

# City of Oshkosh

Winnebago County, Wisconsin

## Analysis of Impediments to Fair Housing Choice



Accepted and Approved: March 12, 2013

Prepared by: MSA Professional Services, Inc.  
with assistance from the City of Oshkosh Department of Community Development

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Steve Herman	Deputy Mayor

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*A special thank you to all of our focus group participants.*



MARCH 12, 2013

13-111

RESOLUTION

(CARRIED 7-0 LOST \_\_\_\_\_ LAID OVER \_\_\_\_\_ WITHDRAWN \_\_\_\_\_)

PURPOSE: ACCEPT & APPROVE 2012 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AS AN ELEMENT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

INITIATED BY: COMMUNITY DEVELOPMENT

WHEREAS, as a community development block grant entitlement community, the City of Oshkosh is required to certify to the Department of Housing and Urban Development (HUD) that it will affirmatively further fair housing; and

WHEREAS, MSA Professional Services Inc. was hired to complete an Analysis of Impediments (AI) to Fair Housing Choice and said AI identifies fair housing concerns and impediments, and recommends planning strategies that the City can undertake to further fair housing within the community.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Oshkosh that the City hereby accepts the 2012 Analysis of Impediments to Fair Housing Choice, as prepared by MSA Professional Services Inc.

BE IT FURTHER RESOLVED that the Common Council affirmatively furthers fair housing opportunities within the City by approving the 2012 Analysis of Impediments, on file at the City Clerk's Office, as an element of the Community Development Block Grant Program, and authorizes the proper City officials to notify HUD of its acceptance and approval.

BE IT FURTHER RESOLVED that the proper City officials are authorized to take necessary steps to implement the recommendations to address impediments to fair housing in Oshkosh as identified in the 2012 Analysis of Impediments to Fair Housing Choice.

## I. Executive Summary

### I.1. Purpose

The purpose of the Analysis of Impediments to Fair Housing Choice (AI) is to make sure that the City of Oshkosh is working to affirmatively further fair housing. The basic purpose of the Fair Housing Act is to ensure that people are not denied housing opportunities because of their race, color, national origin, religion, sex, disability, or membership of another protected class. Fair housing impediments include actions or conditions that have the effect of unfairly restricting housing choices for people because of their protected class status, whether that effect is intended or unintended.

Ultimately, the AI identifies fair housing concerns and develops planning strategies that will be included in overall community planning and development. The AI planning process provides an opportunity to look at the “big picture” in regard to housing, discrimination, and community development issues.

### I.2. Overview of Study

In 2012, the City of Oshkosh hired MSA Professional Services to complete an AI for the City. The AI combines data available from a wide variety of sources, including population, demographic, economic and housing data from the US Census, American Community Survey, Home Mortgage Disclosure Act data, and the City of Oshkosh. This data review and analysis was combined with information gathered during a series of focus groups with housing and social service professionals.

Both the primary information that was gathered and the secondary data that was analyzed point to a similar set of at-risk groups and possible impediments.

### I.3. Impediments to Fair Housing Choice in the City of Oshkosh, WI

#### Administrative Impediments (Public and Private)

- Poor Understanding of Fair Housing Rights and Complaint Procedures
- Inadequate Support for Non-English Speaking Residents

#### Regulatory Impediments (Public)

- Misleading Fair Housing Ordinance

#### Quality Impediments (Private)

- Poor Condition of Housing Stock

#### Supply Impediments (Private)

- Inadequate Supply of Appropriate Housing for Residents with Disabilities

#### Transportation Impediments (Public)

- Lack of Adequate Transportation Options in Some Parts of the City

#### Financial Impediments (Private)

- Lack of Loans to Minorities

## I.4. Summary of Actions

	Responsible Party	Timeline
<b>Actions to alleviate Administrative Impediments</b>		
Increase knowledge and awareness of fair housing		
Offer more outreach education on fair housing rights and complaints	Community Development Dept	Continual
Revise the City website to make fair housing info easier to find	City IT Department	Immediate
Revise outreach materials to include local examples of illegal discrimination	Community Development Dept	Short-Term
Improve support for non-english speaking residents		
Identify and fund translation services for use by City staff and landlords, etc.	Community Development Dept	Immediate
Include information about translation services in all outreach efforts and materials	Community Development Dept	Immediate
<b>Actions to alleviate Regulatory Impediments</b>		
Update the City's Fair Housing Ordinance		
Add to City Ordinance section 16 all protected classes identified by the State of Wisconsin, and definitions of each; remove the exemption for owner-occupied buildings; consider eliminating the Commission on Equal Opportunities in Housing	City Council	Short-Term
<b>Actions to alleviate Quality Impediments</b>		
Improve the quality of rental housing in the City		
Create a rental registry program that ensures proactive inspections of units for safety and code compliance	Community Development Dept	Short-Term
Enhance landlord and renter education materials and training to incorporate information about mold	Community Development Dept	Short-Term
<b>Actions to alleviate Supply Impediments</b>		
Improve the supply of housing for residents with disabilities		
Continue to offer home improvement loans to income-qualified residents to assist with the cost of accessibility retrofits, and emphasize "visitability"	Community Development Dept	Continual
Encourage the development of more units in the City that incorporate universal design principles. Create a pamphlet that describes universal design and identifies design support resources.	Community Development Dept, Plan Commission, City Council	Continual
Offer builder and developer training in universal design techniques and encourage their application in <i>all</i> new development.	Community Development Dept	Annual
<b>Actions to alleviate Financial/Affordability Impediments</b>		
Improve transportation options in growth areas		
Work with GO Transit to reduce headway on service to tracts 16 and 17	Community Development Dept, GO Transit	Short-Term
Ensure all new streets are complete streets, and improve pedestrian connectivity to the north side	Community Development Dept, Engineering	Short-Term
<b>Actions to alleviate Financial Impediments</b>		
Improve the rate of home ownership among minority residents		
Provide more credit and home-buying education to citizens, especially minority residents	Community Development Dept	Continual
Provide education and information for local lenders on predatory lending practices	Community Development Dept	Continual



## II. Introduction

The City of Oshkosh has been an entitlement community of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program since 1974. This means that the city receives federal CDBG program funding on a formula basis annually.

HUD requires that entitlement communities prepare a Consolidated Plan every five years. The Plan includes an assessment of community needs and goals for spending CDBG funding to address those needs in the context of CDBG eligible activities. The goals will serve as the criteria against which HUD will evaluate the city's Consolidated Plan and its performance under the Plan.

Fair housing is equal opportunity housing. It is the right for all people to obtain housing, of their choice, without discrimination. Provisions to affirmatively further fair housing (AFFH) are fundamental components of the Department of Housing and Urban Development's (HUD) community development and housing programs. These provisions stem from the Fair Housing Act<sup>1</sup>; a section of which required HUD to administer the department's programs in a manner that fulfills their AFFH obligation.

HUD maintains several Community Planning and Development Programs (CDP), though the City of Oshkosh participates in just one - the Community Development Block Grant (CDBG). As recipients of these funds, HUD requires the City of Oshkosh to work to affirmatively further fair housing. Although a grantee's AFFH obligations arise in connection to their receipt of federal funding, the obligations extend to all housing and housing-related activities in the grantee's jurisdictional area whether publically or privately funded.

To a large extent, *how* to fulfill the obligation to AFFH has never been defined statutorily; however, HUD defines it as requiring a grantee to:

- Conduct an analysis to identify impediments (AI) to fair housing choice within the jurisdiction
- Take appropriate actions to overcome any impediments identified through the analysis
- Maintain AFFH records.

**The core component of fair housing law is the definition of illegal discrimination. The Federal Civil Rights Act and Fair Housing Amendments established protected classes: protected classes are groups of people who share a characteristic that historically has been used as the reason for discrimination. These characteristics have no relevance as to whether or not a person will make a good tenant or homeowner. As such, these groups are protected from housing discrimination under federal, state, and local laws. These different levels of government have different sets of protected classes; however, all three laws are applicable within the City of Oshkosh.**

Table II-1 displays the protected classes at federal, state, and local levels.

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<sup>1</sup> Title VIII of the Civil Rights Act of 1968 (also known as the Fair Housing Act) prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, or national origin. Title VII has been amended since its original adoption in 1968 to include more protected classes. Refer to [www.hud.gov/offices/fheo/progdsc/title8.cfm](http://www.hud.gov/offices/fheo/progdsc/title8.cfm) for other laws which have fair housing components.

Table II-1: Summary of Protected Classes

Protected Class	Federal (42 U.S.C 3602)	Wisconsin (Wis. Stat. 106.50(1))	Oshkosh (Sec 16-4 (A))
Race	✓	✓	✓
Color	✓	✓	✓
Religion	✓	✓	✓
Sex/Gender	✓	✓	✓
National Origin	✓	✓	✓
Handicap/Disability	✓	✓	✓
Familial Status	✓	✓	✓
Sexual Orientation		✓	
Marital Status		✓	
Ancestry		✓	✓
Lawful Source of Income		✓	
Age		✓	
Status as a victim of Domestic abuse, sexual abuse, or stalking (limited protections)		✓	

Certain housing types are exempted from discrimination prohibitions under Federal, State and local fair housing laws.

#### Federal Exemptions:

- Any single-family house sold or rented by an owner if they do not own more than three single-family houses at one time
- Owner-occupied housing, if the building has four or fewer units
- Religious organizations can limit the sale, rental or occupancy of dwellings, which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons of the same religion, unless membership in such religion is restricted on account of race, color, or national origin.
- Private clubs can limit the rental or occupancy of lodgings which it owns or operates for other than a commercial purpose to its members or from giving preference to its members
- Housing primarily intended and operated for older persons, under certain conditions, may be restricted to persons over a certain age
- Persons convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance

#### State Exemptions:

- Housing primarily intended and operated for older persons, under certain conditions, may be restricted to persons over a certain age
- A person may exact different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms and conditions are reasonably related to the individual applicant
- The development of housing designed specifically for person with disabilities and preference in favor of persons with disabilities in relation to such housing
- Housing can be restricted from 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 family with “too many” people may be turned away, if a reasonable government requirement limits the number of occupants for the dwelling unit.
- Advertisements 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

#### City of Oshkosh Exemptions:

- Owner-occupied housing, if the building has four or fewer units<sup>2</sup>
- The prohibition of discrimination based on familial status does not apply to housing for older persons

#### Impediments to fair housing choice are defined as:

- Direct impediments: any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, national origin, or other protected class which restrict housing choices or the availability of housing choices, and
- Indirect impediments: any actions, omissions, or decisions which have this effect

Any policies, practices, or procedures that may appear neutral but operate to deny or adversely affect the availability of housing to a person may be considered an impediment.

To the best extent possible, the following Analysis of Impediments to Fair Housing Choice defines the existence, nature, extent, and causes of fair housing problems within Oshkosh, and the resources available to solve them. It is the goal of this document and the process by which it was created to identify any issues within the City of Oshkosh that are preventing persons from having access to housing of their choice without illegal discrimination.

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<sup>2</sup> Note that the exemption for owner-occupied buildings with four or fewer units is not consistent with State law.

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### III. Oshkosh Background Information

The following section summarizes background data for the City of Oshkosh. Much of the data was derived from secondary sources, consisting primarily of the U.S. Census and the American Community Survey.

#### III.1. A word of caution about the data

Caution should be used when interpreting the data from secondary sources. The United States has transitioned from the Census long-form to the American Community Survey (ACS). The majority of the data that the American Community Survey collects is from a sample of the total population; and therefore, is subject to both sampling errors (deviations from the true population) and non-sampling errors (human and processing errors). The ACS is released every year and covers all of the social, economic, housing, and demographic questions that previously were covered by the Census long-form. The 2010 Census only collected data on gender, age, race, ethnicity, relationship, and whether the respondent owned or rented their home.

Unlike the Census, which attempts to take a snapshot of the population on April 1<sup>st</sup>, the ACS provides rolling estimates over a period of 1-5 years, depending on community size. Oshkosh gets one-year estimates. Because the data is “smoothed out” over the time period, it is near impossible to pinpoint specific changes that may have occurred during the time period. The majority of the data in this document is from the ACS 2011 1-Year Estimate. Because this data is only an estimate, the ACS data may not accurately represent housing conditions within the City, especially at the census tract level. Due to the fundamental differences in data, Census data and ACS data cannot be compared with each other. When comparing ACS data, it is necessary to take the margin of error (MOE) into account. Numbers that may appear to be different may not actually be *statistically significantly* different. It is important to note the source of any of the data herein and understand the caveats that accompany it.<sup>3</sup>

While data collection is a necessary part of the process to prepare an AI, it is also important to remember that the AI is meant to be a practical document that identifies impediments to fair housing choice and suggests a systematic plan to remove them. For the most part, the

#### Quick Facts

<b>66,083</b>	population of Oshkosh
<b>26,138</b>	total households
<b>9.5</b>	% minority
<b>\$19,683</b>	per capita income
<b>19.7%</b>	% individuals below poverty
<b>11.8%</b>	% of families below poverty
<b>35.0</b>	% of units that are multi-family
<b>43.8</b>	% of units renter-occupied
<b>26.2</b>	% home costs exceeding affordability
<b>48.6</b>	% renter costs exceeding affordability

Source: U.S. Census; ACS 2010 1 Year Est.

<sup>3</sup>For more information on the ACS and how to appropriately interpret the data, visit [www.census.gov](http://www.census.gov)

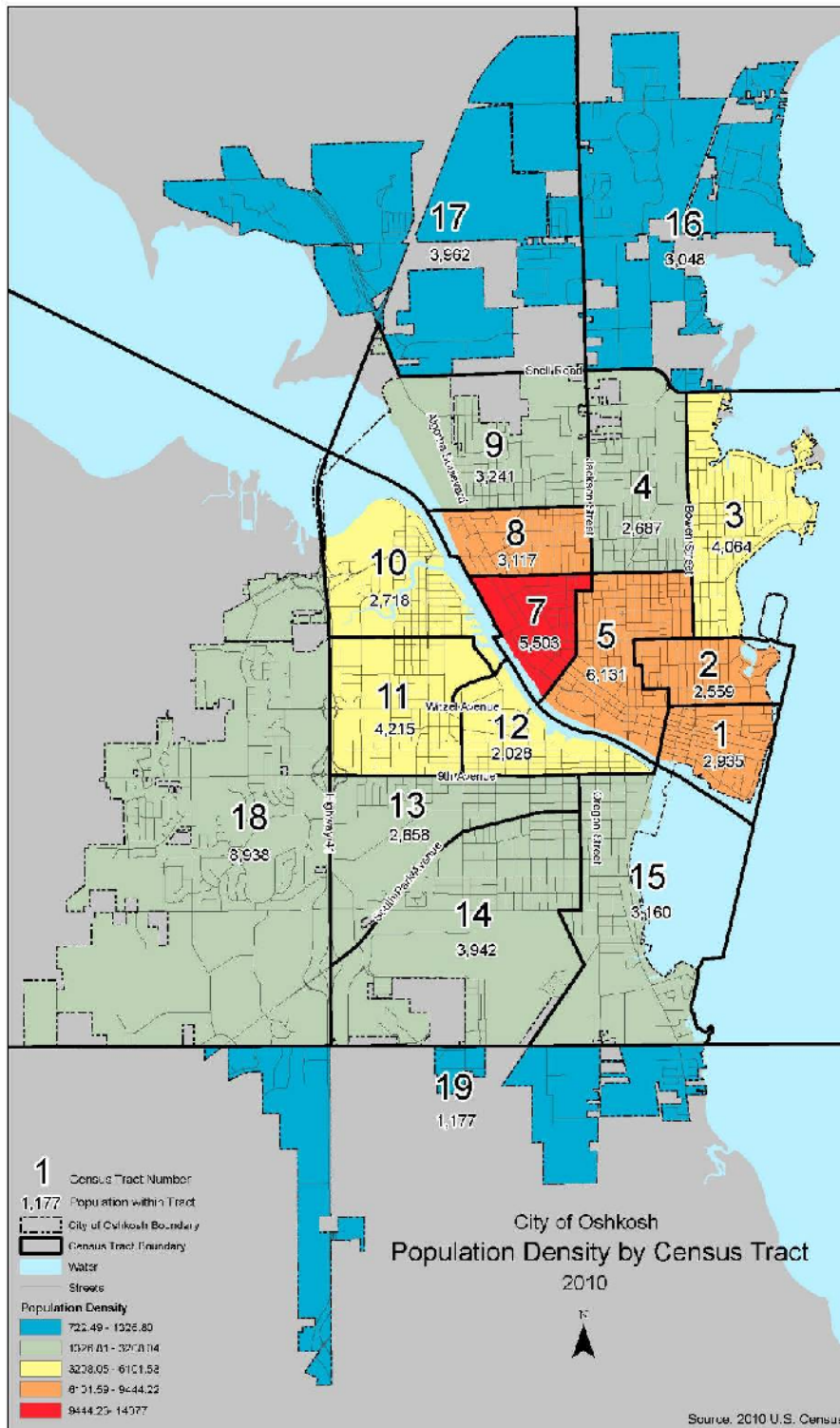
community is aware of impediments, and those that are not clearly presented in the data will be identified through the focus group process described in a subsequent section of this document.

### III.2. Demographics

The population in the City of Oshkosh has grown continuously over the last 30 years, with the highest change in population of 14.4% from 1990 to 2000. According to the 2010 census, the population in the City of Oshkosh is 66,083. This is approximately 39.6% of the population of Winnebago County, down from 42.4% in 2000. Percentages of Winnebago County population residing in surrounding municipalities, including Appleton, Neenah, Menasha, and Winneconne, have remained fairly constant over the last 30 years. This indicates a shift in population from the urban core to the suburbs.

Figure III-1 (following page) shows the population density by Census tract for the City of Oshkosh. The most densely populated tract in the City is CT 7 near the University of Wisconsin-Oshkosh. Tracts 1, 2, 5 and 8 are the next most densely populated tracts.

