance Vouchers

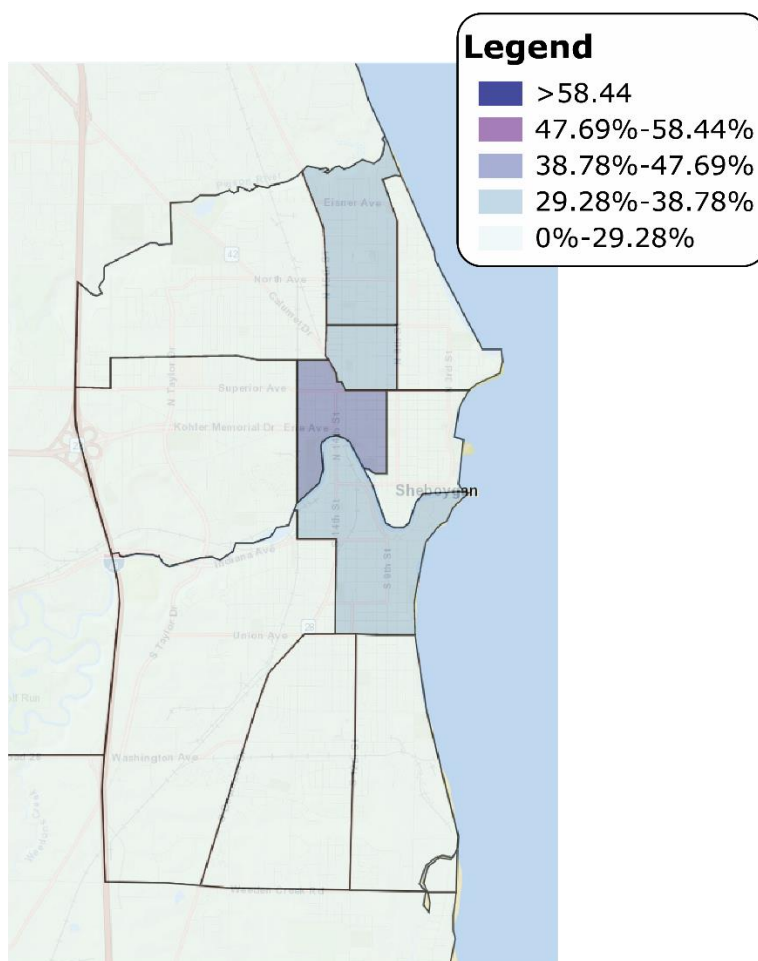
The inability to find suitable and quality affordable housing is a difficult challenge for many households. The need for Section 8 Rent Assistance Vouchers far exceeds the available resources.

Vacancy Rates

Housing vacancy rates in the United States — both for homeowner and rental housing — are at or near historic lows, according to the U.S. Census Bureau's recently released Housing Vacancy Survey (HVS). Vacancy rates for rental housing are lower than at any point during the 35-year period from 1985 until the start of the COVID-19 pandemic in early 2020. The vacancy rate for homeowner housing is lower than at any point from 1980 until early 2020. Both rental and homeowner vacancy rates decreased between 2009 and 2019 as the nation recovered from the foreclosure crisis. Housing supply then tightened further during the COVID-19 pandemic. Sheboygan is no different. In 2020 the City of Sheboygan had a 3.3% rental vacancy rate and a 1.1 homeowner vacancy rate. This low rate of vacancy does not provide enough housing units for residents to have adequate choices for housing in their price range that fits their needs.

Map 4 illustrates which census tracts in the City that have a housing cost burden, spending more than 30% of their household incomes on housing expenses. The tracts in the central part of the City are spending the most on rent.

Map 4: Percent of Households with a Housing Cost Burden²²



Impediment #3: Poor Credit, Lack of Credit History and Lack of Financial Literacy

Poor credit history, whether incurred by personal choices or circumstances beyond a person's control, can hinder a person's access to housing. Persons new to this country, specifically those who speak Hmong, often have not established the credit required to obtain a prime mortgage or rental housing. In addition, both housing industry and advocacy representatives suggest that some African Americans do not have an established relationship with a conventional bank or financial institution and/or have sufficient credit histories. These situations do not make these groups any less likely to

²² Source: data.census.gov

be able to responsibly take on a mortgage; however, these situations do make it difficult for lenders to use conventional underwriting guidelines to give them a mortgage and give lenders a seemingly legitimate excuse to deny the loan. Also, many landlords use an applicant's credit history as a part of the tenant selection process. Those persons without a good credit history may be ineligible for some housing options.

Impediment #4: Transit Commuting Difficult to Some Surrounding Areas

Shoreline Metro provides limited routes to outlying communities which limits transit-dependent residents from living in certain neighboring communities, specifically the Town of Sheboygan. This is an impediment because it limits where these residents choose to live and/or work. Hours of operation limitations affecting 2nd and 3rd shift employees, and employees who work on Sundays, are also a concern.

Impediment #5: Racial/Ethnic Segregation and Linguistic Isolation

Segregation

Legal but discriminatory housing practices created segregated and unequal neighborhoods and communities in all parts of the country, including Sheboygan. Although housing discrimination is no longer legal, residential segregation persists due to long-standing housing patterns, current and historic institutional barriers and economic disparities.

As noted previously, almost all of the minority population in Sheboygan County is located in the City of Sheboygan with most of the residential minority concentration in the central part of the City. The reasons for this racial/ethnic segregation in Sheboygan are no different than those reasons established by researchers for other American cities: (1) housing costs are lower in the areas in which minorities have concentrated; (2) some families may choose to live in neighborhoods that have other families of the same race or ethnicity; or (3) discriminatory practices on the part of various actors (real estate professionals, lenders, rental agents or homeowners insurance brokers) in the housing industry. While segregation and minority concentration are not as serious in Sheboygan as they are in larger urban areas like Milwaukee and Detroit, it is important to recognize their existence now before the long term effects and costs of segregation start to impact Sheboygan, as they have in Milwaukee and elsewhere.