Figure III-1: Population Density by Census Tract

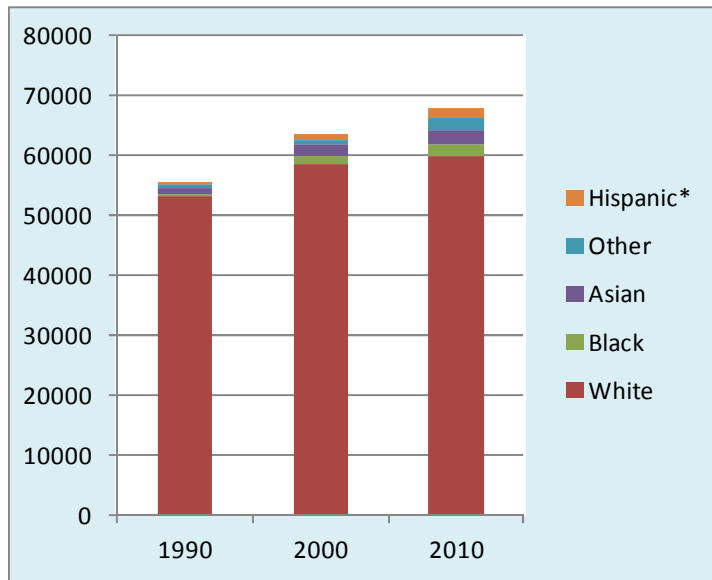


Source: 2010 U.S. Census

Figure III-2 tracks the racial mix of the City of Oshkosh over the past 20 years. As the overall population grows, the percentage of the population that identifies as a minority is also increasing

(from 3.4% in 1990 to 9.5% in 2010). According to the 2010 Census, the City of Oshkosh is approximately 90.5% White, 3.1% Black, 3.2% Asian, 3.2% Other, and 2.7% Hispanic. Hispanic persons can be of any race. Those identifying as “Other” are the fastest growing group (from 0.88% in 1990 to 3.2% in 2010), with those identifying as Hispanic are the second fastest growing group. Hmong and Laotian accounted for 2.4% (1493) of Oshkosh’s total estimated population in 2000 (from “The Remaking of a City: Oshkosh Wisconsin- Revised/Updated by Al Felice 11/16/10 <http://diversitycontact.wordpress.com/2010/11/16/the-remaking-of-a-city-oshkosh-wisconsin-revisedupdated/>)

Figure III-2: Population by Race

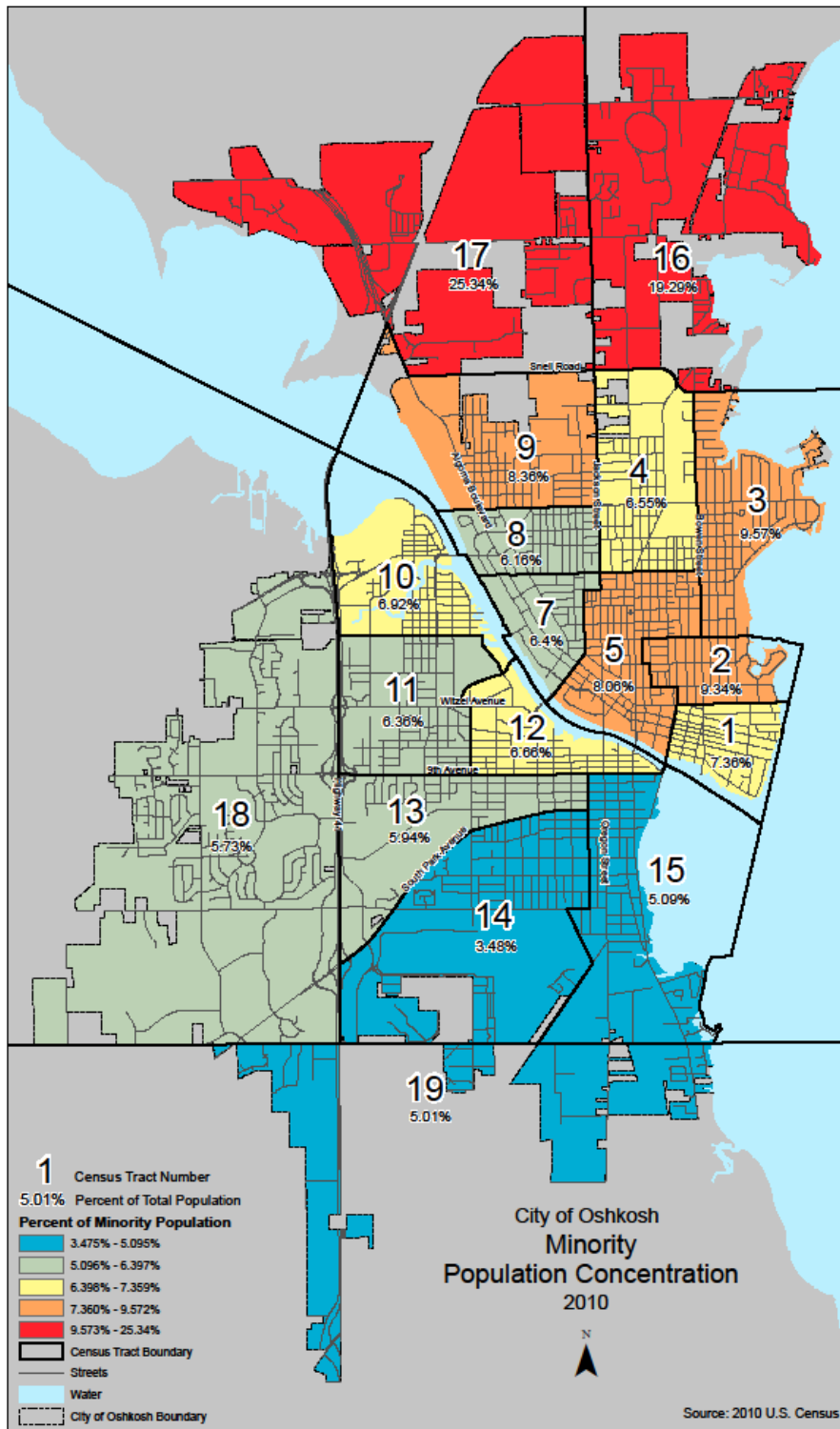


Source: 2010 Census, City of Oshkosh Comprehensive Plan  
 \* Hispanic can be of any race

Figure III-3(following page) shows minority concentration by Census Tract for the City of Oshkosh. As illustrated, the northern two census tracts – 16 and 17 – have a disproportionately high concentration of minority residents, each more than double the 9.5% average minority population.



Figure III-3: Minority Concentration by Census Tract



Source: 2010 US Census

Table III-1 shows the percentage of people in the City of Oshkosh with a disability. As might be expected, the age group with the greatest prevalence of disability is those residents aged 65 and older (35%). This data affirms the assumption that it is the elderly population in greatest need of accessible housing.

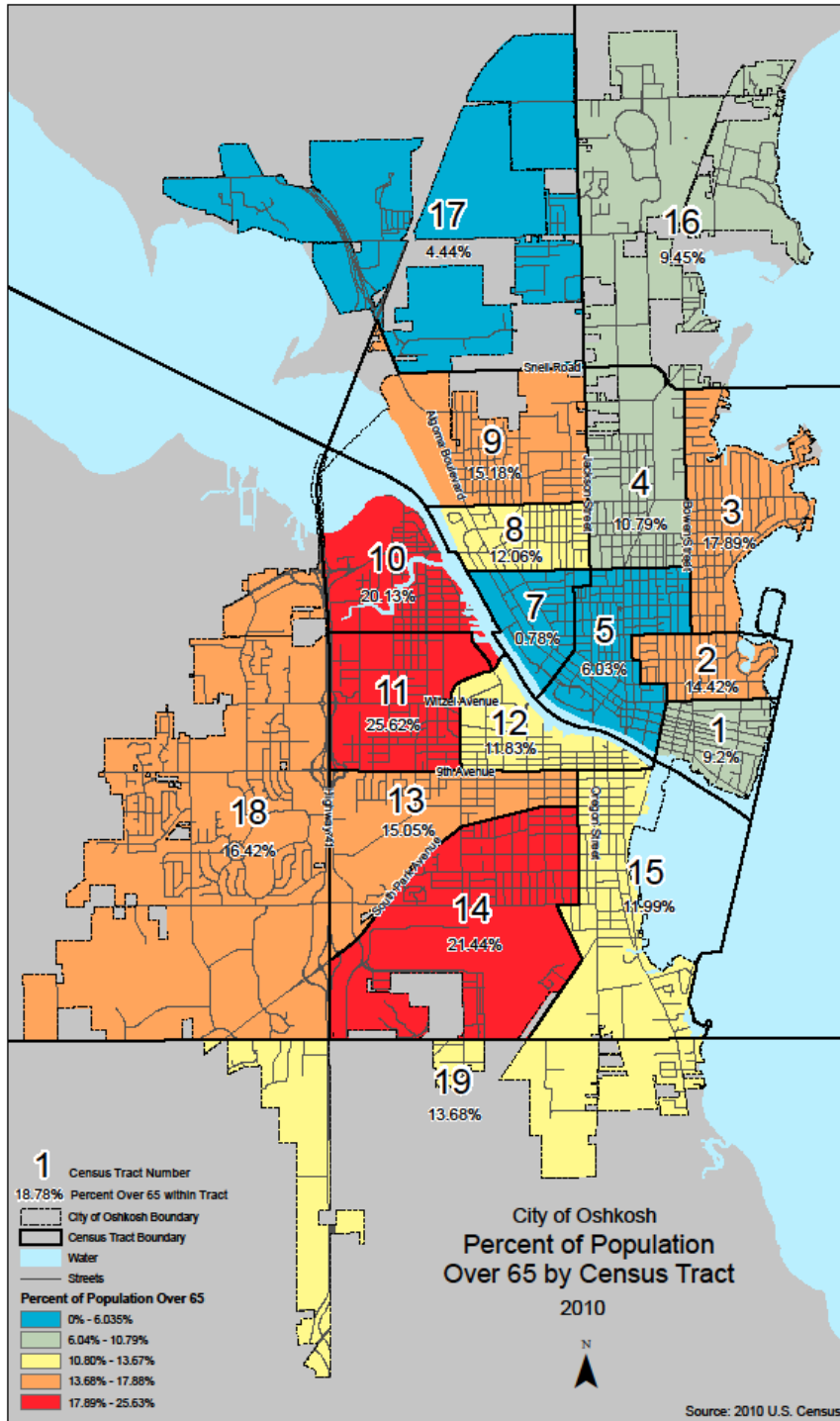
**Table III-1: Percent of Population with a Disability**

Age Group	Percent
Under 5 years	0.00%
5 to 17 years	5.30%
18 to 64 years	9.60%
65 years or older	38.60%

*Source: ACS 2011 1-Year Estimate*

Figure III-4(following page) indicates the geographic distribution of residents over age 65. While 12.9% of residents were over age 65 in 2010, there are three tracts where this older population exceeds 20% - CTs 10, 11 and 14. Based on the prevalence of disability in this population, these tracts have an elevated need for disability accommodations.

Figure III-4: Percent of Population over age 65 by Census Tract

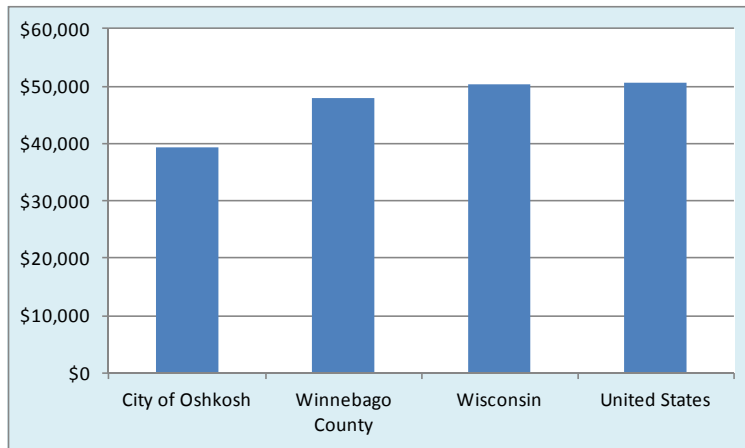


Source: 2010 US Census

### III.3. Income and Poverty

According to the 2011 American Community Survey, the median household income in the City of Oshkosh was \$39,387. While we cannot directly compare ACS data with previous Census data, this does show an increase in household income within the City. Despite this, the median household income in the City is 17.5% less than the median household income in Winnebago County (\$47,763) and 22% less than the State of Wisconsin (\$50,395). See Figure III-5 to see how the City compares with Winnebago County, the State of Wisconsin and the United States.

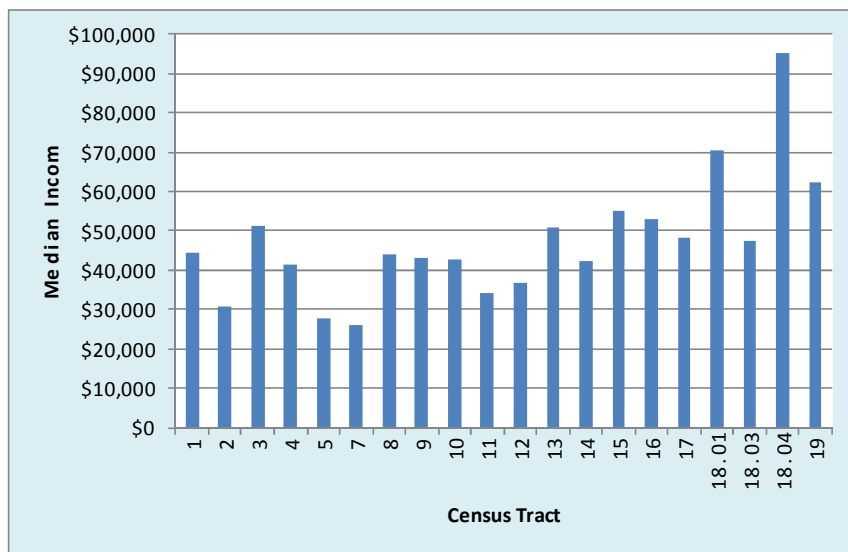
Figure III-5: Median Income in the Past 12 Months (in 2011 Inflation-Adjusted Dollars)



Source: 2011 ACS 1-Year Estimates

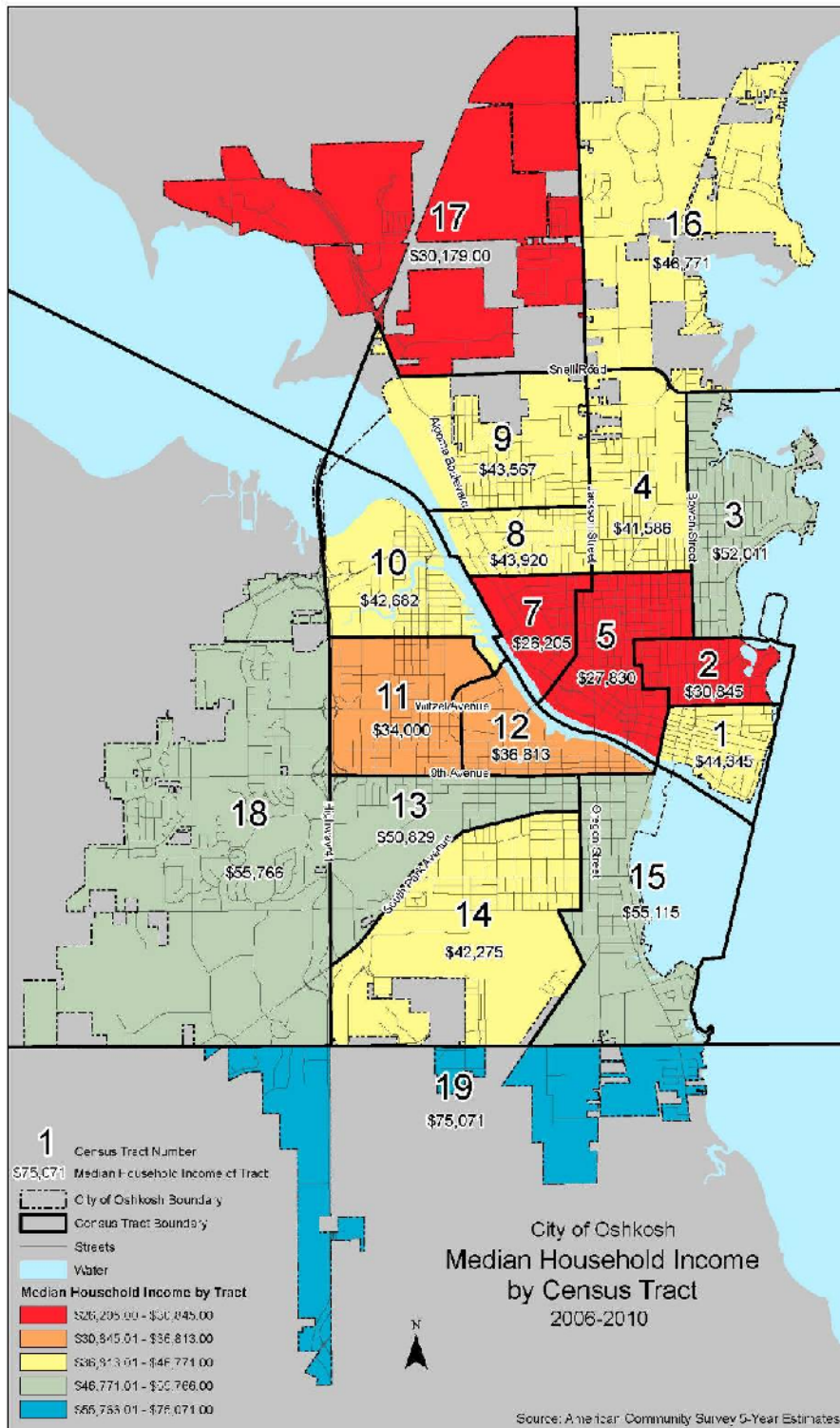
Figure III-6 and Figure III-7 (following page) show that the lowest median incomes are in the central city and the north side. Census Tracts 5 and 7 have the lowest median incomes when compared to the rest of the City. These tracts have a high student population. Figure III-8 (page 16) highlights those tracts (2, 5, 7, 17) that have a median income lower than 80% of the City median income. Note that these include a tract on the north side, CT 17, which does not have a large student population.

Figure III-6: Median Household Income by Census Tract



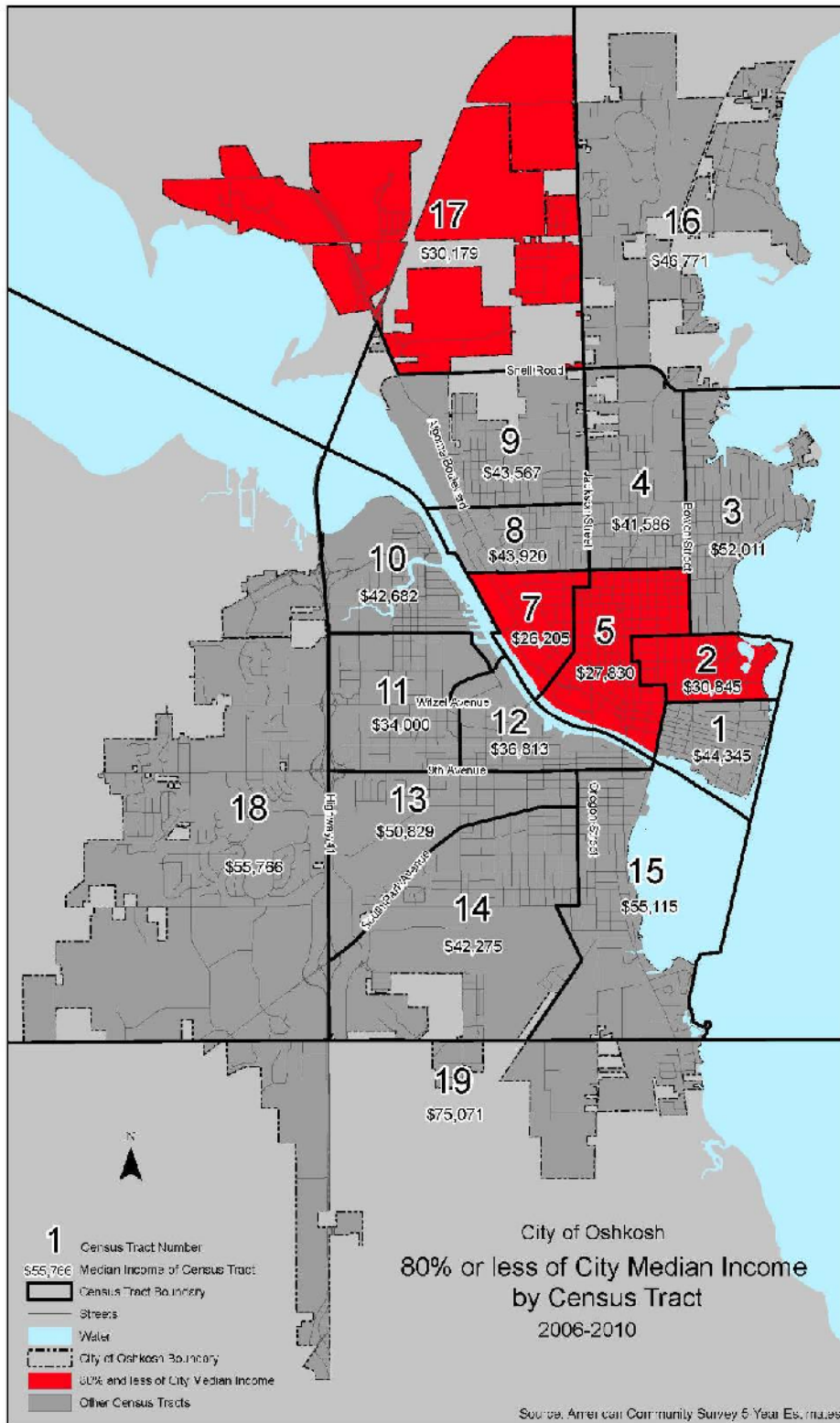
Source: 2006-2010 ACS 5-Year Estimate

Figure III-7: Map of Median Household Income by Census Tract



Source: 2006-2010 American Community Survey

Figure III-8: 80% or Less of City Median Income by Census



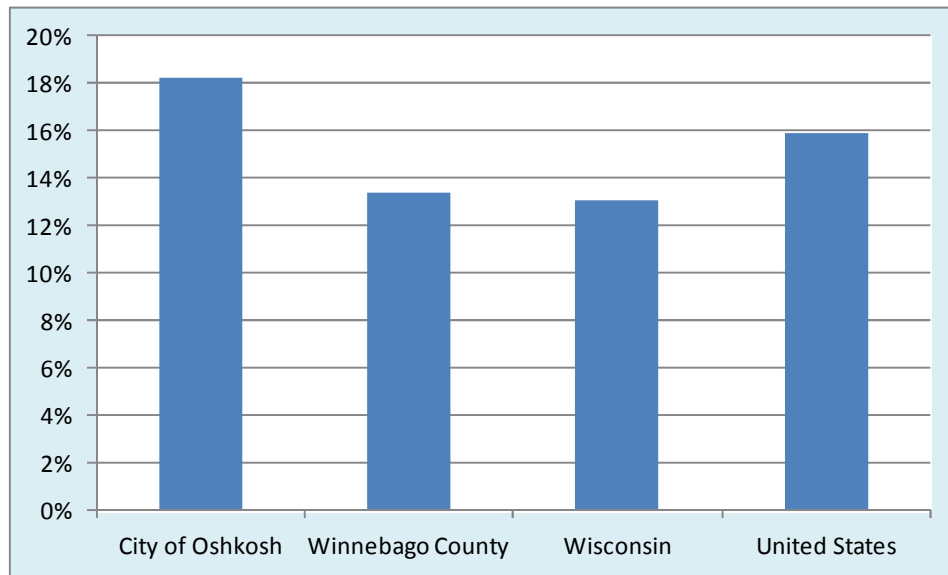
Tract

Source: 2006-2010 American Community Survey

According to Figure III-9, the City of Oshkosh has a relatively high percentage of poverty. The number of individuals in the City that are currently below the poverty line is 18.2%; compared to 13.4% of the individuals in Winnebago County, 13.1% of the individuals in Wisconsin, and

15.9% nation-wide.

**Figure III-9: Poverty Status in the Past 12 Months**



*Source: 2011 ACS 1-Year Estimates*

Approximately 9.7% of the families in the City are below the poverty line, while 8% of the families within the County are below the poverty line, as indicated in Table III-2.

**Table III-2: Income and Poverty Trends within the City of Oshkosh**

	1990	2000	2011 (1 Year Est.)
Per Capita Income	\$ 11,843	\$ 18,964	\$ 20,013
Median Family Income	\$ 31,773	\$ 48,843	\$ 54,532
Median Household Income	\$ 25,168	\$ 37,636	\$ 39,387
% Individuals Below Poverty Line	12.6%	10.2%	18.2%
% Families Below Poverty Line		5.2%	9.7%

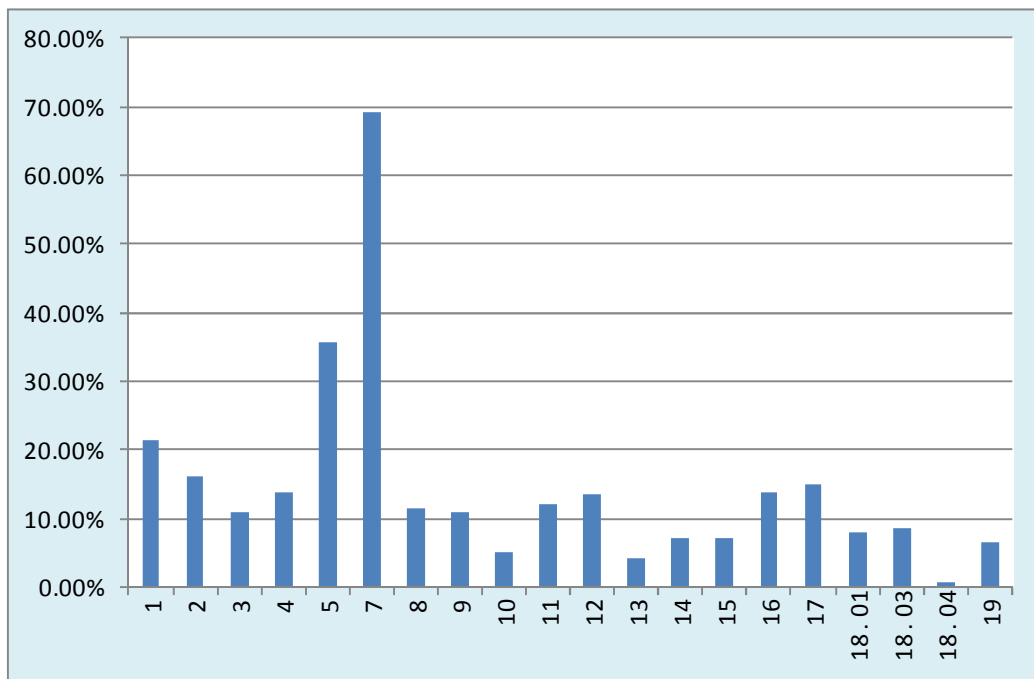
*Source: ACS 2011 1 Year Estimate*

Figure III-10 shows the percent of persons below the poverty level by Census tract. The two Census Tracts with the greatest percentage of individuals beneath the poverty line are CT 5 and CT 7. Both of the tracts have high student populations. Students often do not have a job, but receive money from sources that will not be reflected in the Census (e.g. their parents paying

their rent, etc). This does not mean that non-students living in these tracts do not also fall below

the poverty line. The next three Census Tracts with the highest percentage of individuals beneath the poverty line are CT 1, CT 2 and CT 17.

Figure III-10: Percent of Persons below Poverty by Census Tract



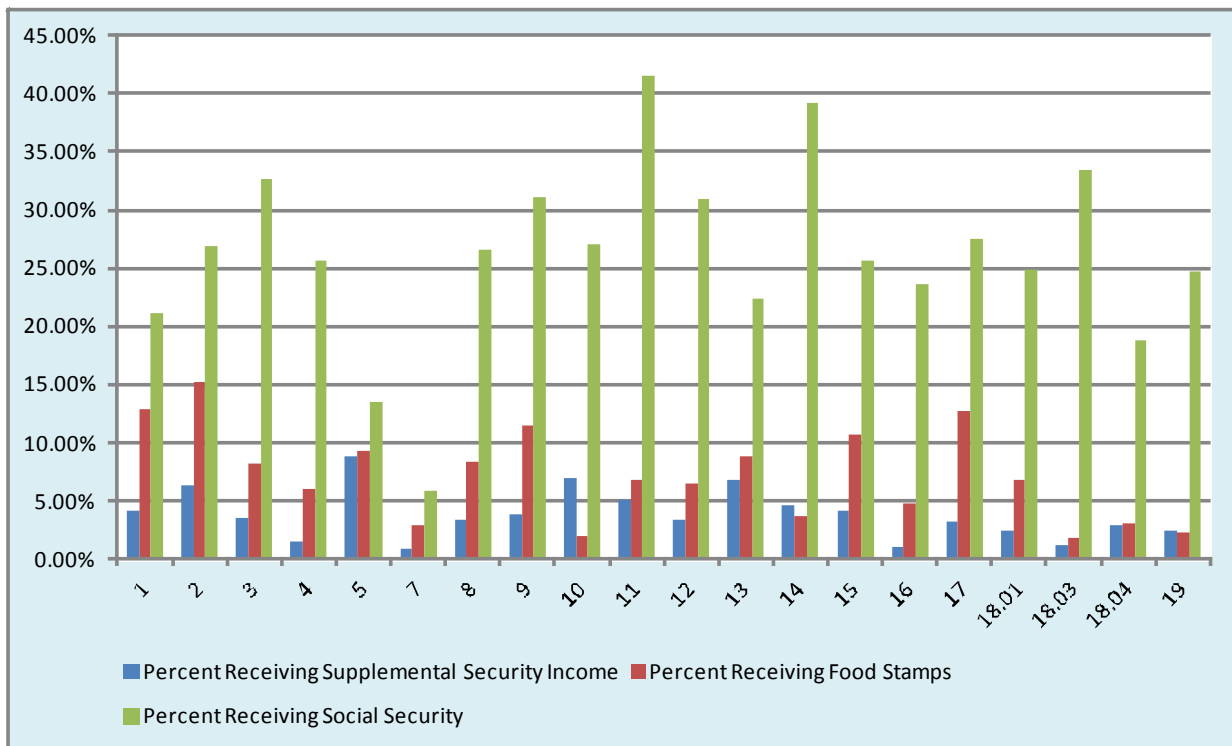
Source 2006-2010 ACS

While CT 5 and CT 7 are consistently ranked at the bottom of the City's Census tracts for some income and poverty indicators, it is interesting to look at the percentage of individuals who are receiving food stamps (SNAP benefits) and Supplemental Security Income in other tracts. See Figure III-11: Social Security, Food Stamps and Supplemental Security by Census Tract.



Food stamp and SSI programs are often used as proxies to measure levels of poverty. As Figure III-11 shows, the tracts with more than 10% using food stamps include CT 1, CT 2, CT 9, CT 15 and CT 17, suggesting that it is these Census tracts have a high percentage of individuals who are truly struggling with poverty. In contrast, CT 7, which has a reported 70% of residents with income below the poverty level, has less than 3% of residents receiving food stamps, among the lowest in the city.

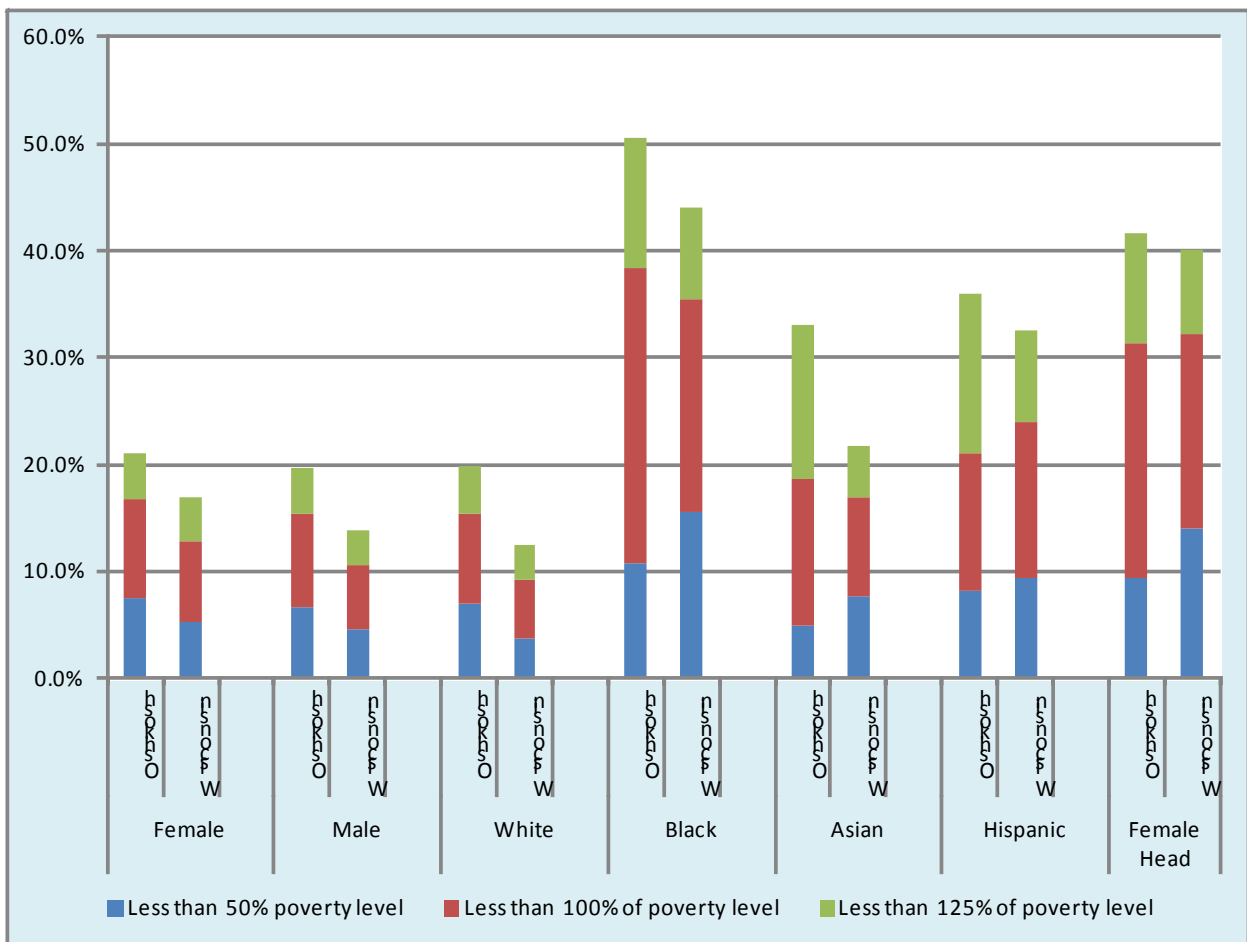
Figure III-11: Social Security, Food Stamps and Supplemental Security by Census Tract



Source: 2006-2010 ACS

Figure III-12 shows the poverty status of specific racial, gender, and household type subsets of the Oshkosh population, with the corresponding statewide data for reference. As expected based on the overall poverty data, each subset of the local population has a higher percentage of people living with poverty than statewide. Consistent with the statewide data, African Americans, Asians, Hispanics, and female-headed households all have notably higher rates of poverty than the community average. These findings indicate that low-income residents of Oshkosh are disproportionately non-white and/or female-led households. As such, they are therefore more likely to experience any negative housing outcomes associated with low incomes than the majority population.

Figure III-12: Selected Characteristics of People at Specific Levels of Poverty



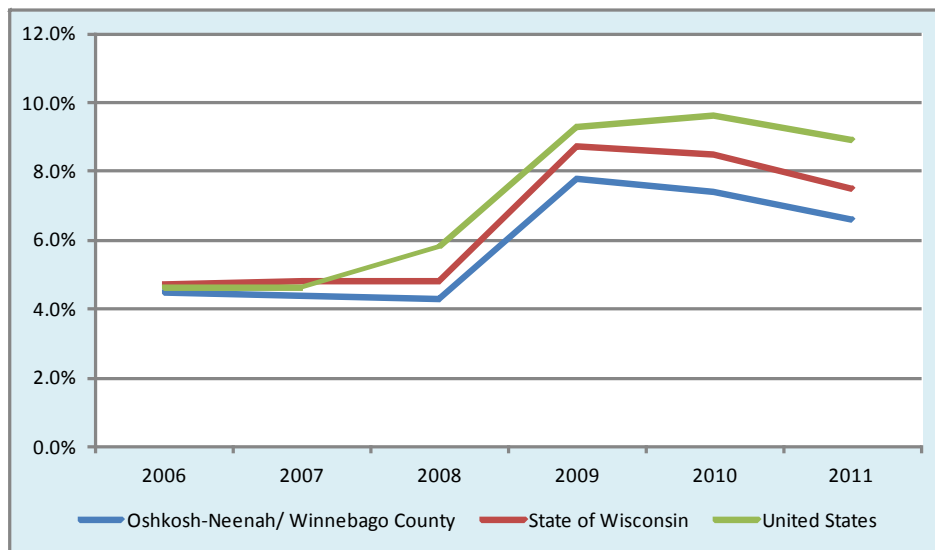
\* The data is cumulative. Everyone who is less than 50% is also less than 100% and less than 125%  
 Source: 2005-2009 ACS

### III.4. Economic Background

While this document focuses primarily on housing trends within the City, it is important to also mention various employment and transportation trends which directly and indirectly affect the ability of all persons to have access to safe, decent, and affordable housing.

The State of Wisconsin lost more than 137,000 jobs during the economic downturn that overwhelmed the nation from 2007-2009. Figure III-13 shows the unemployment rate for the Oshkosh–Neenah/Winnebago County MSA has fared better than the State and the nation as a whole. The City of Oshkosh appears to be recovering more quickly than Winnebago County and the State of Wisconsin. Table III-3 shows the largest employers in the City of Oshkosh. The presence of health care, university, and military-contract manufacturing employers on this list is consistent with the relatively low unemployment in the area.