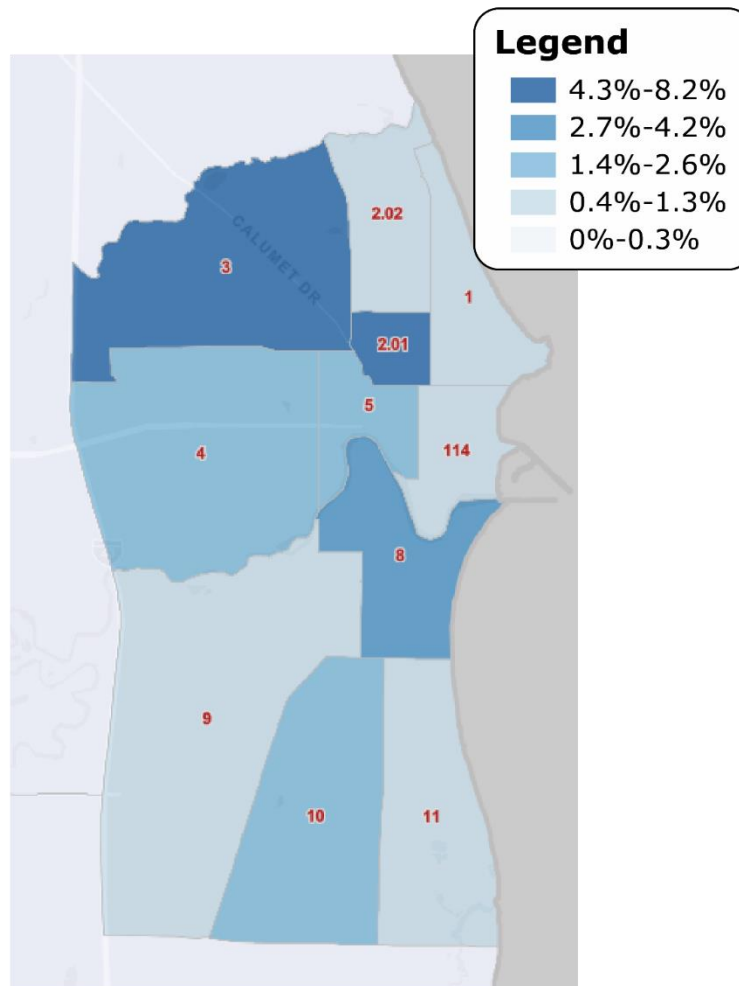
Linguistic Isolation

A household in which no one in the household speaks English well is *linguistically isolated*. Linguistic isolation hinders a person's ability to integrate economically, academically and socially into our society and has stranded many non-English speakers in low-wage menial jobs.

As shown on Map 5, there are two census tracts in which the linguistic isolation exists in 4.3%-8.2% of the households. A population that does not speak English well will have specific housing impediments related to communicating effectively with a rental agent, real estate agent, mortgage lender or

insurance agent. This shows a need for fair housing education targeted in several languages, most importantly in Spanish and Hmong.

Map 5: Linguistic Isolation in the City of Sheboygan²³



Impediment #6: Fair Housing Rights Information

There is no evidence that fair housing rights are being publicized or marketed in an effective way, and there is no phone number specifically for fair housing questions/complaints listed in the Sheboygan telephone directory. No files or other fair housing complaint details were received by the City of Sheboygan in the last five years. Neither the City Attorney's office nor the Department of City Development maintained records of complaints filed under the City's fair housing ordinance. In

²³ Source: data.census.gov

addition, neither entity had records of fair housing actions initiated against the City, a company or corporation within the City. This evidences the lack of access or knowledge about Sheboygan's Fair Housing Ordinance. Frequency of fair housing complaints represents only a fraction of the frequency of housing discrimination. The absence of complaints may be due to the public's unfamiliarity with the fair housing laws/ordinance and the weak protections the law offers, how the City of Sheboygan can assist them, as well as the subtle nature of housing discrimination.

Federal and State Impediments

While the City of Sheboygan is not directly involved in these Federal and State impediments, it is essential to address them because they impact the City's ability to "affirmatively further fair housing" as required by HUD. In addition, it is important the City address these impediments in order to develop recommendations and local responses, as warranted.

Impediment #7: Section 8 Housing Choice Vouchers Availability

As mentioned previously, cuts in funding to the Section 8 program impedes local communities' ability to assist their population in finding quality, affordable housing.

Impediment #8: No Infrastructure between Medicare/Medicaid and Section 8

Researchers and practitioners have demonstrated repeatedly that people with severe disabilities living in institutions can live successfully in the community. To succeed, they need decent, safe, and affordable housing as well as access to the supports and services they want and need to live as independently as possible. Unfortunately, as mentioned earlier, people with disabilities are disproportionately poor – particularly those individuals who must rely on Supplemental Security Income. For low-income people with disabilities, affordable housing means subsidized housing that is either developed or rented through government housing programs.

Private Market Impediments

Private market impediments are obstacles to fair housing in the housing production, mortgage lending, homeowner's insurance, and rental and home sales markets. Though Sheboygan is limited in its ability to directly address private market impediments, it can take a leadership role in bringing these issues to the public's attention. The following discussion identifies several private market impediments that must be addressed.

Impediment #9: Housing Producers

Housing production in the private market is based on incentives that are usually monetary. Subsequently, one of the impediments to fair housing in housing production is attributed to a lack of programs that provide such incentives to these developers.

Accessibility: Not enough rental and for sale units being produced

The percentage of population by age that experience a disability is disproportionately higher in aging and senior housing holds. Wisconsin DOA projections show that there will be a 68% increase in those age 65+ by 2040 in Sheboygan County. It is likely the City will see a similar increase. A 2007 study by Smith et. al. published in the Journal of the American Planning Association projects that due to the aging population, 21% of all households will have at least one disabled resident in 2050.

Affordability: Not enough affordable housing units being produced

Lack of affordable housing, both private and subsidized, is an impediment to low-income populations. Because low income persons are more likely to be people of color, persons with a disability, elderly or families with children, this is a fair housing concern. As mentioned previously, constructing any type of affordable housing requires numerous subsidies. Currently, 25.84% of Sheboygan households (5,335 households) pay 30% or more of their income for rent.

Unit Size: Lack of large units

A lack of larger units is a fair housing impediment because it impacts at least two protected class groups – families (with children and extended), as well as minority households, many of which tend to be larger. The dearth of these larger units also affects families who are low-income, as they do not have the range of choices available to them, as families with higher income do. The result of this impediment is also overcrowded housing, primarily among new immigrant families who may be doubling up, have larger families, or be living as an extended family with several generations under one roof. As discussed in a previous section, these issues are of increasing importance in Sheboygan.

Impediment #10: Mortgage Lending

Discrimination in the Lending Market

Discrimination in mortgage lending prevents or impedes home seekers from obtaining the financing normally required to purchase a home. Racial discrimination in the home loan industry can be based either on the race of the loan seeker or on the racial composition of the neighborhood in which the home being purchased is located. This latter form of discrimination is commonly referred to as mortgage redlining.

Discrimination in the home loan industry can take several forms including: outright denial of a loan; discouraging a loan seeker from applying; less favorable rates and terms; long processing times; and

exclusionary underwriting guidelines. Loan policies can also have a discriminatory effect on minorities when qualifying standards are more stringent than warranted to secure a loan. Discrimination can also occur externally to the lending institution itself, specifically, in the appraisal of the home; in the underwriting of private mortgage insurance, and in the practices and procedures of the secondary loan market. The lack of loan origination offices in minority and central city areas is also a form of redlining, which can lead to disparate impact.