Figure III-13: Unemployment Rates 2006-2011



Source: Wisconsin Department of Workforce Development

Table III-3: Largest Employers in the City of Oshkosh

Employer	Number of Employees
Oshkosh Corporation	> 1,000 Employees
Bemis (all Oshkosh locations)	> 1,000 Employees
University of Wisconsin Oshkosh	> 1,000 Employees
Oshkosh Area School District	> 1,000 Employees
Winnebago County	500-999
Aurora Medical Center & Medical Group	500-999
US Bank	500-999
Miles Kimball Company	500-999

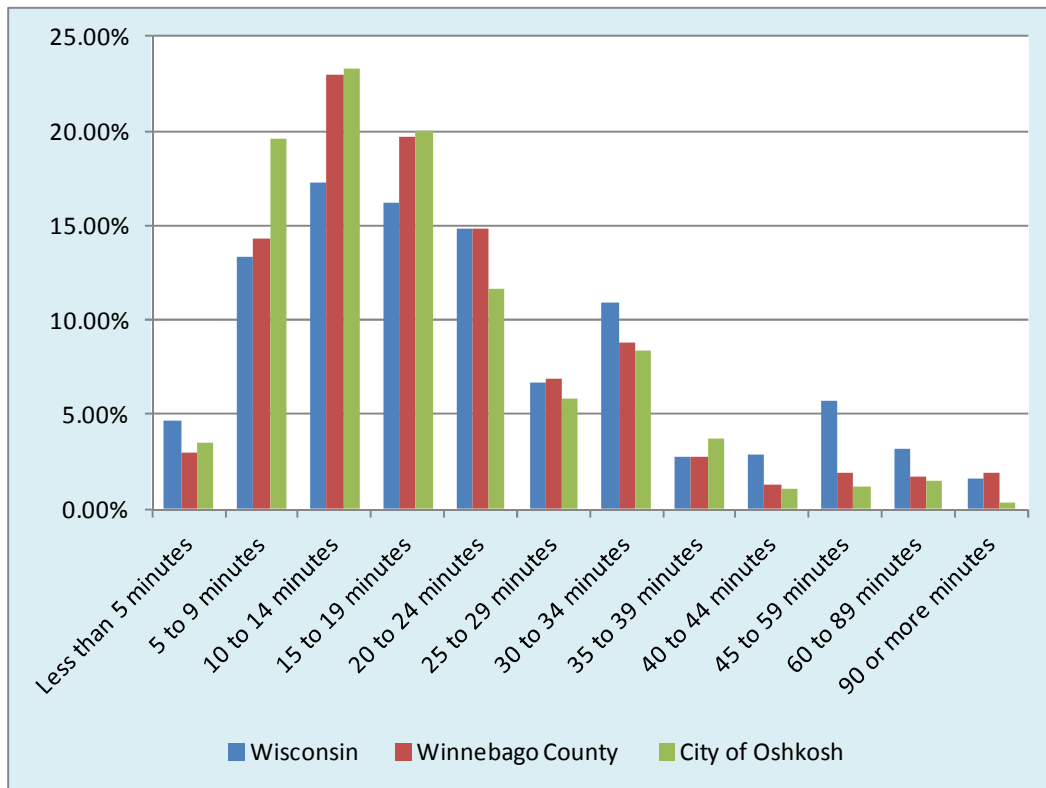
Affinity- Mercy Medical Center

500-999

Source: Wisconsin Department of Workforce Development

Figure III-14 shows that in general, Oshkosh city residents have a commute that is shorter than the commutes typical to both Winnebago County and the State of Wisconsin. This indicates that there are employment opportunities within the city available to local residents and travel times within the city are relatively short.

Figure III-14: Travel Time to Work



Source: 2011 ACS 1-Year Estimate

### III.5. Transportation Options and Commute

Because the City of Oshkosh is a relatively small city, the size minimizes the significance of the spatial relationship between resident and job opportunities. Nevertheless, it is imperative that the City continue to provide transportation options, especially for lower income and disabled residents.

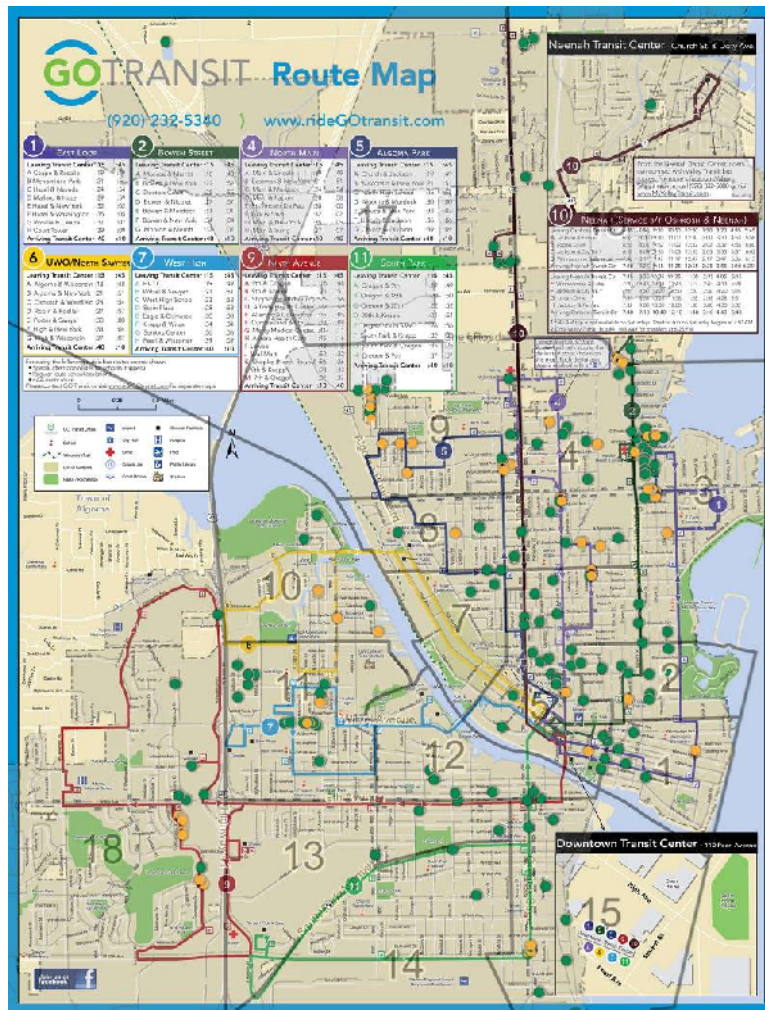
#### Transit

According to the Oshkosh Transit Development Plan (July 2011), there were 3,217 average daily boardings (ADB). The ADB is down 7.2% from 2004. GO Transit (rebranded in 2012) consists of 9 fixed routes and 3 school routes offering transportation throughout the area, with most routes operating Monday through Saturday. Roughly 52% of GO Transit riders use the bus service to get to work or school.

The routes with the highest daily boardings are routes 9 (Ninth Avenue), 6 (UWO/North Sawyer), 2 (Bowen Street) and 4 (North Main). These routes constitute 57.6% of all riders. In 2009, there were 1,077,426 unlinked riders<sup>4</sup>. GO Transit also offers paratransit services for individuals with disabilities.

Figure III-15 shows the GO Transit route map with overlays that include Census Tract outlines, public housing locations, and housing voucher recipient locations. This map shows that 30-minute bus service is available throughout most Census tracts and parts of the City, with the exception of CT 16 and CT 17, and most of the identified low-income housing sites are on or within walking distance of one of the routes. The line that serves CT 16 and CT 17 is the “Neenah” line, offering service between Oshkosh and Neenah. This route does not deviate into the neighborhood from the Jackson St. arterial (except at Logan Drive), and, unlike the other routes, it operates on a 90-minute schedule instead of a 30-minute schedule.

Figure III-15: GO Transit Route Map with 2012 Public Housing Sites (yellow dots) and Housing Voucher Recipients (green dots)



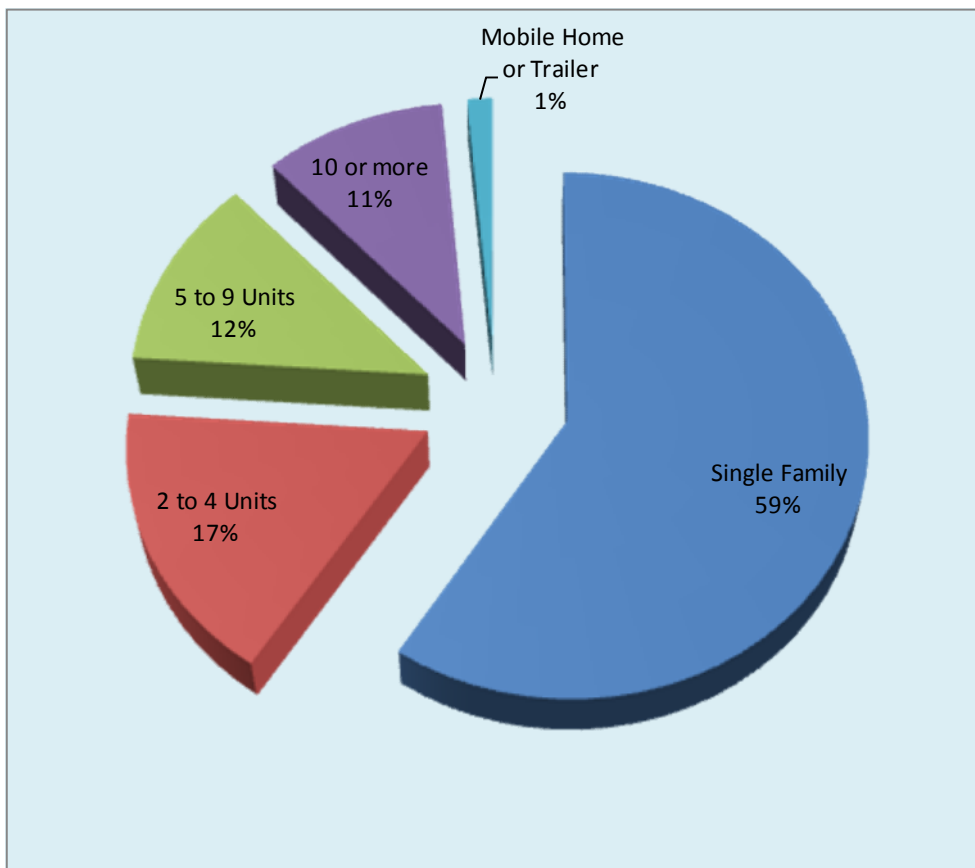
Source: Oshkosh/Winnebago County Housing Authority, GO Transit

<sup>4</sup> Unlinked passengers represent the total number of boardings including all transfers on the system.

### III.6. Housing Stock

The Census defines a household as all persons occupying a housing unit whether related or unrelated. A housing unit includes a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters. Most of the housing stock in the City of Oshkosh (59% of all units) is single-family residential. Forty percent of housing within the City is multi-family, meaning two or more units in the same structure (this includes duplex houses). One percent of the housing stock is mobile homes. See Figure III-16 for a graphic breakdown of housing unit types in the City of Oshkosh.

Figure III-16: Housing Unit Type in the City of Oshkosh (% with Each Number)



Source: 2011 ACS 1-Year Estimates

Persons not living in households are classified as living in group quarters. Group quarters include non-institutional settings such as dormitories and institution settings such as prisons. According to the 2010 US Census, 11% of the City's population lived in group quarters. Fifty-four percent of those living in group quarters were institutionalized in correctional facilities for adults and skilled nursing facilities. University housing for students was the largest noninstitutionalized population. Table III-4 shows the breakdown of group quarters in the City of Oshkosh.

**Table III-4: Group Quarters Population by Group Quarters Type**

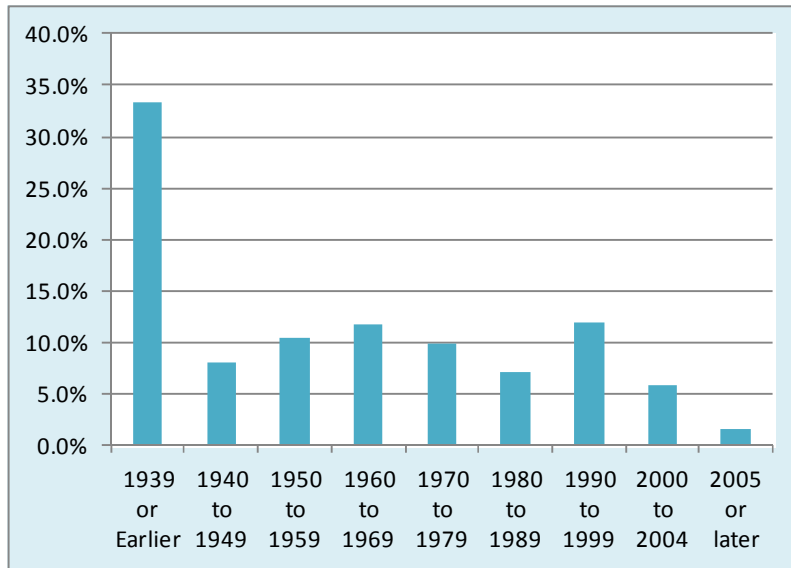
	Number	Percent
<b>Institutionalized Population</b>	<b>4,056</b>	<b>54%</b>
Correctional Facilities for Adults	2,888	71%
Nursing facilities/Skilled-Nursing Facilities	974	24%
Other Institutional Facilities	194	5%
<b>Noninstitutionalized Population</b>	<b>3,464</b>	<b>46%</b>
College/University Student Housing	3,195	92%
Other Noninstitutionalized Facilities <sup>5</sup>	269	8%
<b>Total Population Living in Group Quarters</b>	<b>7,520</b>	<b>100%</b>

Source: 2011 ACS 1-Year Estimates

Figure III-17 shows that a substantial portion of the housing stock in Oshkosh was built before World War II - almost 30% of the housing was built before 1939. Older housing is in many cases affordable as compared to newer construction, but older homes also tend to have higher repair and maintenance costs and also higher energy costs due to inadequate or inefficient building and heating systems.

<sup>5</sup> "Other Noninstitutionalized Facilities" include emergency shelters, group homes for adults, residential treatment centers, religious group quarters, and workers; group living quarters.

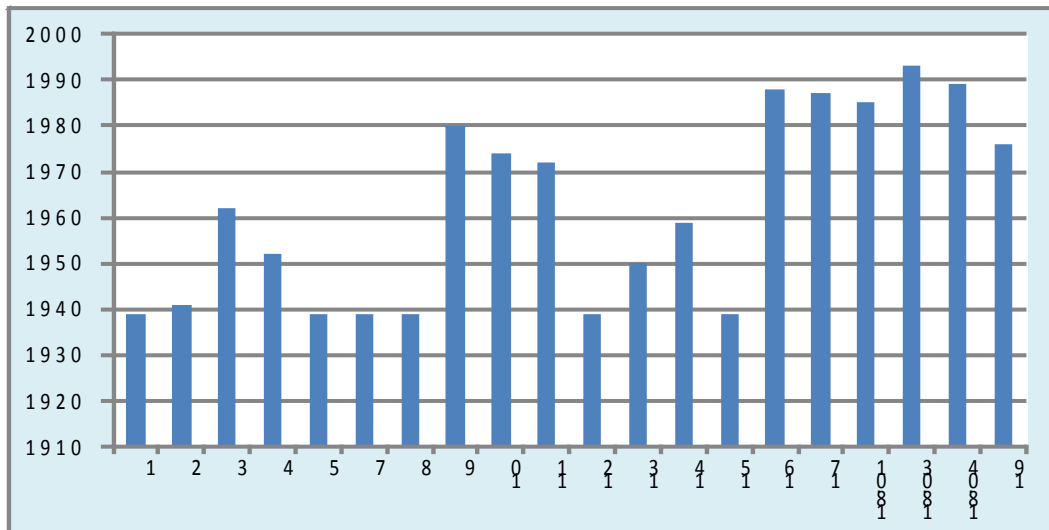
Figure III-17: Year Residential Structure Built



Source: 2011 ACS 1-year estimate

Figure III-18 shows the median age of housing stock, by tract. It illustrates a natural pattern of growth and development – tracts with a median build date of 1939 (1, 2, 5, 7, 8, 12, 15) are close to the center of the city, and those with the youngest median build dates are the tracts at the periphery.

Figure III-18: Median Year Structure Built by Census Tract

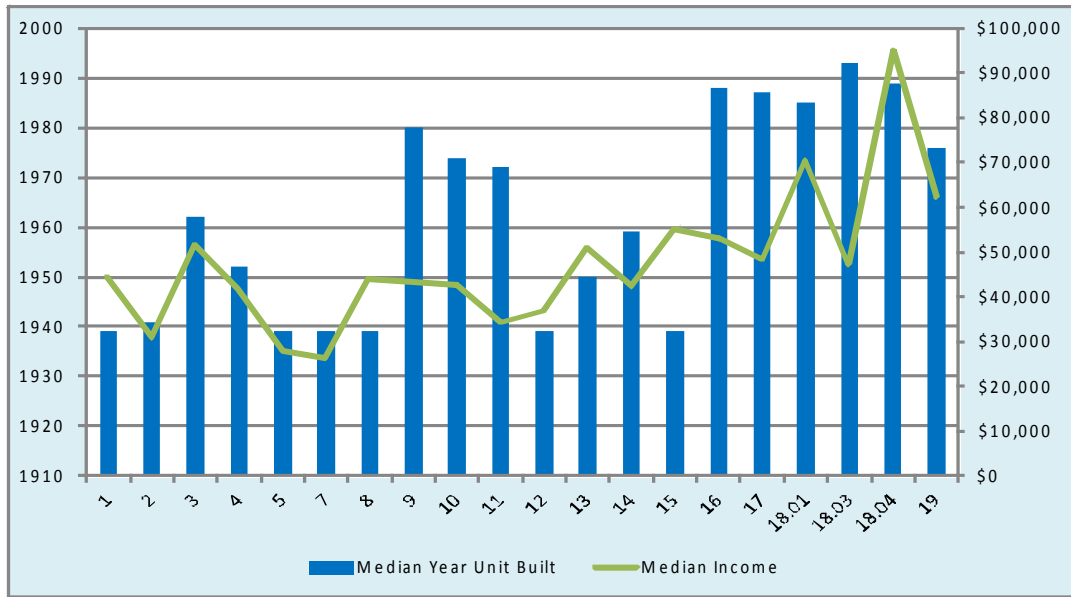


Source: 2006-2010 ACS 5-year estimate

Figure III-19 shows that the age of the housing stock has some correlation to the median income in each census tract, consistent with the common trend of higher-income residents choosing to live in newer, larger homes in younger neighborhoods that typically have newer, higher-performing schools.



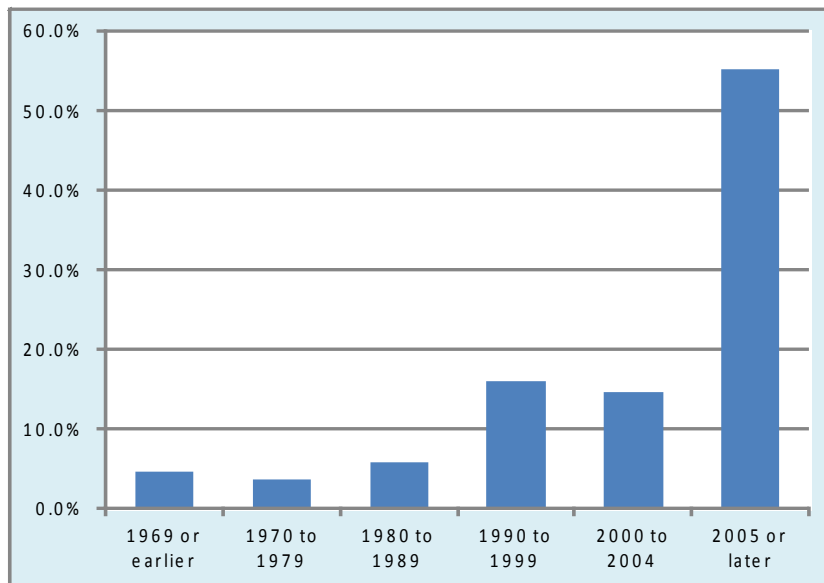
Figure III-19: Year Built Compared to Median Income by Census Tract



Source: 2006-2010 ACS 5-year estimate

Figure III-20 shows that while much of the housing stock is more than 70 years old, most residents have lived in their homes less than 5 years.