Lack of Spanish/Hmong-speaking lenders

For non-English speaking persons new to this country or for persons more comfortable speaking another language, obtaining a home mortgage can be particularly difficult. Because non-English speaking persons seeking a mortgage often have to rely on their children or other family members to translate, errors and misunderstandings are more likely to occur.

Lack of flexible underwriting to accommodate persons with no credit history

Persons new to this country have not the established credit typically required to obtain a prime mortgage. In addition, many people of color do not have a business relationship with a conventional bank or financial institution. These situations may complicate the ability for members of these groups to obtain a mortgage, even if they are otherwise qualified and creditworthy. Such situations may make it more challenging for lenders to use conventional underwriting guidelines, thus creating an obstacle to homeownership. This impediment to fair housing must be addressed by more flexibility in underwriting guidelines, as will be discussed in the Recommendations Section of this report.

Impediment #11: Housing Sales and Rental Markets

A major impediment to housing choice is discrimination in the sale and rental of housing. Racial discrimination remains the major form of discrimination in the housing market and there is evidence that despite legislation and enforcement efforts, it has not diminished. Moreover, discrimination in the housing market is seen as the major contributor to residential racial segregation.

It is difficult to assess the severity of the problem of discrimination in the sale of homes in Sheboygan on the basis of the number of complaints that have been reported to the City or fair housing enforcement agencies. Typically, most people who are denied housing or offered unfavorable terms because of discrimination do not realize that discrimination has occurred. In other cases, people may be aware or suspect discrimination, but they may not know where to file a complaint, do not feel that it will be remedied, or do not want to be confrontational. In other cases, people may feel vulnerable and fear retaliation by a housing provider.

Lack of Spanish and Hmong-speaking real estate brokers

It is essential for non-English speaking, or limited English speaking persons to have access to housing professionals who are bi- or multilingual. This assures that all home seekers are afforded the same

information and service when purchasing housing. With the burgeoning Hmong and Spanish-speaking populations in Sheboygan, it is important to ensure an equal level of service be available to alleviate this impediment to fair housing choice.

Recommendations

The most critical element of the Analysis of Impediments to Fair Housing is the *Recommendations* that are provided for local communities to address and remedy the barriers identified. This section should be used as a starting point for the City to develop and implement a comprehensive fair housing action plan. The format of this section replicates the format found in the Impediments Section.

Recommendation #1: Devote Resources to a Comprehensive Review of Section 15.26 of the City of Sheboygan's Ordinances: Community Living Arrangements (CLA)

The City should partner with disability advocacy groups, such as the Wisconsin Coalition for Advocacy and other Independent Living Centers to review and analyze the Community living Arrangements section of their zoning ordinance. The language should be reviewed in terms of future legal implications and potential liability of the City, as advocates have successfully challenged similar municipal ordinances elsewhere as violations of the Federal Fair Housing Act.

Recommendation #2: Facilitate the Production of Affordable and Accessible Housing

There are already laws in place that makes sure housing is accessible. The City should enforce these laws to ensure accessible housing construction. In addition to the construction of accessible housing, the City should continue to implement the Housing Rehabilitation program which allows for accessibility improvements to housing units.

Recommendation #3: Increase Education and Outreach about Fair Housing Issues and Resources

The City of Sheboygan must actively *affirmatively further fair housing* by making sure its residents are informed and educated on their fair housing rights and how to file a claim.

Research and Encourage Fair Housing Service Providers

The City should research service provider options to provide fair housing services such as: conducting housing discrimination complaint intake, case management, investigation and legal referral services to victims of discrimination; investigations of systemic forms of illegal discrimination; and outreach and education throughout the community.

Increase knowledge and awareness of fair housing rights and procedures

The City should create a concise packet of information on fair housing, along with a complaint form that can be used to file a claim with the City of Sheboygan. Include the state and federal complaint forms in

the packet (see Appendix C). This packet should be easily viewable on the City's website. It should also be available to all different housing and service providers. The packet should also be available in English, Spanish and Hmong.

Increase Outreach to Linguistically Isolated and Bilingual Communities

The City should facilitate the formation of a partnership with organizations such as the Hmong Mutual Assistance Association that serve non-English speaking or limited English-speaking persons, to develop a pro-active approach to reaching these linguistically isolated populations. The City should also work particularly with agencies that have relationships with the Hmong and Hispanic communities to develop an outreach plan. One important aspect of this plan would be to evaluate and devise methods by which the City communicates with non-English speaking residents about housing issues. Overall, this plan should assess both the immediate and long-term needs of the community and create strategies to address them. In addition, the City should work towards hiring bilingual employees, particularly in departments that most often work with the public.

Streamline the City's Discrimination Complaint Process

The City should draft an internal memo outlining instructions for all City employees as to how to deal with a fair housing complaint. The City should also create an intake form that outlines the process, and should offer this form with the educational packet described above. The complaint process and the forms described above should be readily available via a link on the City's website.

Provide Training for City Staff and Elected Officials

The staff of the City Council and appropriate City departments should be trained and familiarized with the recommendations of this document, the City's Fair Housing Ordinance, the City's obligation to "affirmatively further fair housing" and how to facilitate referrals of fair housing and fair lending inquiries.

Recommendation #4: Continue Landlord Training

The City should continue to offer landlord training to landlords to increase knowledge about Fair Housing Law. Twice a year the City hosts a landlord training seminar which, in part, teaches landlords about fair housing issues. It discusses how to implement fair and legal practices of tenant screening along with the benefits. Additionally, the training teaches about the legal rights and responsibility for both landlords and tenants and a local Attorney who specializes in Landlord/Tenant law is available to answer questions. Training should include busting myths about the Section 8 Voucher program and about people who are part of housing assistance programs.

Recommendation #5: Continue to Utilize Appropriate Financing Mechanisms to Produce Accessible Housing and Affordable Housing

The City of Sheboygan partners with housing developers to create affordable and accessible housing. Ongoing efforts should continue to be made to utilize available, appropriate financing mechanisms, such

as Tax Incremental Financing (TIF) to increase the production of affordable housing units and accessible housing units for persons with disabilities. For instance, TIF approval evaluation criteria could prioritize residential development projects that include accessible housing. Partnerships with local community development groups and affordable housing developers should be established to research creative ways to produce and finance affordable housing.

Federal and State Recommendations

Recommendation #6: Advocate for Changes in State and Federal Programs to Expand Affordable Housing Options

Advocate for Additional Section 8 Housing Choice Vouchers

The City of Sheboygan should facilitate a meeting with local HUD officials, as well as Wisconsin's US Senators and Representatives, to discuss the adverse impact of recent HUD actions. Specifically, these discussions should emphasize the deleterious effects of the HUD budget cuts and administrative changes within the Section 8 Voucher Program on the City and its residents. The City of Sheboygan should advocate for additional Section 8 Vouchers or alternative means to meet the need of low-income residents.

Advocate for Affordable Housing Production Resources

The City of Sheboygan should facilitate a meeting with state and federal elected officials to advocate for additional financing resources to build affordable housing, particularly for extremely low-income persons. The City should also research successful models of affordable housing production in other communities for possible replication in the City of Sheboygan.

Advocate for the Creation of a Smoother Infrastructure between Medicare/Medicaid and Section 8

Many persons with disabilities who desire to move out of nursing care facilities lack the financial resources to make such a transition. The City should meet with representatives of HUD and the Department of Health and Human Services to explore options that would allow those persons, desiring to do so, to move out of nursing care facilities and be integrated into the community.

Private Market Recommendations

Recommendation #7: Advocate for Open and Inclusive Real Estate and Rental Markets

The City of Sheboygan should advocate for more open and inclusive home rental and sales markets by working with the housing industry and appropriate State departments to accomplish the following:

- Initiate regular training of members of various real estate professional organizations, apartment owners' associations, building owners and managers, rental-housing providers, local newspapers and other members of the housing industry to ensure all members have the most

up-to-date information on fair housing laws, procedures, regulations and issues. These training sessions should also be designed to increase awareness and sensitivity to fair housing advocacy.

- Encourage greater efforts on the part of the real estate and rental industries to hire and train minority and bilingual real estate and rental professionals.
- Increase efforts by the Wisconsin Department of Regulations and Licensing to prevent and discourage discrimination by licensees. This would mean a greater willingness by the State to use license suspension and revocation powers to prevent and discourage discrimination.
- Initiate public/private work-sharing agreements between government and private enforcement advocacy organizations to conduct ongoing systemic testing of the industry to monitor and assure compliance with fair housing laws.
- Encourage more active support by the real estate and rental industries for affirmative programs designed to promote integrated residential patterns.
- Encourage more active participation by providers of rental housing in local rent assistance programs to expand location choice for low-income and minority residents.

Recommendation #8: Improve Access of Minority and Low-Income Applicants to Home Mortgages

There are a number of ways in which minority and low-income loan seekers could obtain greater access to home mortgages, as follows:

- Lenders should adopt a pro-integrative component in their lending programs. Without this component, well-intentioned programs targeting lower income census tracts or borrowers may only serve to exacerbate patterns of racially segregated housing in Sheboygan.
- Lenders need to become more responsive to the needs of all the neighborhoods that they claim to serve. This means locating offices in lower income neighborhoods, having loan originators interact with local citizens and community organizations and participating in programs that will benefit low-income and minority communities, such as the Federal Home Loan Bank's Affordable Housing Program.
- Additional mortgage products are needed that include innovative rate structures, lower down payments and credit provisions for low-income families and immigrant families with no credit history.
- Special loan programs should be more heavily marketed in the lower income and minority neighborhoods. These programs also need to be marketed more creatively through a variety of mediums.
- Housing counseling services for low-income families should be coordinated between the various housing counseling organizations to ensure consistent and uniform information is provided. Counseling service topics should be expanded to include skill development for home seekers to include risk reduction and accident prevention information. This can help improve credit and debt ratios in order to meet the qualifying standards required by lenders.
- Methods need to be explored to work with the secondary market and private mortgage insurance (PMI) companies to tailor programs to the needs of Sheboygan.

- Testing of lenders should be ongoing to monitor compliance with fair lending and fair housing laws, for the same reasons as stated in the previous section.
- Increase efforts by the Wisconsin Department of Financial Institutions to prevent and discourage discrimination by lenders and brokers. This would mean a greater willingness by the State to use license suspension and revocation powers to prevent and discourage discrimination
- Training programs for loan officers should be expanded to assure they are knowledgeable about fair lending requirements and sensitive to community needs.
- There needs to be an expansion of second review programs for minorities who are rejected.

Appendix A

Chapter 46 FAIR HOUSING

ARTICLE I. IN GENERAL

Sec. 46-1. Definitions.

The words, terms and phrases used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age means an individual's status as having obtained 40 or more years of age.

Board means the city plan commission.

Committee means the city licensing, hearing, and public safety committee.

Complainant means a person who files a complaint alleging discrimination in housing.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. Disability does not include the current illegal use of a controlled substance, as defined in Wis. Stats. § 961.01(4), or a controlled substance analog, as defined in Wis. Stats. § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

Discriminate, discrimination, or discriminatory means any act, policy or practice that, regardless of intent, has the effect of segregating, excluding, treating a person or class of persons unequally in a manner described in section 46-3 or 46-4, or subjecting any person to differential treatment as a result of that person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

Dwelling unit means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

Family includes one natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

- (1) A person is pregnant.
- (2) A person has a past, current, or prospective status as parent or legal guardian to a child or children below the age of 18 who may or may not reside with that person.
- (3) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.
- (4) A person's household includes one or more minor or adult relatives.
- (5) A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.
- (6) A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Gender identity means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

Hearing means a hearing under the jurisdiction of the board, except where otherwise indicated.

Housing means any improved property, or any portion thereof, including a mobile home as defined in Wis. Stats. § 101.91(10), manufactured home, as defined in Wis. Stats. § 101.91(2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. Housing includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

Housing for older persons has the meaning as defined by federal or state law.

Marital status means a person's past, current, or prospective status as single, married, domestically partnered, in a civil union, divorced, or widowed.

National origin means a person's or his or her ancestor's place of origin.

Place of public resort, accommodation, assemblage, or amusement means any place, store, or other establishment that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds.

Probable cause means reasonable grounds to believe that one or more persons has, may have, or may be violating one or more provisions of this chapter.

Religion means all aspects of world view, ground motive, philosophical presupposition, commitment, faith, belief, religious observance, and religious practice.

Respondent means the person accused in a complaint of discrimination in housing filed with the board.

Sexual orientation has the meaning given in Wis. Stats. § 111.32(13m).

Status as a victim of domestic abuse, sexual assault, or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stats. § 813.12(1)(am), sexual assault under Wis. Stats. §§ 940.225, 948.02, or 948.025, or stalking under Wis. Stats. § 940.32.

Veteran status means an individual's status as one who served in the active military, naval, or air service of any current or former sovereign nation.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 28, 4-5-17; Ord. No. 25-20-21, § 1, 12-7-20)

Sec. 46-2. Declaration of policy.

It is declared to be the policy of the city, pursuant to the United States Constitution and state constitution, Wis. Stats. §§ 66.1011 and 106.50, and also its power to protect the public health, safety and general welfare that all persons are entitled to fair and equal access to housing and to be free of all forms of discrimination, regardless of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation. To that end the city enacts this chapter, which prohibits any person, not exempted in this chapter, from discriminating against any other person by impairing to any degree access to any housing or housing accommodations on the basis of their actual or perceived sex, gender identity, race, color, religion, age, ancestry,

marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation and creates a board with the power and duty to enforce equal opportunity in housing for all citizens of the city.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 25-20-21, § 2, 12-7-20)

Sec. 46-3. Discrimination prohibited.