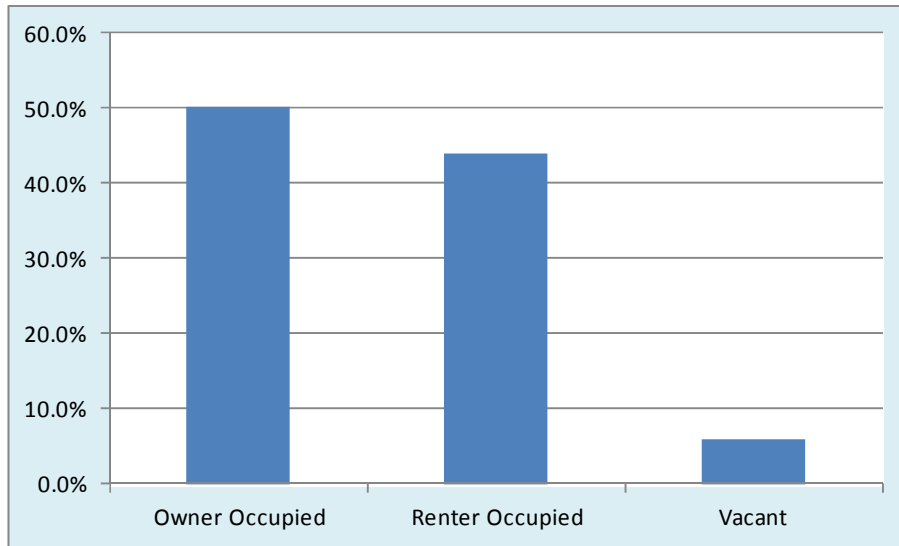
Figure III-20: Year Moved to Current Home



Source: 2011 ACS 1-Year Estimates

The City of Oshkosh has a high ratio of renters to home owners. Approximately 44% of occupied housing units in the City were renter-occupied as of the 2010 Census; see Figure III-21. By comparison, approximately 35% of occupied housing units in the United States were renter-occupied that year.

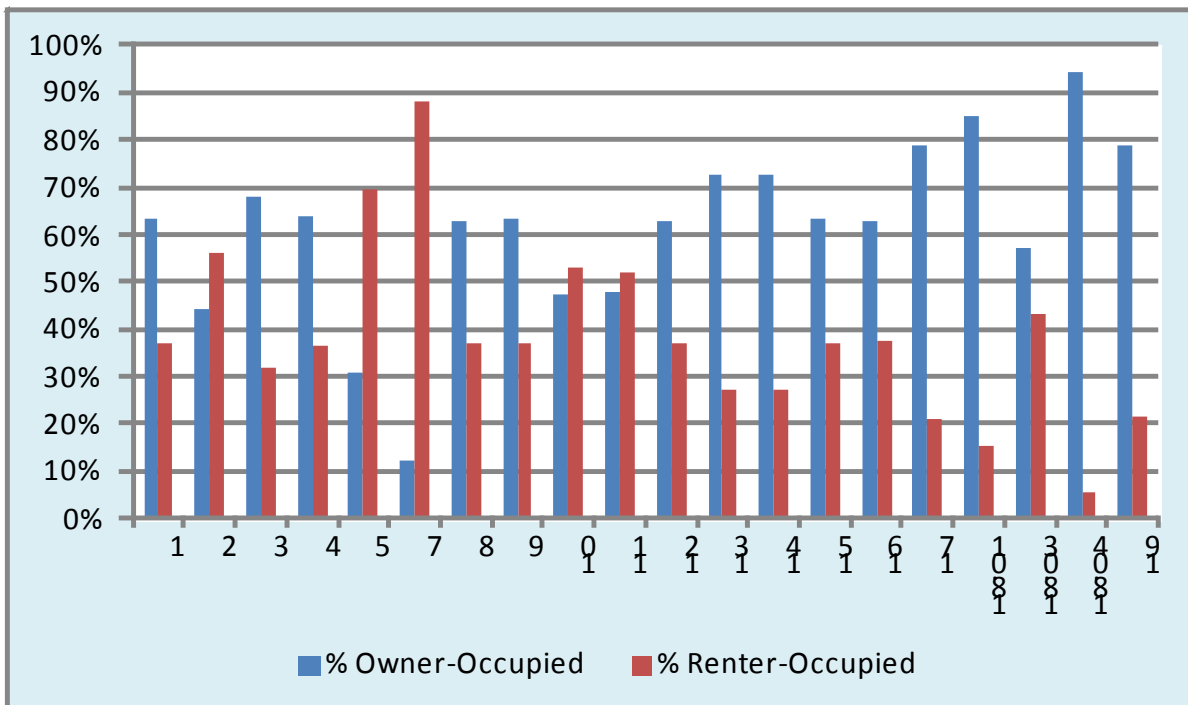
Figure III-21: Owner-Occupied vs. Renter Occupied Housing Units



Source: 2011 ACS 1-Year Estimate

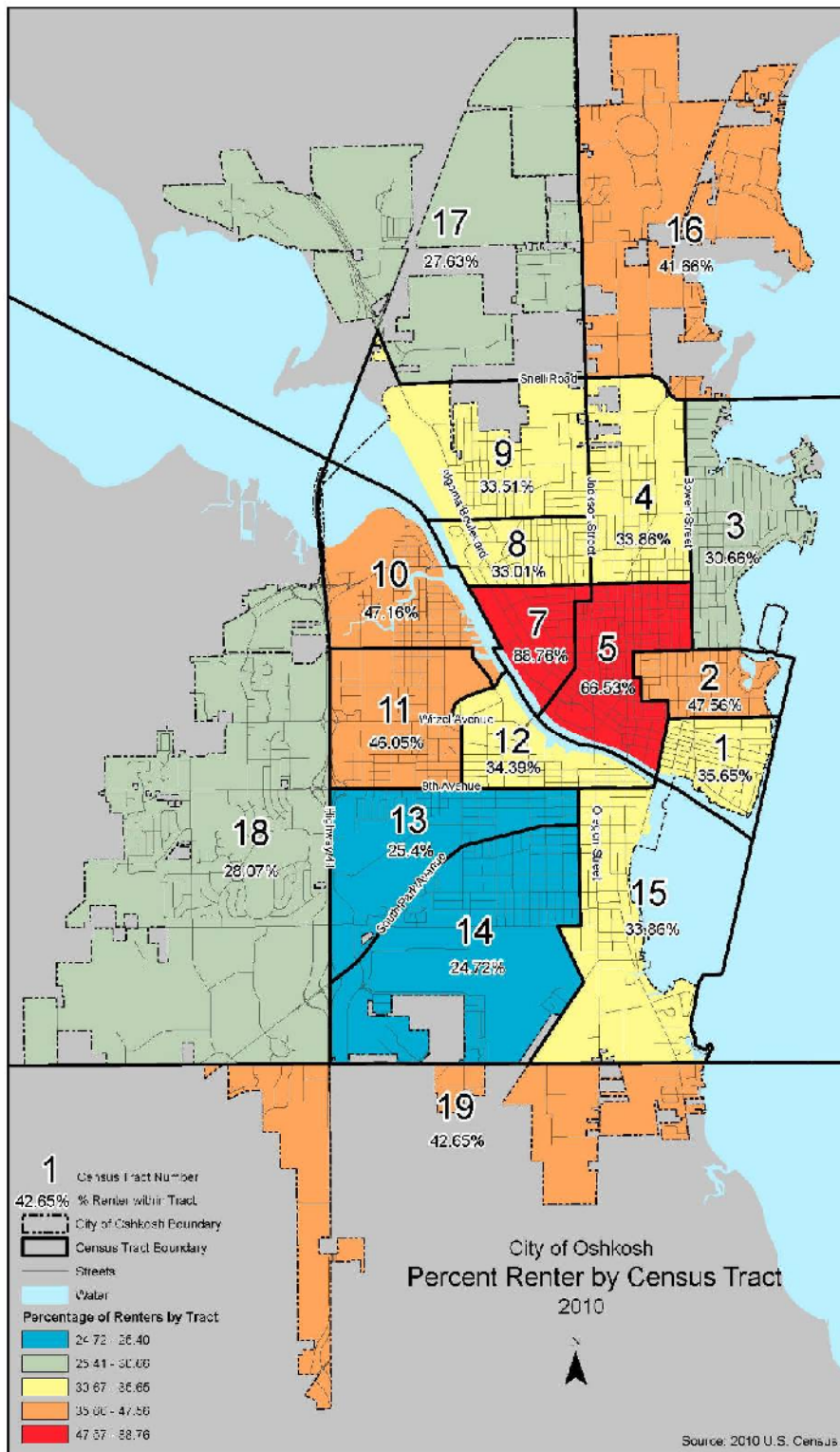
Figure III-22 shows the percentage of owner-occupied housing units vs. renter-occupied housing units per census tract. The tracts with the highest percentage of renter-occupied housing units are tracts 5 (69%) and 7 (88%). The University of Wisconsin-Oshkosh is located in tract 7, at the edge of tract 5, and so these numbers reflect the prevalence of student rentals in these areas. Other tracts with more than 50% rentals include 2, 10, and 11. See Figure III-23 (following page) for a map showing the percentage of renters per census tract.

Figure III-22: Percentage of Owner-Occupied vs. Renter-Occupied Housing Units by Census Tract



Source: 2010 US Census

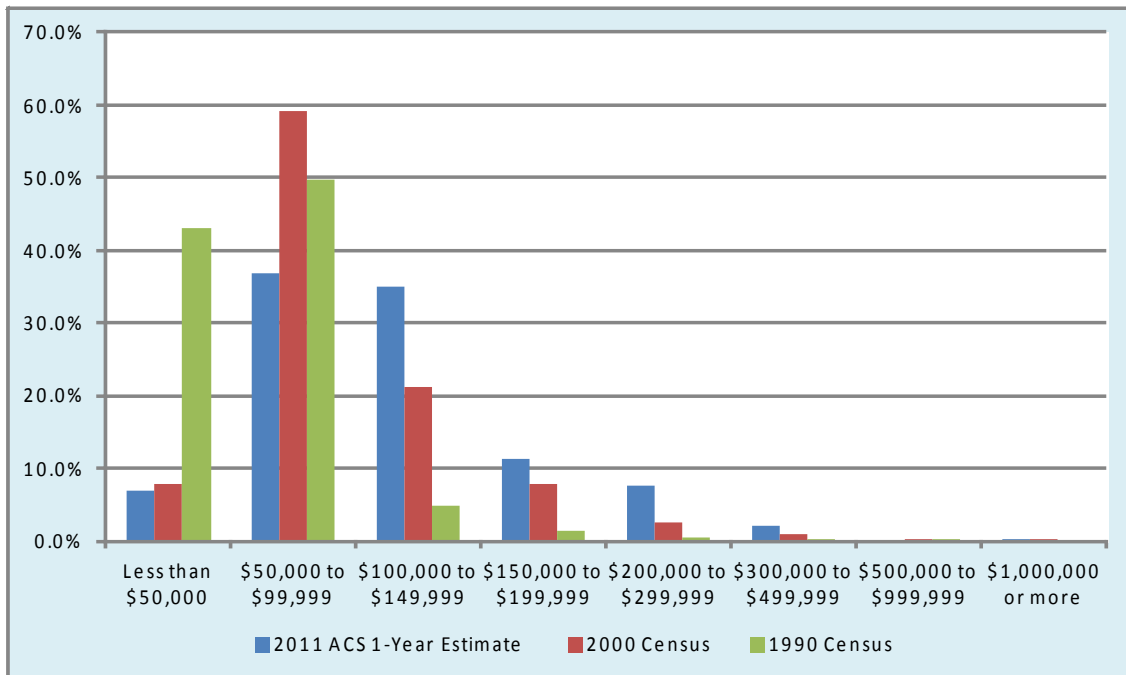
Figure III-23: Percent Renters by Census Tract



Source: 2010 U.S. Census

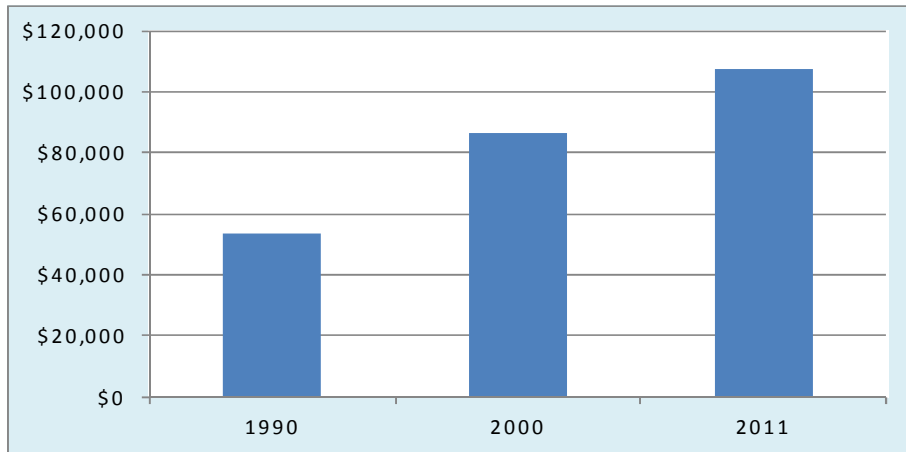
Most of the housing stock in the City of Oshkosh is valued at less than \$150,000, as indicated in Figure III-24. Figure III-25 shows that the median value of housing has steadily increased since 1990. Figure III-26 (following page) illustrates the relationship between age and value of housing, indicating that older units tend to be of lower value than more recently constructed units. There is likely a unit size component to this also, as unit square footage increased steadily from the 1940's to the 2000's. Older units, while apparently more affordable, are also less likely to be handicap accessible, more likely to need repairs, and more likely to have poor energy performance.

Figure III-24: Housing Value



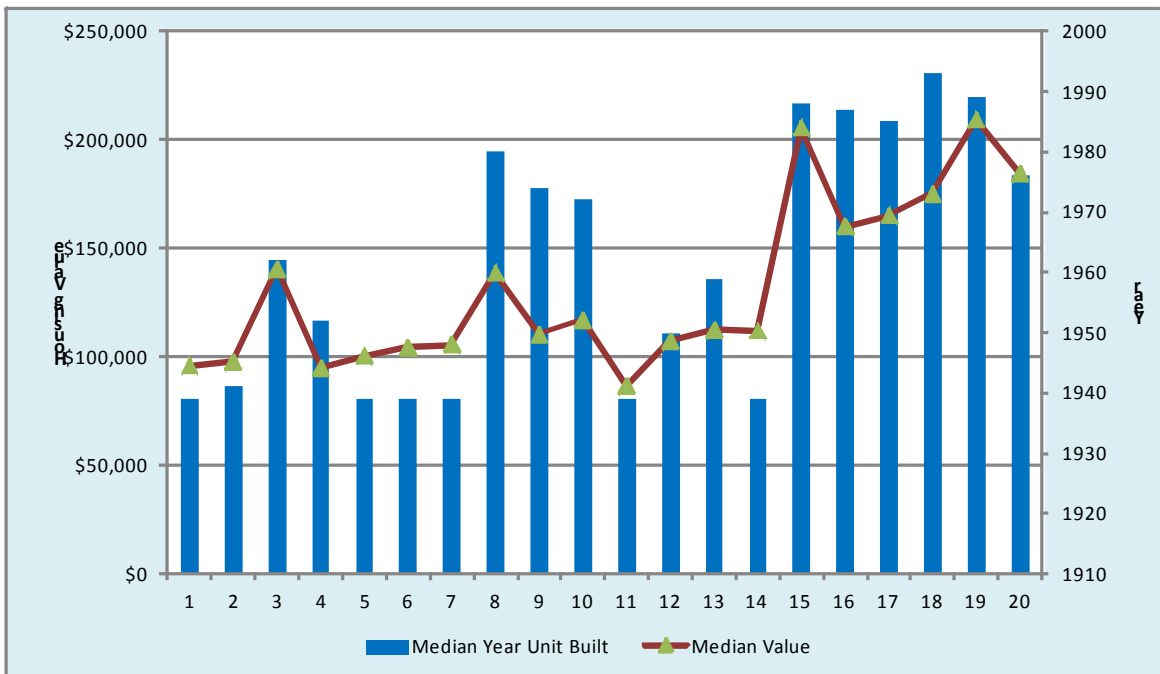
Source: 2011 ACS 1-Year Estimate

Figure III-25: Median Value from 1990-2011



Source: 1990 Census, 2000 Census, 2011 ACS 1-Year Estimates

Figure III-26: Median Housing Value Compared to Median Year Built by Census Tract



Source: 2006-2010 ACS

### III.7. Housing Affordability

#### Fair Market Rents

Each year, HUD releases Fair Market Rents (FMR) for metropolitan areas. FMRs are primarily used to determine standard payment amounts for the Housing Choice voucher program (Section 8); however, they can also be an illuminating measure of the affordability of the rental market. FMR must be high enough to permit a selection of units and neighborhoods, but this must be

balanced against the need to serve as many low-income families as possible with a fixed program

budget. Table III-5 shows that the Oshkosh-Neenah metro area is relatively affordable compared to other metro areas in the state.

**Table III-5: HUD Fair Market Rent**

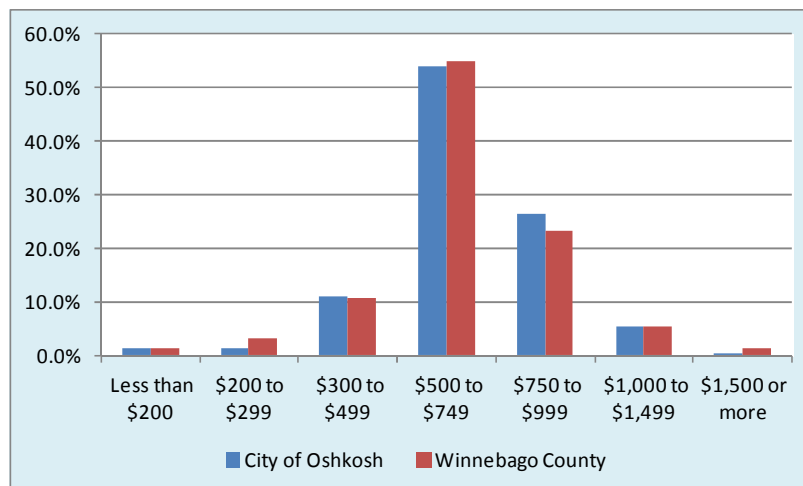
Metro	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Average
Eau Claire, WI	\$442	\$514	\$658	\$969	\$1,004	\$717
Green Bay, WI	\$425	\$517	\$685	\$978	\$1,005	\$722
<b>Oshkosh-Neenah, WI</b>	<b>\$477</b>	<b>\$516</b>	<b>\$669</b>	<b>\$891</b>	<b>\$1,185</b>	<b>\$748</b>
Racine, WI	\$539	\$543	\$733	\$961	\$980	\$751
Milwaukee-Waukesha-West Allis, WI	\$535	\$659	\$828	\$1,056	\$1,142	\$844
Kenosha County, WI	\$523	\$624	\$801	\$1,163	\$1,219	\$866
Madison, WI	\$614	\$734	\$889	\$1,226	\$1,366	\$966

Source: FY 2013 Fair Market Rent Documentation System-HUD

## Gross Rent

Rent levels are also tracked and reported, using different data and methodology, by the US Census. The 2011 1-Year ACS Estimates show that the majority of rents in the City (54.1%) fall between \$500 and \$749; see Figure III-27. This is on par with Winnebago County as a whole, indicating that the city is no more or less affordable than the surrounding area. The median rent for Oshkosh of \$639 is approximately equal to Winnebago County overall (\$636).