- (a) It is unlawful for any person to discriminate:
- (1) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
 - (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
 - (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
 - (4) By advertising in a manner that indicates discrimination by a preference or limitation.
 - (5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
 - (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.
 - (7) In providing the privileges, services or facilities that are available in connection with housing.
 - (8) By falsely representing that housing is unavailable for inspection, rental or sale.
 - (9) By denying access to, or membership or participation in, a multiple listing service or other real estate service.
 - (10) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or

encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

- (11) In making available any of the following transactions, or in the terms or conditions of such transactions, for a person whose business includes engaging in residential real estate-related transaction:
 - a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.
 - b. Selling, brokering or appraising residential real property.
- (12) By otherwise making unavailable or denying housing.
- (b) No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - (1) The lowering of real estate values in the area concerned.
 - (2) A deterioration in the character of the area concerned.
 - (3) An increase in criminal or antisocial behavior in the area concerned.
 - (4) A decline in the quality of the schools or other public facilities serving the area.

(Ord. No. 50-12-13, § 1, 3-18-13)

Sec. 46-4. Discrimination against persons with disabilities prohibited.

- (a) *Types of discrimination prohibited.* In addition to discrimination prohibited under section 46-3, no person may do any of the following:
 - (1) Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending

to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

- (2) Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that person.
 - (3) Refuse to permit, at the expense of a person with a disability, reasonable modification of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.
 - (4) Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.
- (b) *Animals assisting persons with disabilities.*
- (1) If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the

individual because he or she keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

- a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.
 - b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
- (2) Subdivision (1) does not apply in the case of the rental of owner-occupied housing if the owner or a member of his or her immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.
- (c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under paragraphs (a) and (b) and section 46-3, no person may design or construct covered multifamily housing, as defined in Wis. Stats. § 101.132(1)(d), unless it meets the standards specified in Wis. Stats. § 101.132(2)(a)1. to 4. In addition, no person may remodel, as defined in Wis. Stats. § 101.132(1)(h), housing with three or more dwelling units unless the remodeled housing meets the standards specified in Wis. Stats. § 101.132(2)(a)1. to 4. as required under Wis. Stats. § 101.132(2)(b)1., 2. or 3., whichever is applicable.

(Ord. No. 50-12-13, § 1, 3-18-13)

Sec. 46-5. Exemptions and exclusions.

- (a) Nothing in this chapter shall prohibit discrimination based on age or family status with respect to housing for older persons.
- (b) Nothing in this chapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

- (c) Nothing in this chapter shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.
- (d) Nothing in this chapter requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.
- (e) It is not discrimination based on status as a victim of domestic abuse, sexual assault, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless paragraphs (1) or (2) applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:
 - (1) That the tenant is a victim of domestic abuse, sexual assault, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was not the invited guest of the tenant.
 - (2) That the tenant is a victim of domestic abuse, sexual assault, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:
 - a. Sought an injunction under Wis. Stats. §§ 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.
 - b. Upon receiving notice under Wis. Stats. § 704.17, provided a written statement to the landlord indicating that the person will no longer be an

invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

- (f) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.
- (g) (1) Subject to paragraph (2), nothing in this chapter applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in Wis. Stats. § 101.71(2) except that dwelling unit does not include any residence occupied by more than five persons.
 - (2) Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under paragraph (1) may not violate subsection (2)(d), 42 USC 3604(c), or any rules or regulations promulgated under this chapter or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.
- (h) Nothing in this chapter prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, gender identity, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking.
- (i) A person may not be held personally liable for monetary damages for a violation of section 46-3 or 46-4 if the person reasonably relied, in good faith, on the application of the exemption under this section relating to housing for older persons. For purposes of this paragraph, a person may show reasonable reliance, in good faith, on the application of the exemption under this section relating to housing for older persons only if the person shows all of the following:
 - (1) That he or she has no actual knowledge that the housing is not or will not be eligible for the exemption.
 - (2) That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.

- (j) Nothing in this chapter prohibits any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission or giving preference to persons of the same religion or denomination, or from making such selection as is reasonably necessary for such organizations to promote the religious principles for which it is established or maintained.
- (k) Nothing in this chapter shall limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling, structure, unit, or property.
- (l) Nothing in this chapter shall apply to a single occupancy room provided that the owner permanently resides in the same structure.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 25-20-21, § 3, 12-7-20)

Secs. 46-6—46-40. Reserved.

ARTICLE II. POWERS AND DUTIES

Sec. 46-41. Administration—Powers and duties.

- (a) The purposes and provisions of this chapter shall be administered by the plan commission and, where necessary, the city attorney.
- (b) In administering this chapter, the plan commission shall have the power and duty to:
 - (1) Adopt, amend, publish and modify any and all administrative policies and procedures as may, from time to time, be necessary, useful, helpful, or desirable in the administration and/or enforcement of this chapter;
 - (2) Appoint such number and types of employees, agents and staff, subject to a table of organization and budget approval by the common council, as are necessary to promote the purposes of this chapter and/or the administration and/or enforcement of this chapter, and prescribe their duties;
 - (3) Receive, initiate and investigate complaints alleging any discrimination or discriminatory practice prohibited by this chapter if the complaint is filed with

the board not later than one year after the alleged discrimination occurred or terminated;

- (4) Appoint, from time to time, subject to a table of organization and/or budget approval by the common council, one or more investigators to gather facts, evidence and information, and otherwise investigate complaints, and/or one or more mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of information conferences or other meetings or means;
- (5) Refer settlement agreements to the city attorney for approval as to form;
- (6) If necessary, hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; administer oaths and take testimony; compel the production of books, papers and any other documents relating to any matters involved in the complaint; and subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the board, the board may order attendance. At any time after it has issued such an order, the board may petition a court of competent jurisdiction for its enforcement;
- (7) Issue, after hearing, such final orders as are necessary to promote the purpose of this chapter;
- (8) Issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action that would tend to render ineffective or unenforceable any order which the board might issue;
- (9) Refer orders to the city attorney to be enforced by him in the name of the city;
- (10) Except as provided in Wis. Stats. §§ 19.31, et seq., or 106.50, make available to the public, in writing, copies of:
 - a. Transcripts of all of its proceedings except initial settlement efforts by its mediators;
 - b. All temporary and final orders; and
 - c. All decisions and opinions rendered.

No publicity, however, shall be given a complaint in those cases where the board obtains compliance with this chapter or the board finds that the complaint is without foundation;

- (11) Require a written report of the manner of compliance with any final order it may issue; and
- (12) Recommend to the mayor and common council any legislation necessary to further promote the purposes of this chapter and file annual written reports of its work to the mayor and common council.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 29, 4-5-17)

Secs. 46-42—46-65. Reserved.

ARTICLE III. ENFORCEMENT PROCEDURES

Sec. 46-66. Complaint.

- (a) The board may receive and investigate a complaint charging a violation of section 46-3 or 46-4 if the complaint is filed with the board not later than one year after the alleged discrimination occurred or terminated.
- (b) The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.
- (c) A complaint filed under this chapter may be amended or withdrawn at any time with and subject to the approval of the board or its designated agent and under such terms as the board or agent shall direct.
- (d) Upon the filing of a lawful, timely, and otherwise proper complaint, the board or its designated agent shall serve a copy of the complaint upon the respondent. The copy of the complaint, together with a notice directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice shall be served upon the respondent by certified mail, return receipt requested. The notice will further state that, if the respondent fails to answer the complaint in writing, the board will make an initial determination as to whether the discrimination has occurred based only on the board's investigation and the information supplied by the complainant.

- (e) The board may dismiss the complaint if the complainant fails to respond to the board within 20 days from the date of mailing of any correspondence from the board concerning the complaint, if the board's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known address of the complainant.

(Ord. No. 50-12-13, § 1, 3-18-13)

Sec. 46-67. Investigation and finding of probable cause.

- (a) The board or its designated agent shall investigate all complaints that allege a violation of this chapter and that are timely filed. The board or its designated agent may subpoena persons or documents for the purpose of investigation.
- (b) At the conclusion of the investigation of the allegations, the board or its designated agent shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur.
- (c) If a determination is made that there is no probable cause to believe discrimination in violation of this chapter has been or is being committed, the complainant shall be afforded an opportunity to appeal such decision to the full plan commission. If the full board decides there is no probable cause, the complainant may appeal to either:
 - (1) A court of competent jurisdiction for the county in which the alleged discrimination took place; or
 - (2) A court of competent jurisdiction for the county in which the property or property interest in question is located.
- (d) If a determination is made that there is probable cause to believe discrimination in violation of this chapter has been or is being committed, an agent designated by the plan commission shall endeavor, by means of conference, conciliation or persuasion, to eliminate the alleged discrimination or discriminatory practice.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 30, 4-5-17)

Sec. 46-68. Hearing on failure to settle.

When efforts at settlement have failed to eliminate the discrimination or discriminatory practice alleged by the complainant under this chapter, the plan commission shall promptly

cause to be issued a notice of a hearing before a hearing examiner, acting as an agent of the board, to determine the merits of the complaint.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 31, 4-5-17)

Sec. 46-69. Findings of examiner.

- (a) Under this chapter, in all hearings before an examiner, except those for determining probable cause, the burden of proof is on the party alleging discrimination.
- (b) If, after hearing and on the basis of the official record made therein, the examiner finds by a fair preponderance of the evidence that the respondent has engaged in or is engaged in any discrimination prohibited by this chapter, he shall make and recommend to the plan commission written findings of fact and conclusions thereon and shall recommend such action to be taken by the respondent and, where necessary, by the complainant, as will affect the purposes of this chapter by eliminating the discrimination found.
- (c) Damages and penalties.
 - (1) If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under section 46-3 or 46-4, the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and non-economic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.
 - (2) In addition to any damages ordered under paragraph (1), the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding \$10,000.00, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under section 46-3 or 46-4. If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under section 46-3 or 46-4 during the preceding five-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000.00. If a respondent who is not a natural person has been adjudged to have committed two or more prior discriminatory acts under section 46-3 or 46-4 during the preceding seven-year period, based on the

offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.00.

- (3) In addition to any damages ordered under paragraph (1), the hearing examiner may assess a forfeiture against a respondent who is a natural person in an amount not exceeding \$10,000.00, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under section 46-3 or 46-4. If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under section 46-3 or 56-4 based on an offense date that is before September 1, 1992, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000.00. If a respondent who is a natural person has been adjudged to have committed two or more prior discriminatory acts under section 46-3 or 46-4 based on an offense date that is before September 1, 1992, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.00.
- (d) Attorney fees and costs. The hearing examiner may allow a prevailing complainant reasonable attorney fees and costs.
- (e) A certified copy of such recommended findings, conclusions and orders, together with a summary of the findings of fact, shall be sent to the last known addresses of the complainant and the respondent by certified mail with return receipts requested.
- (f) If, within 30 days following the mailing of the hearing examiner's decision, the board does not receive notice of appeal, the findings, conclusions and orders of the examiner shall be the findings, conclusions and orders of the board.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 32, 4-5-17)

Sec. 46-70. Appeal from examiner's findings.

Under this chapter, if within 30 days following the mailing of the examiner's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full plan commission. The board shall have the power to affirm, reverse or modify the determination of the hearing examiner. After final determination by the board, either party may appeal by certiorari to a court of competent jurisdiction. In the alternative, either party may receive a trial de novo on all issues relating to any alleged discrimination and a further right to a trial by jury.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 33, 4-5-17)

Sec. 46-71. Transfer of proceedings.

At any time after a finding of probable cause under this chapter, the plan commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 34, 4-5-17)

Sec. 46-72. Judicial enforcement.

Whenever, in the judgment of the plan commission, judicial enforcement of a board order is necessary to enforce this chapter, the board shall in writing request the city attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the city. Upon receipt of any such request, the city attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 35, 4-5-17)

Sec. 46-73. Remedies.

(a) The plan commission shall have the power and duty, after investigation and hearing, to issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include the following:

- (1) Cease and desist orders;
- (2) Affirmative action by the respondent and, where necessary, by the complainant; and
- (3) Any other orders which may be necessary to effect the purpose of this chapter.

(b) Any of the orders of the board shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal.

(Ord. No. 50-12-13, § 1, 3-18-13; Ord. No. 39-16-17, § 36, 4-5-17)

Appendix B

**MINUTES
SHEBOYGAN COMMISSION ON FAIR HOUSING PRACTICES
Wednesday April 12, 2006 @ 7:00 p.m.**

Members Present: Alderperson Marilyn Montemayor, Vue Yang, Dan Castro, Mary Keittel, Cory Salchert

Others: Susan Hart, Steve McLean

- Alderperson Montemayor called the meeting to order at 7:00 p.m.
- Minutes of March 21 reviewed by Committee. Motion by Yang, second by Keittel to approve. Motion carries.
- Discussion on the Makini Johnson issue. Susan Hart explained that she had talked to Dean Bogenschuetz, a member of the Housing Authority Board of Directors, and that they had decided to invite members of this committee to their next meeting; but he did not know when it was. Motion by Castro, second by Yang to hold until further information is gathered. Motion carries.
- Discussion on Erica Rodriguez's concerns with landlord Gary Kaker. Attorney McLean reported that he had called St. Vincent de Paul, but they were unable to provide information about the money distributed to Mr. Kaker such as which church wrote the check, or even if a check had been written. Also, St. Vincent had not been able to reach Ms. Rodriguez. Motion by Castro, second by Yang to held until more information is provided. Motion carries.
- No new business.
- It was decided to hold off on scheduling the next meeting until we receive needed information about Makini Johnson & Erica Rodriguez.
- Motion to Adjourn by Yang, second by Castro, motion carries.