**Figure III-27: Gross Rent**

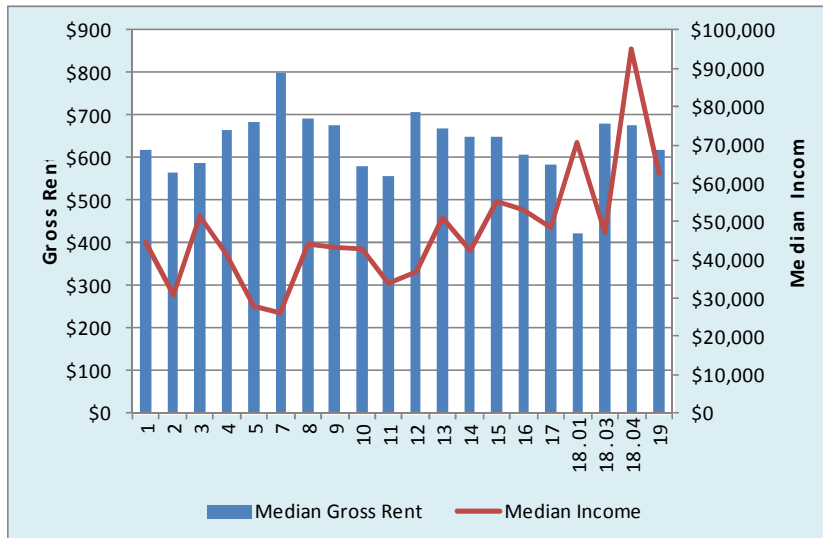


Source: 2011 ACS 1-Year Estimate

Figure III-28 shows gross rents compared to median income by census tract. Census tracts 5 and 7 are noteworthy – they have the highest gross rent and the lowest median income in the City. This likely reflects the fact that student rent is often subsidized by parents, and students are often

choosing to share rental units (sometimes beyond the limits of City ordinances) to distribute the cost, allowing property owners to keep the rents high. In contrast, Tract 18.01, which has relatively few rental units (28% of all units) has the lowest gross rent and second highest median income in the City.

Figure III-28: Median Gross Rent by Median Income by Census Tract



Source: 2006-2010 ACS 5-Year Estimates

### Cost Burden

In general, housing is considered ‘affordable’ if housing costs do not exceed 30% of the household’s monthly income. According to the American Community Survey 2011 1-Year Estimates, many of Oshkosh’s residents are unable to find housing that meets the ‘affordable’ threshold; see Figure III-6. Specifically, 52.5% of renters and 28.3% of home-owners are not meeting the affordability threshold.

Table III-6: Selected Home Costs as a Percentage of Income

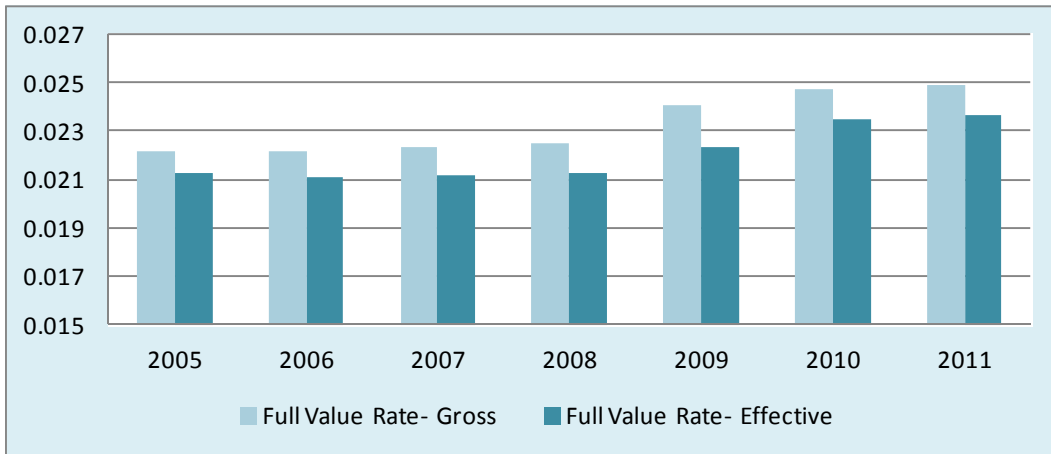
Selected Monthly Owner Costs as a Percentage of Household Income	Percent	Gross Rent as a Percentage of Household Income	Percent
		Less than 15%	8.60%
Less than 20%	39.0%	15.0% to 19.9%	21.40%
20% to 24.9%	17.4%	20% to 24.9%	9.80%
25% to 29.9%	15.2%	25% to 29.9%	7.70%
30% to 34.9%	9.6%	30% to 34.9%	4.70%
35% or more	18.7%	35% or more	47.80%
Not computed	39	Not computed	519

Source: 2011 ACS 1-Year Estimates

### Taxes

Tax rates in the City of Oshkosh have increased slightly every year since 2005. Figure III-29 shows that the property tax rate has increase from \$21.29 per \$1,000 of value in 2005 to \$24.85 per \$1,000 of value in 2011 for a total increase of \$3.56 per \$1,000, or a difference of \$534 on a home valued at \$150,000.

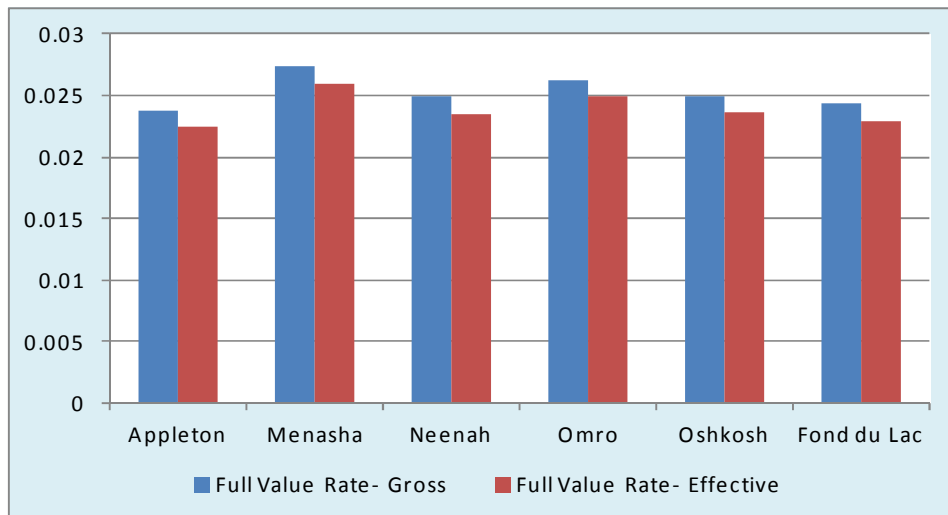
Figure III-29: Oshkosh Property Tax Rate Trends 2005-2011



Source: Wisconsin Department of Revenue

Taxes in the City of Oshkosh are comparable with surrounding municipalities. Oshkosh pays more in property taxes than the Cities of Appleton (Outagamie County only) and Fond du Lac. The City of Neenah pays roughly the same amount as the City of Oshkosh and Menasha and Omro pay slightly higher taxes than Oshkosh. See Figure III-30.

Figure III-30: Comparison of Property Taxes between the City of Oshkosh and Surrounding Municipalities



Source: Wisconsin Department of Revenue<sup>6</sup>

<sup>6</sup> The City of Appleton’s tax rate is only for the portion of the City in Outagamie County and the City of Menasha’s tax rate is only for the portion of the City in Winnebago County. Both cities are in two counties.



### III.8. Mortgage/Loan and Foreclosure Information

It is important to acknowledge the recent and continuing turmoil in real estate and financial markets. While the collapse of the subprime market in 2008 was that ‘straw that broke the camel’s back,’ the groundwork of the ensuing foreclosure crisis had been brewing for decades. As long ago as when WWII was winding down, there have been patterns of refusing to extend

credit to low-income communities, especially communities of color. This practice, known as

redlining, opened up the floodgates for high-cost credit institutions to move in and prey upon

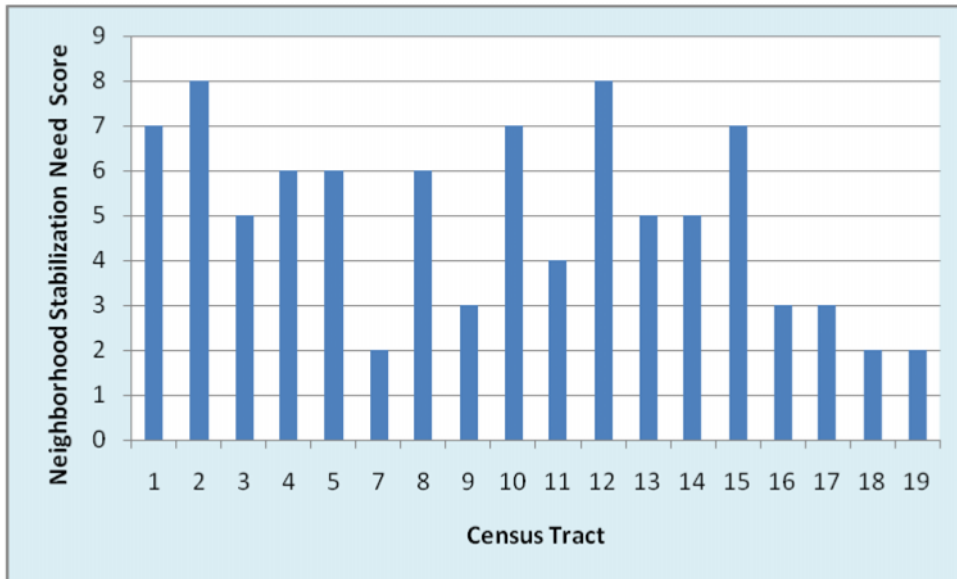
disadvantaged populations.

Today the effects of deregulations, predatory lending, and the subprime meltdown are still a factor as homes are lost to foreclosure. According to the HUD Neighborhood Stabilization Program, Census Tracts 2 and 12 had the greatest need as of the 2<sup>nd</sup> Quarter of 2010, based on HUD’s methodology<sup>7</sup>. See Figure III-31 for a comparison of foreclosure scores by census tract. Note that these scores are on a scale of 1-20, and the Wisconsin threshold for NSP round 3 funding was a score of 11. Approximately 20% of Wisconsin census tracts were identified as “in need”, including none in Oshkosh. However, this is a factor of the amount of NSP money available. In rounds 1 and 2, more money was available and tracts 1, 2, 4, 5, 12 and 15 were eligible due to their foreclosure risk scores.

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<sup>7</sup> HUD calculated need for neighborhood stabilization funding based on a formula that incorporated three factors in each census tract: A) Rate of Subprime Loans. This is measured with HMDA data on high cost and high leverage loans made between 2004 and 2007. These data are available at the Census Tract (neighborhood) level. B) Increase in Unemployment Rate between March 2005 and March 2010. These data are from the BLS Local Area Unemployment Statistics, at the city and county level. C) Fall in Home Value from Peak to Trough. Home value data at the Metropolitan Area level is available quarterly through March 2010 from the Federal Housing Finance Agency Home Price Index.

Figure III-31: Neighborhood Stabilization Score by Census Tract



Source: HUD Neighborhood Stabilization Program, 2010

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and is implemented by the Federal Reserve Board's Regulation. This regulation provides public loan data that can be used to assist in determining whether financial institutions are serving the

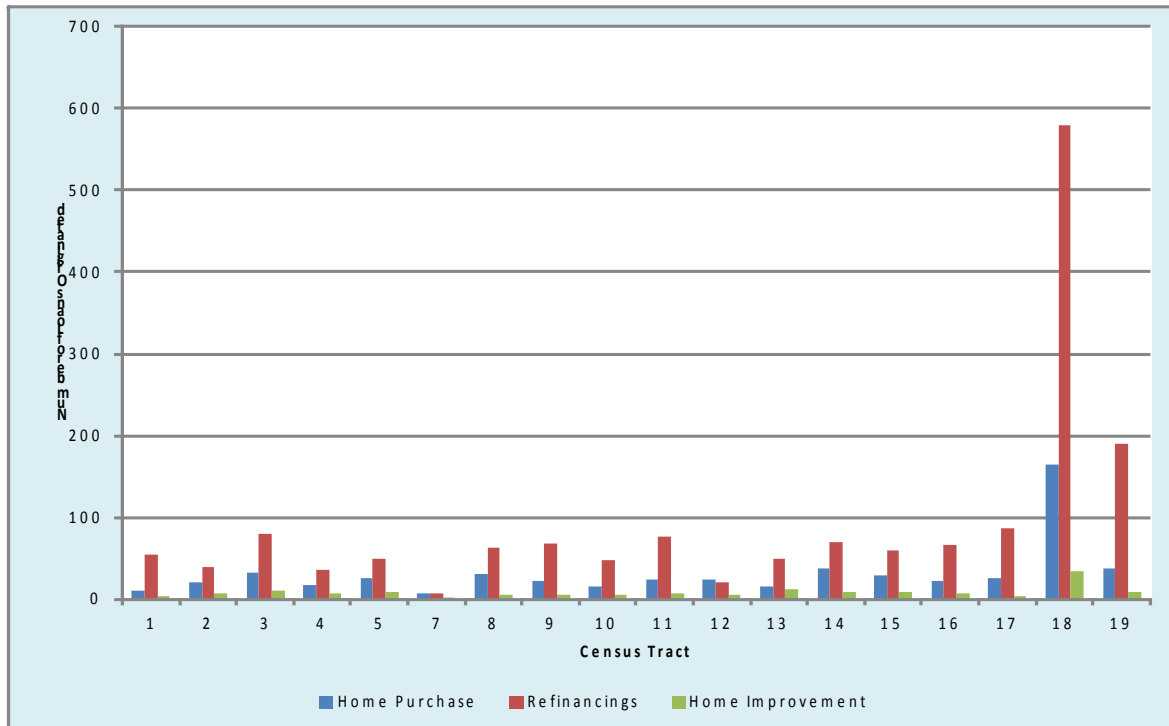
housing needs of their communities, helping public officials in distributing public-sector

investments, and identifying possible discriminatory lending patterns. This regulation applies to certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions. Institutions that meet certain minimum thresholds must disclose data regarding the disposition of applications for mortgage and home improvement loans in addition to data regarding loan originations and purchases. They are required to identify the race, sex, and income of loan applications, as well as the physical location of the subject property in census geography. Appendix C contains complete HMDA data for the City of Oshkosh.

For the purpose of this analysis, HMDA data was reviewed to identify and evaluate lending practices in relation to income, race, and geographical location. Unfortunately, information on both race and geographical location simultaneously is not provided due to the small sample size at the tract level. While large amounts of data are available and extensive analyses are possible, for the purpose of this analysis it is important to identify trends that may be affecting the City's

ability to provide fair housing to all its residents. This analysis focuses on loans for 1-4 unit residences.

Figure III-32: Geographic Location of Loans



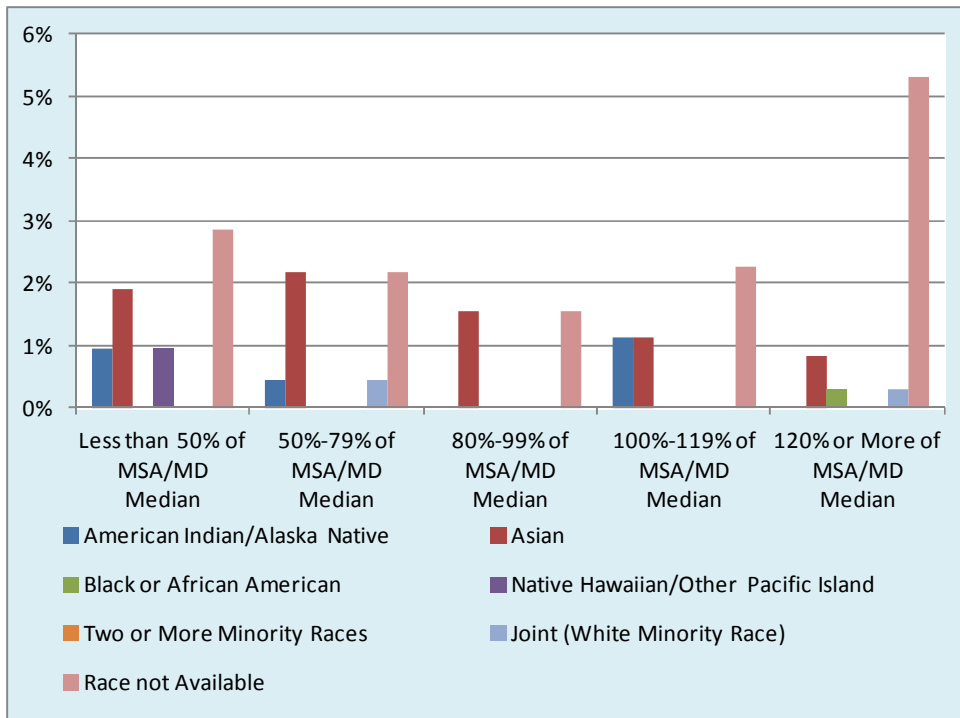
Source: HMDA Data, 2011 (Aggregate Table 1)

Figure III-32 shows that the most prevalent loan throughout the City is a refinancing loan. In particular, Census Tracts 18 and 19 have the highest number of refinancing loans. Census Tracts 14, 18 and 19 have the most home purchase loans (this includes both conventional loans and FHA, FSA/RHS & VA loans). There are not very many home improvement loans anywhere in the City, indicating that either the money or the will to fix up the aging housing stock is not available.