Submitted by Susan Hart

Appendix C

HOUSING DISCRIMINATION INFORMATION

Departamento de Vivienda y Desarrollo Urbano Oficina de Derecho Equitativo a la Vivienda
U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity

Instructions: (Please type or print) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the date of the alleged discrimination to file a complaint. Your form should be signed and dated.

Your Name

Your Address

City

State

Zip Code

Best time to call

Your Daytime Phone No

Evening Phone No

Who else can we call if we cannot reach you?

Contact's Name

Best Time to call

Daytime Phone No

Evening Phone No

Contact's Name

Best Time to call

Daytime Phone No

Evening Phone No

What happened to you?

How were you discriminated against?

For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing?

State briefly what happened.

HOUSING DISCRIMINATION INFORMATION

Departamento de Vivienda y Desarrollo Urbano Oficina de Derecho Equitativo a la Vivienda
U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity

2 Why do you think you are a victim of housing discrimination?

Is it because of your:

• race • color • religion • sex • national origin • familial status (families with children under 18) • disability?

For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children?

Briefly explain why you think your housing rights were denied and circle the factor(s) listed above that you believe apply.

Who do you believe discriminated against you?

For example: was it a landlord, owner, bank, real estate agent, broker, company, or organization?

Identify who you believe discriminated against you.

Name

Address

4 Where did the alleged act of discrimination occur?

For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home?

Did it occur at a bank or other lending institution?

Provide the address.

Address

City

State

Zip Code

5 When did the last act of discrimination occur?

Enter the date

___/___/___

Is the alleged discrimination continuing or ongoing?

Yes No

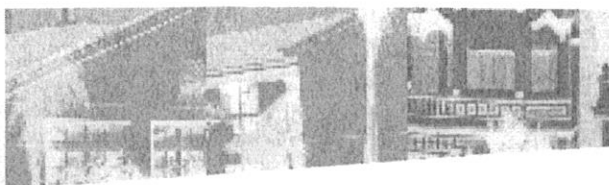
☐☐

Signature

Date

Send this form to HUD or to the fair housing agency nearest you. If you are unable to complete this form, you may call that office directly. See address and telephone listings on back page.

City of Sheboygan: Analysis of Impediments to Fair Housing 2022



It is Unlawful to Discriminate in Housing Based on These Factors...

- Race
- Color
- National origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child)
- Handicap (if you or someone close to you has a disability)

If You Believe Your Rights Have Been Violated...

- HUD or a State or local fair housing agency is ready to help you file a complaint.
- After your information is received, HUD or a State or local fair housing agency will contact you to discuss the concerns you raise.

Detach here. Fold and close with glue or tape (no staples)

Keep this information for your records.

Date you mailed your information to HUD:

____/____/____

Address to which you sent the information:

Office

Telephone

Street

City

State

Zip Code

If you have not heard from HUD or a State or local fair housing agency within three weeks from the date you mailed this form, you may call to inquire about the status of your complaint. See address and telephone listings on back page.

Appendix D

It is Illegal To:

- Refuse to sell or rent to someone because of his or her status in a group protected by fair housing law.
- Advertise or state a preference that discriminates against protected individuals or families.
- Impose unreasonable limits when or where children can play.
- Unfairly restrict or charge fees to someone who uses a wheelchair or support animal for his or her disability.
- Fail to enforce rules against discrimination-based harassment among residents in an apartment or multi-family building.
- Threaten or interfere with anyone taking action to protect his or her housing rights or anyone who helps them do so.
- Refuse to make reasonable accommodations or refuse to allow reasonable modifications for a person with a disability.



If You Feel You are Being Treated Unfairly, Take the Following Steps:

- Contact the Department of City Development, 828 Center Ave. Sheboygan, WI 53081, 920-459-3377.
- Document the problem by writing down what was said during meetings and phone calls with the landlord, property manager, real estate agent, loan officer or insurance agent. Keep detailed records of what happens afterwards.
- Save copies of any documents involving your home, such as receipts, lease agreements, applications forms, business cards, or correspondence between you and your landlord or bank.
- If you are considering filing a complaint, don't delay. A complaint must be filed with HUD, the State of Wisconsin, Department of Workforce, Equal Rights Division, or the City of Sheboygan within a year of the most recent discriminatory act. You also have the right under the Fair Housing Act to file a private lawsuit in Federal District Court within two years of the incident for violations of federal protections.



Fair Housing Guide



Department of City Development
828 Center Ave, Suite 208
Sheboygan, WI 53081



City of Sheboygan: Analysis of Impediments to Fair Housing 2022

A home is more than a house or an apartment; it is a valuable asset you want to protect. It is where you spend your life, become part of the community, and plant your roots.

Some people are treated differently because of individual factors that should not count, such as race, disability, or religion. Fair Housing Laws help protect your rights to access housing and live where you choose, free from discrimination.

The Federal Fair Housing Act of 1968, its amendments in 1988, and all related federal, state, and local laws are designed to guarantee open housing opportunities for all. As well as protect people from discrimination in housing transactions such as rental, sales, lending, and insurance.

Fair Housing is the right to choose a home free from unlawful discrimination. It means you have the right to select the housing that is best for your needs, with no outside preferences or stereotypes being imposed.



In Sheboygan it is illegal to discriminate against someone due to their:

Protected Classes	Federal	State	Local
Race	X	X	X
Color	X	X	X
Religion	X	X	X
Sex	X	X	X
National Origin	X	X	X
Disability/ Handicap	X	X	X
Familial Status	X	X	X
Sexual Orientation		X	X
Marital Status		X	X
Ancestry		X	X
Public Assistance/ Lawful Source of Income/Economic Status		X	X
Age		X	X
Status of a Victim of Domestic Abuse, sexual abuse, or stalking		X	X
Veteran's Status			X
Disabled Veteran's Status			
Gender Identity			X

The Fair Housing Act requires all "covered multifamily dwellings" designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities.

HOW TO Recognize Housing Discrimination:

Housing discrimination today is rarely blatant but it still exists. Listen for the phrases below – they could be warning signs of discrimination:

- "We don't rent to more than two people for a two-bedroom apartment."
- "We don't rent to people who don't have a job, even if you get disability benefits."
- "I'm sorry, but I can't work with your translator."
- "You can't build a ramp for access to the building, it will violate building codes."
- "This is a Christian community. You might not feel comfortable wearing those clothes here."
- "We just rented the apartment." But the unit still is available the next day.
- "Your son and daughter can't share a bedroom."
- "Children can only live on the first floor, this is an old building and their little feet make lots of noise."
- "Do you think you can afford this neighborhood?" or "You would not be happy in this neighborhood."

Es ilegal:

- Negarse a vender o alquilar a alguien debido a su estado en un grupo protegido por la ley de vivienda justa.
- Anunciar o expresar una preferencia que discrimina a las personas o familias protegidas.
- Imponer límites irrazonables cuando o donde los niños pueden jugar.
- Restringir o cobrar tarifas injustamente a alguien que use una silla de ruedas o un animal de apoyo por su discapacidad.
- No hacer cumplir las reglas contra el acoso por discriminación entre los residentes de un apartamento o edificio multifamiliar.
- Amenazar o interferir con cualquier persona que tome medidas para proteger sus derechos de vivienda o con cualquier persona que le ayude a hacerlo.
- Negarse a hacer adaptaciones razonables o negarse a permitir modificaciones razonables para una persona con discapacidad.



Si Usted siente que lo están tratando injustamente, siga los siguientes pasos:

- Comuníquese con la Ciudad de Sheboygan, 828 Center Ave. Sheboygan, WI 53081, 920-459-3377.
- Documente el problema escribiendo lo que se dijo durante las reuniones y llamadas telefónicas con el propietario, administrador de la propiedad, agente de bienes raíces, oficial de préstamos o agente de seguros. Mantenga registros detallados de lo que sucede después.
- Guarde copias de cualquier documento relacionado con su hogar, como recibos, contratos de arrendamiento, formularios de solicitud, tarjetas de presentación o correspondencia entre usted y el propietario o el banco.
- Si está considerando presentar una queja, no se demore. Se debe presentar una queja ante HUD, el estado de Wisconsin, el Departamento de Fuerza Laboral, la División de Igualdad de Derechos o la Ciudad de Sheboygan dentro de un año del acto discriminatorio más reciente.
- También tiene derecho en virtud de la Ley de Vivienda Justa a presentar una demanda privada en el Tribunal de Distrito Federal (Corte del Distrito) dentro de los dos años posteriores al incidente por violaciones de las protecciones federales.

Guía de Vivienda Justa



**Departamento de Desarrollo
de la Ciudad**
828 Center Ave, Suite 208
Sheboygan, WI 53081



City of Sheboygan: Analysis of Impediments to Fair Housing 2022

Un hogar es más que sola una casa o un apartamento; es un activo valioso que se desea proteger. Es donde pasas tu vida, te vuelves parte de la comunidad y siembras tus raíces.

Algunas personas son tratadas de manera diferente debido a factores individuales que no deberían ser tomados en cuenta, como la raza, la discapacidad o la religión. Las Leyes de Vivienda Justa le ayudan a proteger sus derechos de acceso a una vivienda y de vivir donde usted elija, libre de discriminación.

La Ley Federal de Vivienda Justa de 1968, sus enmiendas en 1988 y todas las leyes federales, estatales y locales relacionadas, están diseñadas para garantizar oportunidades de vivienda abiertas para todos. Además de proteger a las personas de la discriminación en transacciones de vivienda como alquiler, ventas, préstamos y seguros.

Vivienda Justa es el derecho a elegir un hogar libre de discriminación ilegal. Significa que tiene derecho a seleccionar la vivienda que mejor se adapte a sus necesidades, sin que se impongan preferencias ni estereotipos externos.



En Sheboygan es ilegal discriminar a alguien debido a su:

Clases Protegidas	Federal	Estatal	Local
Raza	X	X	X
Color	X	X	X
Religión	X	X	X
Sexo	X	X	X
Nacionalidad de Origen	X	X	X
Discapacidad/ Handicap	X	X	X
Condición Civil (Situación Familiar)	X	X	X
Orientación Sexual		X	X
Situación Marital		X	X
Ascendencia (Antepasados)		X	X
Asistencia Pública/ Legalidad/Fuente de Ingresos/ Situación Económica		X	X
Edad		X	X
Situación de Víctima de Abuso Doméstico/Abuso Sexual/Acoso		X	X
Situación de Veterano			X
Situación de Veterano Incapacitado			
Identidad de género			X

La Ley de Equidad de Vivienda requiere la "cobertura de viviendas multifamiliares" sean diseñadas y construidas para su primera ocupación después del 13 de marzo de 1991, sean fácilmente accesibles y utilizables por personas con discapacidades.

Cómo Reconocer Discriminación en la Vivienda: La discriminación en la vivienda hoy en día rara vez flagrante (obvia), pero aún existe. Escuche las frases a continuación: podrían ser señales de advertencia de discriminación:

- "No alquilamos a más de dos personas por un apartamento de dos habitaciones".
- "No alquilamos a personas que no tienen trabajo, incluso si usted recibe beneficios por discapacidad".
- "Lo siento, pero no puedo trabajar con su traductor".
- "No se puede construir una rampa para acceder al edificio, violará los códigos de construcción".
- "Esta es una comunidad cristiana. Puede que no te sientas cómodo vistiendo esa ropa aquí".
- "Acabamos de alquilar el apartamento". Pero la unidad todavía está disponible al día siguiente.
- "Su hijo y su hija no pueden compartir una habitación".
- "Los niños solo pueden vivir en el primer piso, este es un edificio antiguo y sus pequeños pies hacen mucho ruido".
- "¿Crees que puedes pagar este vecindario?" o "No serías feliz en este vecindario".

Appendix E

Title VI Notice of Rights City of Sheboygan

The City of Sheboygan operates its programs and services without regard to race, color, national origin, sex, disability, or age in accordance with Title VI of the Civil Rights Act of 1964 and other state and federal laws. If you believe you have been subjected to discrimination in violation of state or federal law, you may file a written complaint with the City. Depending on the nature of your claim, you may also be able to file a complaint with a state or federal agency or with a state or federal court. For more information or to obtain a copy of the City's Title VI complaint procedures, contact:

City of Sheboygan
Attn: Title VI Coordinator
828 Center Avenue, Suite 103
Sheboygan, WI 53081
920-459-3361
TitleVIComplaint@sheboyganwi.gov

► Click [HERE](#) to download the complaint form.

If the complainant is unable to write a complaint, a representative of the complainant may file the complaint on the complainant's behalf. Complaints must be filed within 180 calendar days of the alleged incident.

Appendix F

Fair Housing Notice of Rights

The Federal Fair Housing Act of 1968, its amendments in 1988, and all related federal, state, and local laws are designed to guarantee open housing opportunities for all. As well as protect people from discrimination in housing transactions such as rental, sales, lending, and insurance. Fair housing is the right to choose a home free from unlawful discrimination. It means you have the right to select housing that is best for your needs, with no outside preferences or stereotypes being imposed.

To file a fair housing complaint, please use the Title VI complaint form by clicking [here](#) and send to TitleVIComplaint@sheboyganwi.gov

To view the Fair Housing Guide in English ([click here](#)), in Spanish ([click here](#)).

If information is needed in another language or an alternative format, please call 920-459-3361.