Figure III-33 indicates the percentage of all conventional home loans that originated to minority applicants in the Oshkosh metro area in 2011. The intent of this analysis is to consider how this outcome compares to the size of these populations in the area, and Figure III-34 (following page) provides that point of reference. The largest minority groups in the area are Asians (~2.4% of the total population), African Americans (~1.9%) and people of mixed race (~1.6%). By comparison, the percentages of loans originated to these minority groups in 2011 range from 0% to just over 2% within each of the income ranges shown. Given the small sample size, there is ample opportunity for minor data errors to have a large effect on these outcomes. With that caveat in mind, it does appear that minorities are somewhat less likely to secure home loans in the area than white residents. The most notable observation is the complete lack of loans to African Americans in all but the highest of the income ranges, and this is noteworthy especially

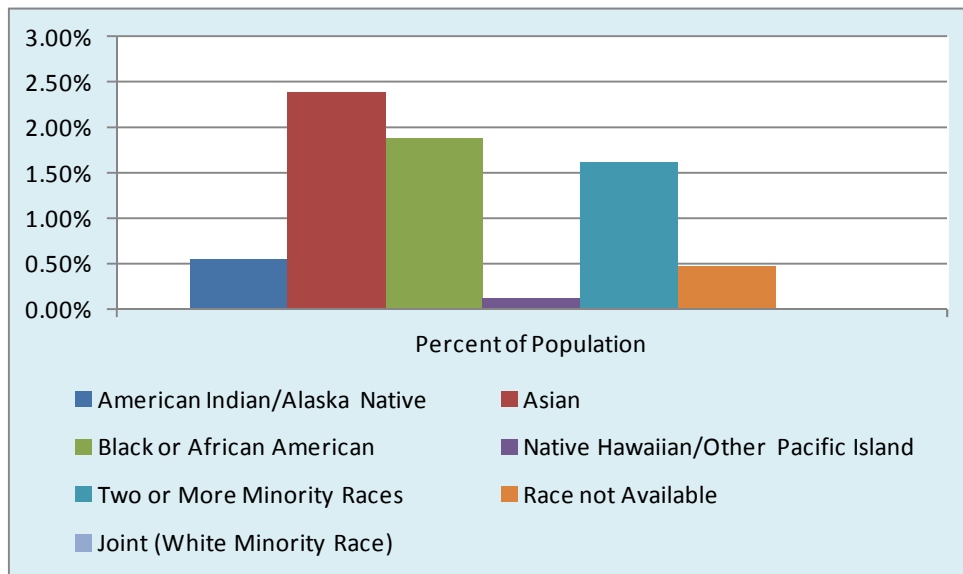
because of the disproportionate percentage of low-income residents that are African American (see Figure III-12). This lack of loans originated suggests lesser access to capital to enable home ownership, but it is not possible to identify the cause from this data. A review of the data in HMDA Aggregate Table 5-2 (see Appendix C) confirms that there were also very few applications for loans, mitigating the concern that African Americans are applying for loans but being turned down.

Figure III-33: Percentage of Loans Originated by Minority Status



Source: HMDA Data, 2011 Aggregate Table 5-2

Figure III-34: Percent of Minority Population in the Oshkosh-Neenah MSA



Source: 2011 ACS 1-Year Estimate

When examining the rest of the HMDA data, there are several other trends which indicate that minority and low-income persons are struggling to secure credit:

- Minorities are more likely to apply for loans through Fannie Mae, Ginnie Mae, Freddie Mac, than they are to apply through commercial banks, savings banks, insurance companies, mortgage banks or finance companies (See HDMA Aggregate Table 3-1 in the Appendix C).
- When examining conventional loan applications in 2011, there were a total of 1,267 applicants, of which only 12% were minority races. Only 13% of the conventional loans applied for were by

Hispanics. Roughly 72% of those loans were originated (See HDMA Aggregate Table 4-2 in

Appendix C).

## IV. Fair Housing Profile

### IV.1. Fair Housing Programs and Activities

#### Overview

Fair housing activities in Oshkosh are coordinated by the Planning Services Division of the Community Development Department. Planning Services staff manage the Community Development Block Grant (CDBG) program, including:

- Planning and reporting activities required as a condition of CDBG funding (including this study),
- Distribution of funds to various entities that support neighborhood, housing and low to moderate income needs in the community; and
- Distribution of funds directly to property owners through the Housing Rehabilitation Loan Program

Over the past six years, CDBG funds have been utilized for two primary purposes: fair housing education and housing rehabilitation

**Table IV-1: Fair Housing and Housing Rehabilitation funding by the City of Oshkosh (2007-2012)**

	Fair Housing	Housing Rehabilitation	Total
2007	\$10,000.00	\$ 355,132.00	\$ 365,132.00
2008	\$ 9,625.00	\$ 289,180.00	\$ 298,805.00
2009	\$10,000.00	\$ 287,156.00	\$ 297,156.00
2010	\$10,000.00	\$ 330,397.00	\$ 340,397.00
2011	\$10,000.00	\$ 366,587.00	\$ 376,587.00
2012	\$10,000.00	\$ 436,751.00	\$ 446,751.00
Totals	\$59,625.00	\$ 2,065,203.00	\$ 2,124,828.00

*Source: City of Oshkosh CAPER*

#### Education Efforts

The City outsources most of its outreach and education efforts to the Fair Housing Center of Northeast Wisconsin (FHCNW). FHCNW conducts fair housing presentations (geared toward residents) and training sessions (geared toward housing industry professionals). Both City staff and FHCNW distribute education materials.

Housing rights education is also provided by the University of Wisconsin Extension. The Winnebago County Extension office offers the Rent Smart program, which was most recently conducted in September 2012 in the City of Menasha. Fair housing rights and the complaint process were one aspect of this two-part class conducted over two nights.

#### CDBG Program

Each year, the City of Oshkosh prepares an Action Plan for its usage of Community Development Block Grant (CDBG) allocations for the U.S. Department of Housing and Urban Development (HUD). The City also prepares a 5-Year Consolidated Plan to identify needs over a period of time. Assistance is directed primarily to census tracts with high rates of low-to-

moderate-income (LMI). Most of these LMI tracts are located within the oldest areas of the central city.

The City's current 5-Year Consolidated Plan (2010-2014) identifies three types of priority areas to allocate funding. These priority areas are as follows:

**Priority 1 Areas** include the "Near East Neighborhood," the "Broad/Bay Area Neighborhood," the "North Campus Neighborhood" and the "Near Southside Neighborhoods." These neighborhoods have the following characteristics.

- Higher renter-occupied rates than the rest of the City.
- High percentage of homes built before 1940 with median year structures lower than the City's median year structure of 1959.
- The median value of owner-occupied units ranges from 4% to 28% lower than the City's overall median value of \$85,500.

**Priority 2 Areas** includes a significant portion of the City's central area including Census Tracts 5, 7 and 12 as well as portions of Tracts 2, 4, 8, 9 and 15. These areas have the following characteristics.

- Higher renter-occupied rates than the rest of the City.
- Almost all of the housing stock in the area was constructed before the citywide median year of 1959.
- The median value of owner-occupied units ranges from 4% to 28% lower the City's overall median value of \$85,500.
- Most of the streets in this area are in need of major road repair.

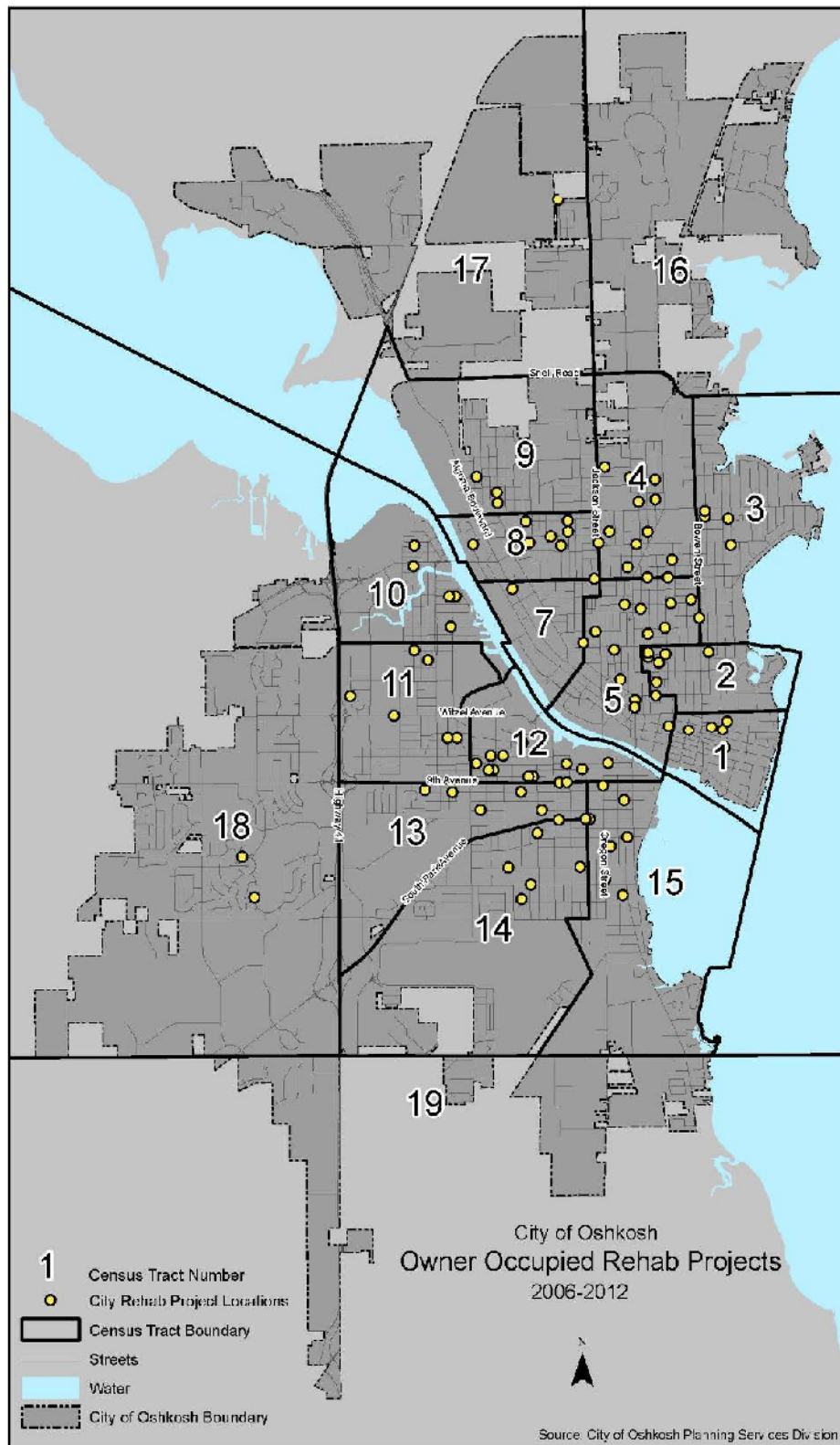
**Priority 3 Areas** are located on the periphery of the Central City. These areas have been identified as areas that will need attention in the future (20 years) as the housing stock and community facilities age. These areas have the following characteristics:

- Percentage of homes built before 1940 is higher than the overall percentage.
- In general, structures are younger than the median year that houses were constructed in the City (1959).
- Median housing values range from 8% - 30% lower than the City's overall median value.

Funds spent in these priority areas are used for single/multi-family unit rehabilitation, homeownership assistance and preservation of historic residential structures. Additionally, public infrastructure projects are funded in the priority areas including neighborhood revitalization, redevelopment, streetscaping, community policing, landlord/tenant training programs and other community facilities and programs.

Figure IV-1 (following page) shows the distribution of owner-occupied housing rehabilitation projects funded by the City of Oshkosh using CDBG funds between 2006 and 2012, as reported by the City.

Figure IV-1: Owner-Occupied Rehabilitation Projects



Source: City of Oshkosh

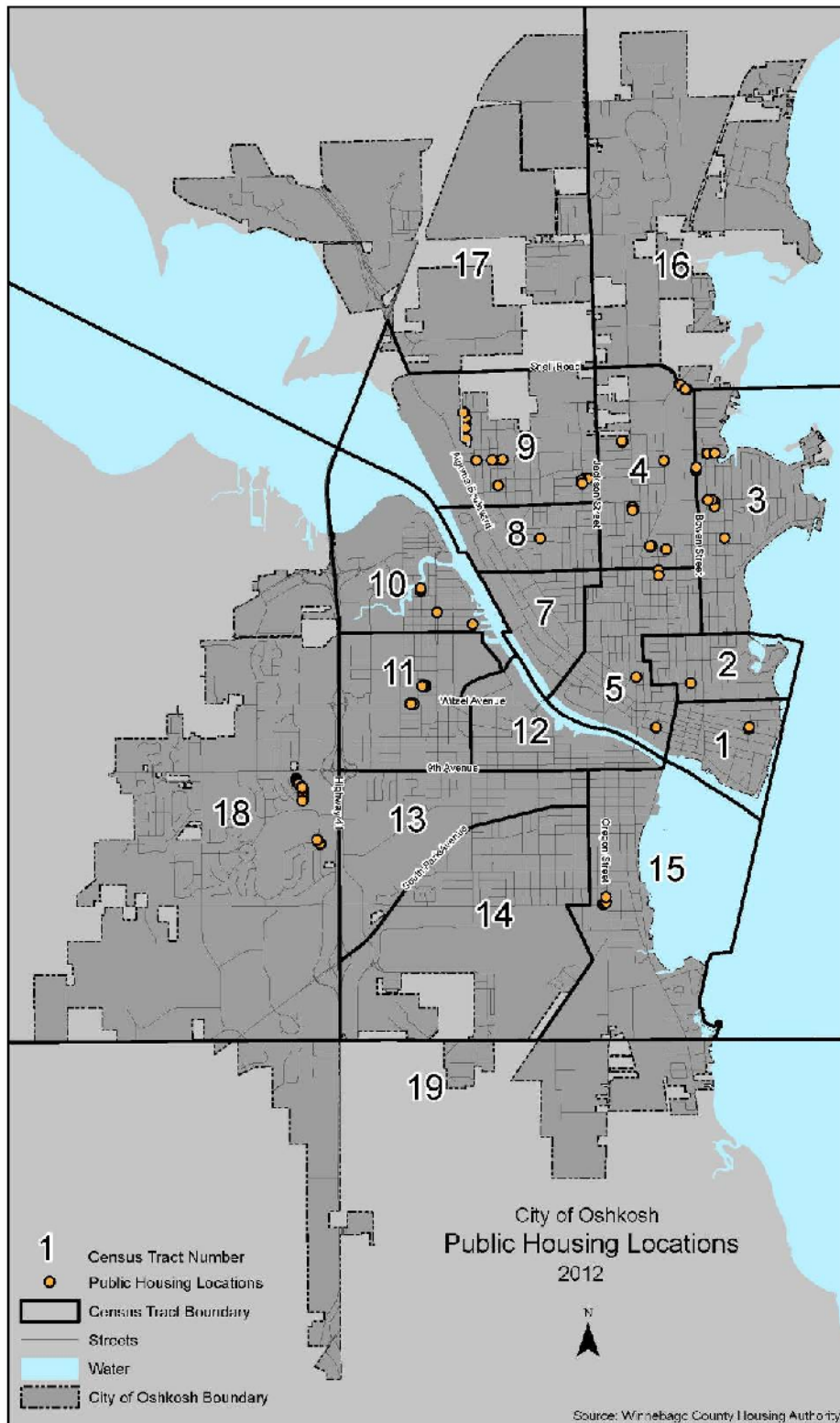


### Oshkosh/Winnebago County Housing Authority

The Oshkosh/Winnebago County Housing Authority provides housing to LMI residents of the City/County. The Authority maintains over 650 public housing units for families, singles, elderly and disabled persons. The Authority also administers Housing Choice Vouchers (available from HUD), manages 6 group homes, coordinates a family self sufficiency program and facilitates a home ownership program. The mission of the Authority is to “promote and ensure safe, decent, and affordable housing for our participants, as well as provide owners and developers with an opportunity to rehabilitate and develop affordable housing.”

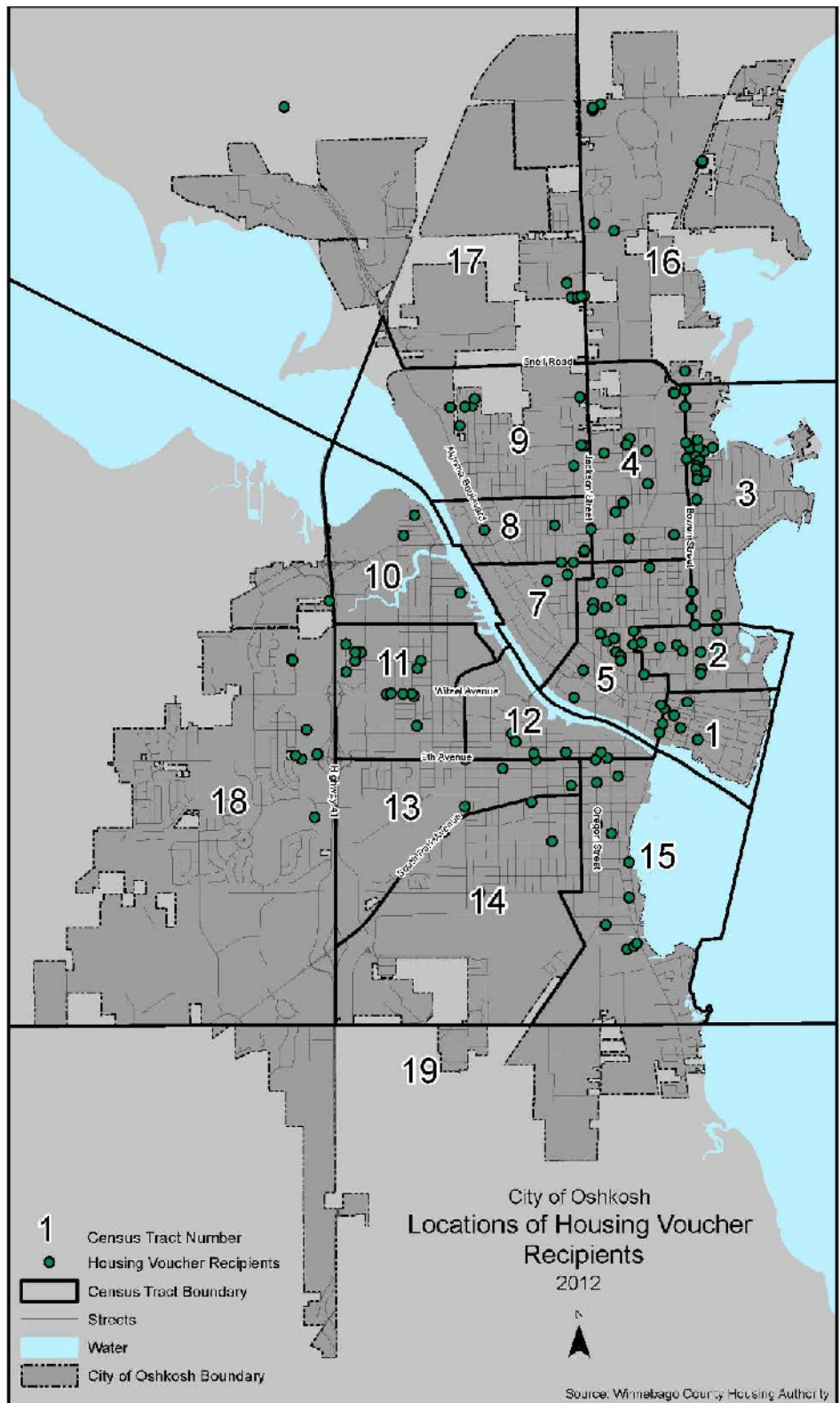
Figure IV-2(following page) shows the public housing locations managed by the Oshkosh/Winnebago County Housing Authority. Figure IV-3(page 44) shows the distribution of housing vouchers administered by the Authority. As illustrated, these maps are reasonably well distributed across the City. A comparison of these maps with the mapping of minority concentration (Figure III-3, page 11) and census tract income (Figure III-7, page 15) reveals no clear relationship between unit location and the median income or racial makeup of the surrounding area. This is a positive finding, as HUD requirements for the siting of public housing units specifically seek to avoid siting decisions that segregate minority populations (see 24 CFR §§ 1.4(b)(1)(iii) and 1.4(b)(3)). Instead, as illustrated in Figure III-15 (page 23), there is a spatial correlation between unit location and transit routes, such that most units are within walking distance of a bus route.

Figure IV-2: Public Housing Units



Source: Oshkosh/Winnebago County Housing Authority

Figure IV-3: Housing Voucher Recipients



Source: Oshkosh/Winnebago Housing Authority

### Determination of Unlawful Segregation

Large-scale examples of segregated housing do not appear to exist in Oshkosh. No other determinations of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD under Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973 or where the Secretary has issued a charge under the Fair Housing act regarding assisted housing have been made in the City of Oshkosh.

### Minimum Housing Code and Residential Rental Inspection

The City of Oshkosh has a Minimum Housing Code to prevent the deterioration of residential housing stock and to assure a minimum level of housing standards. Rental and housing inspections and enforcement of the Minimum Housing Code is the responsibility of the Inspection Services Division of the Department of Community Development. The Division will conduct inspections of rental units for tenants at no charge when problems arise. Tenants are advised to work with their landlords to resolve problems prior to inspection.

### Zoning Code

The City does not have restrictive zoning regulations that would prohibit housing development. The minimum size for new lots is 7,200 square feet, with a 25-foot setback on the front and rear yards and a 7.5-foot setback on the side yards. Dwelling units must be a minimum of 800 square feet (excluding cellar and attached garage). Undersized lots of record can be developed, generally averaging the setbacks of adjacent properties.

In general, there is nothing in the City's zoning code which is a glaring impediment to fair housing by unduly restricting or increasing the cost of housing development. There are, however, several elements of the zoning code of which the City ought to be mindful when updating the Zoning Code:

- In all zoning districts, no more than four unrelated persons may live in any single residential unit. This should not become more restrictive.
- In the R-1C Single Family Central Residence District, the percent of two family dwelling area permitted in a R-1C Single Family Central Residence District is a maximum of 20 percent of the total land area of any R-1C Single Family Central Residence District completely bounded on all sides by other zoning districts, exclusive of public right-of-ways, as determined by the Department of Community Development. This should not become more restrictive.
- Group homes are currently permitted by right in all residential districts. This should not become more restrictive.
- The minimum lot or unit sizes should not be increased.
- The minimum living area required per person is 150 square feet for the first person and 100 square feet for each additional person. This should not become more restrictive.
- The city permits use of manufactured housing meeting the applicable building codes. This type of housing unit can provide a more affordable housing alternative than conventional "stick-built" housing and should not be further restricted.

## IV.2. Fair Housing Complaints and Discrimination Suits

### City of Oshkosh Fair Housing Complaint Process

As established by City of Oshkosh Ordinances Section 16, the City has a Commission on Equal Opportunity in Housing (Commission). As described, the Commission is responsible for fair housing enforcement, including receiving and investigating complaints, promoting settlement agreements, holding hearings as necessary, recommending enforcement measures, and recommending legislation. In practice, the City has not maintained or utilized this Commission in recent years. Instead, the City has been contracting with The Fair Housing Center of Northeast Wisconsin (FHCNW), which is a satellite office of the Metropolitan Milwaukee Fair Housing Council (Council). FHCNW receives and investigates complaints and promotes settlement agreements as necessary to resolve complaints.

Most housing-related complaints begin as phone calls, either to City Hall or directly to FHCNW. Calls to the City are directed to City planning staff. The housing planner answers any questions and determines whether the complaint is a fair housing issue or a legal issue not related to fair housing, and then refers the caller either to Legal Action or to FHCNW. Staff follows up on referrals to FHCNW with a phone call to their staff to notify them of the referral, and FHCNW then attempts to contact the complainant if the person did not contact them.

When FHCNW receives a complaint, whether as referral from the City or as a direct contact, the intake process is handled by staff in the Milwaukee office of the Fair Housing Council. The Council begins by interviewing the complainant to confirm that there is a possible violation of fair housing laws and what the violation was, including which protected class was involved. Based on this evaluation they may proceed to a full investigation to make their own determination as to the validity of the complaint, and will then counsel the complainant on their options, including attempts to seek a settlement or file a complaint.

If the complainant chooses to file a complaint, it must be submitted in writing and can be submitted by any person having personal knowledge of the facts constituting the alleged discriminatory practice. Complaints must be filed no later than one year from the alleged discriminatory action. Complaints can be filed either with the State of Wisconsin Equal Rights Division, or with the U.S. Department of Housing and Urban Development. The Fair Housing Council helps complainants file their complaint with either entity.

### Documented Fair Housing Complaints and Discrimination Suits

Section 106.50 of the Wisconsin Statutes prohibits discrimination based on sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry and authorizes the Department of Workforce Development-Equal Rights Division to promulgate such rules as are necessary to carry out this section (Wisconsin Administrative Code-Chapter 220-Fair Housing). The law may be enforced either by filing a complaint with the Equal Rights Division within one year of the complaint and going through the administrative hearing process or a civil action may be filed directly in court.

There are three layers of fair housing protections in place within the City of Oshkosh: the City, the State of Wisconsin, and the Federal Fair Housing Act. While the protected classes for each

layer of law differ slightly, a victim of fair housing discrimination can file a discrimination suit with any (or all) applicable layers of government, however

Since the previous City of Oshkosh Analysis of Impediments to Fair Housing adopted in October 2005, 27 fair housing complaints have been documented by the Metropolitan Milwaukee Fair Housing Council (Council). Most of the complaints filed were based on disability. Table IV- categorizes the 27 complaints by the basis of the complainants.

**Table IV-2: Fair Housing Complaints Received by the City of Oshkosh (2006-2011)**

<b>Basis</b>	<b>Number of Cases</b>	<b>Percentage of Cases</b>
Disability	13	37.14%
Race	7	20.00%
Familial Status	6	17.14%
Gender	5	14.29%
Age	2	5.71%
Lawful Source of Income	2	5.71%

*Source: City of Oshkosh CAPER*

Since the 2005 AI, there have been a total of eighteen cases filed through the State of Wisconsin. The State of Wisconsin Equal Rights Division (ERD) maintains records of complaints at the County level. ERD reports that between January 1, 2005 and December 31 2011, there were a total of 18 investigations in Winnebago County. See Table IV- for a breakdown of these fair housing complaints.

**Table IV-3: Winnebago County Fair Housing Complaints-Wisconsin Equal Rights Division, 2005-2011**

Initial Determination-No Probable Cause	8
Initial Determination-Probable Cause	10
Dismissed	3
Private Settlement	1
Failure to Cooperate/Respondent	2
Withdrawn	2
Not Taken	2

*Source: Wisconsin Equal Rights Division*

For the period 2007-2012, there were a total of six claims filed with the federal Department of Housing and Urban Development (HUD) for Winnebago County. Of the six listed cases, four complaints were based on disability and two were based on race. Three of the six complaints were found to have “no cause” and the other three cases were settled. These claims are recorded

on the county-level, so they may have occurred within the City or they may have occurred

outside municipal boundaries within the County of Winnebago.

See Appendix A for more detailed information about the complaints described above.

### IV.3. Stakeholder Engagement

#### Interview and Focus Group Feedback

As part of the effort to identify and clarify impediments to fair housing in Oshkosh, two focus group discussions were conducted. The following groups were represented in these meetings: Energy Services, Inc., ADVOCAP, NeighborWorks, East Central Wisconsin Regional Planning Commission, Habitat for Humanity of Oshkosh, Red Cross, Fair Housing Center of Northeast Wisconsin, Fair Housing Council (Metro Milwaukee), State Senate, Winnebago County Housing Authority and the City of Oshkosh.

The discussion at these meetings is summarized below and organized by topic, including possible impediments to fair housing. Most of these issues are impediments to safe housing in some way, but only a portion are impediments to fair housing choice due to a disproportionate impact on members of a protected class. *Those considered to be true impediments to fair housing choice in the City of Oshkosh are italicized.*

While a reflection only of the opinions of the participants, they are the informed opinions of people who work in and understand housing issues in the City and region. These comments and observations therefore serve as the foundation for many of the recommended action items to improve fair housing choice.

#### Administrative Issues

- People don't know what constitutes a valid fair housing complaint, and there is confusion between fair housing law and landlord tenant laws.
- Reporting and pursuance of fair housing complaints is low.
- People who experience problems with tenant legal rights or fair housing issues tend not to complain or follow through with the process because they fear landlord retaliation or eviction.
- *There is a need for landlord education, especially for new landlords who are converting foreclosed homes into rental properties and do not know the rules and regulations of fair housing.*
- There is no rental inspection program or requirement.
- Prior City initiatives to improve code compliance seem to have disproportionately affected (required repair spending by) certain disadvantaged populations.
- New neighborhood associations are being formed. Minorities are generally unrepresented in these associations, and their interests may not be represented.
- Hmong residents seldom file housing-related complaints. Cultural resistance (shame of discrimination), a strong community network and language barriers may explain this.
- City housing staff members get requests for translation assistance, but are not sure who to call for assistance.
- Landlords may be hesitant to seek translator assistance because they are afraid they will have to pay for it.

#### Regulatory Issues

- There is a law in the City that requires a minimum of at least 40 square feet per person per bedroom, landlords sometimes use this to steer families to larger, more expensive units. [The

relevant ordinance is 16-36 (A)(1), which in fact requires 150 square feet for the first occupant and 100 square feet for each additional occupant]

- Code prohibits temporary wheelchair ramps. [Ordinance 30-35 (B)(5) permits ramps but does not address design standards or provisions for temporary structures. Staff indicated that temporary ramps – without footings – are permitted for up to 180 days.]
- Code violations are addressed only in a reactionary way – the City has one inspector who responds to complaints. Should probably have 3.
- Group homes are permitted in multiple zoning districts, but are routinely opposed by surrounding residents, especially in more affluent neighborhoods. Concerns include the presence of alcohol and drug addicts, loitering, and traffic. The City is working to address complaints about loitering around the home.

### **Housing Supply Issues**

- There was concern expressed about a need for more independent living facilities in the City.

### **Housing Quality Issues**

- The general opinion is that housing stock in the City is not in good shape, especially or mostly in the central neighborhoods. There are too many properties not compliant with current building codes.
- *Mold is a common issue. People who develop respiratory problems due to mold then find it difficult to find new housing because their efforts are hampered by their physical condition.*

### **Quality Issues Specific to Students**

- There is a lack of quality of rental stock for students.
- Students don't know what's legal and what's not about housing standards (e.g. escape route requirements).
- City ordinance limits the number of unrelated people living together to four, but students are willing to live with more to a unit and/or in non-legal spaces. Quite often, not all of the tenants have been identified on lease documents.

### **Affordability/Financial Issues**

- It is hard for low-to-moderate income residents to compete for safe, clean housing.
- Habitat for Humanity has a difficult time finding families that are willing to commit the required sweat equity. They are also finding it hard for families to meet today's strict lending requirements, especially due to the prevalence of personal bankruptcies.
- Among residents have been victimized by predatory lenders and brokers who are prequalifying mortgages without proper resources, and setting them up as a high foreclosure risk.
- Handicap-accessible units tend to be newer and more expensive.
- *Low-income residents with a handicap have few options.*
- *Although most landlords will make reasonable accommodations for people with disabilities, door widths are tough to fix and ramps are too expensive to build.*

### **Spatial Issues**

- *Concerns about the Logan Drive area (north end of Jackson Street) were raised. This area, part of census tract 17, includes Section 8 and Section 42 units and has a large supply of handicap-accessible units. There are mobility problems for anyone without a personal vehicle – the area does not have sidewalks and the bus only stops every 90 minutes.*
- The 9<sup>th</sup> Avenue area has a high number of rental housed owned by small landlords (who tend to be less well informed about tenant rights and fair housing laws).



- Neighborhood stability has been a concern in areas of the City that are at least 50% rental. The Broad-Bay areawas identified.

### **Discriminatory Issues**

- *Some owner-occupant landlords may be discriminating against (not renting to) renters with young children. The landlords and renters may not know that this is illegal.[Current City ordinance permits such discrimination in buildings with four or fewer units, but this is not consistent with State law.]*
- *Families with children are treated differently. Shorter leases and lease conditions that are not imposed on others is the most common form of discrimination.*
- *Larger families (e.g. 4 children) are steered from 2-bedroom units to lager units that are too expensive (though not necessarily because the family size would exceed the limits of the City ordinance).*
- *Families are often denied housing in favor of student renters since they are easier to rent to (less complaints from the renters).*
- *Some landlords will request the first and last month's rent as a strategy to turn people away. This is not a legal practice, though there is no specific knowledge of its use against members of a specific protected class.*
- *There have been instances of rental application denials due to the use of unemployment benefits as a stated income. This has become a larger issue over the last few years due to economic conditions.*
- *At least one landlord in the area is known to require a "representative payee" of renters known to be receiving rent money through social security or other public source*
- *Some landlords may be discriminating against potential tenants based on how people sound on the phone.*
- *Observation that banks have been more likely to maintain foreclosed homes in white neighborhoods than in minority and/or low income neighborhoods.*
- *People with certain mental health challenges may "act out" occasionally due to delusions or other forms of psychosis. These can result in complaints from neighbors and possible eviction.*
- *There is one known instance of a wheelchair-bound resident being asked to move for leaving scuff marks in hallways.*
- *Landlords often need to be informed that charges related to battery or domestic abuse are common, because state law requires that someone has to get charged if the police are called.*

### **Possible Actions suggested during the Focus Groups**

- The housing coalition is working on updating the manual for landlord education.
- Student legal services could also help implement a landlord education Class.
- The City could benefit from builder workshops on universal design.

## V. Identification of Impediments to Fair Housing Choice and Recommended Municipal Activities to Alleviate Impediments

The data collection and analysis, and the focus groups, revealed both real and perceived impediments to fair housing that could be addressed. This section details the most pervasive and realized impediments to fair housing and outlines recommended municipal activities that will help alleviate these impediments to fair housing.

### V.1. Administrative Impediments (Public and Private)

#### Poor Understanding of Fair Housing Rights and Complaint Procedures

The low numbers of complaints and the focus group discussions strongly reinforce the need for more robust education efforts. There are too many landlords that don't know fair housing law, very few residents that know it, and fear or ignorance of the complaint process among residents. This is having the greatest impact on residents with low incomes or poor credit who are sometimes choosing to live in substandard units because they feel they have no viable alternative. It is imperative that the City actively *affirmatively further fair housing* and this means making sure that City residents are informed of their fair housing rights and how to file a claim.

#### Suggested Actions:

- Offer varied outreach activities throughout the year to reach both landlords and residents. Collaborate with the Housing Coalition and Student Legal Services to co-sponsor and promote outreach events.
- Revise the City website to make information about fair housing rights easier to find. Many people do not know that housing discrimination issues are referred to as "fair housing", nor is it intuitive to look for this information under "Planning Services". It is recommended that all housing-related topics currently listed under "Inspection Services" and "Planning Services" be consolidated in some way at a higher level in the directory structure, and "Fair Housing" be revised to "Fair Housing Rights" or similar.
- Include more examples of illegal discrimination in outreach activities and materials, especially highlighting situations known to have occurred in Oshkosh. Based on complaints received and the experience of housing-related professionals, examples should be sure to highlight the rights of disabled residents and families with children, and the rights and responsibilities of duplex (or multi-unit) owner-occupants with regard to who they are (and are not) allowed to turn away.

#### Inadequate Support for Non-English Speaking Residents

Staff reported uncertainty regarding who to call for translation assistance. Focus group participants reported landlord uncertainty as well, and resistance to reaching out due to the assumption that they would need to pay for such assistance. Language barriers are a clear impediment to housing choice. Residents who do not speak English are typically immigrants from other countries and are typically non-white, and are therefore protected classes.

#### Suggested Actions:

- Identify reliable translation assistance services that can be utilized by City staff and by landlords, realtors, lenders, etc (especially Spanish and Hmong) and establish funding for that assistance as necessary.

- Enhance landlord and renter education materials and training to incorporate information about translation services, including cost, and continue to offer fair housing materials in Hmong and Spanish.

## V.2. Regulatory Impediments (Public)

### Misleading Fair Housing Ordinance

The City's current Fair Housing ordinance includes an exemption for owner-occupied buildings with four or fewer units. This exemption matches Federal law but is inconsistent with State law, which has no such exemption. Both laws apply in Oshkosh and the exemption should be removed. Also, the City ordinance does not include all of the protected classes identified by state law. While the City has been accurately representing all of the state's protected classes in its fair housing literature, its own ordinance should be updated to match state law, to eliminate any confusion and as a matter of good policy. Finally, the City's ordinance describes the establishment and function Oshkosh Commission on Equal Opportunity in Housing, but in practice there is no functioning commission. There is no requirement to have such a commission.

#### Suggested Actions:

- Amend Section 16-4 of the City Municipal Code to incorporate all of the protected classes identified by State Statute 106.5. The amendment should add marital status; sexual orientation; lawful source of income; age; and status as a victim of domestic abuse, sexual abuse, or stalking; and should add definitions for these terms.
- Amend Section 16-5 of the City Municipal Code to remove the exemption for owner-occupied dwellings.
- Amend Sections 16-3, 16-7 and 16-8 to eliminate the Commission on Equal Opportunity in Housing.

## V.3. Quality Impediments (Private)

### Poor Condition of Housing Stock

There is broad concern about living conditions for those with limited financial means. Many apartments are substandard in some way and protected classes are more likely than others to rent such units and experience poorer living conditions.

#### Suggested Actions:

- Create a rental registry program that ensures proactive inspections of units for safety and code compliance. Incorporate fair housing information into the registration materials and process.
- Enhance landlord and renter education materials and training to incorporate information about mold, including health risks, prevention, and clean-up resources.

## V.4. Supply Impediments (Private)

### Inadequate Supply of Appropriate Housing for Residents with Disabilities

The greatest number of recorded complaints over the past 5+ years are related to disability. Focus group participants reinforced this finding, reporting limited options for disabled residents, and especially low-income disabled residents because most of the accessible units are newer and

more expensive than the older, inaccessible units. This is an impediment that disproportionately affects older residents due to the prevalence of disability among residents over age 65.

Suggested Actions:

- Continue to offer home improvement loans to income-qualified residents to assist with the cost of accessibility retrofits, and require or encourage that funded projects result in “visitability”, which includes a no-step entry, one wheelchair accessible bathroom, and 32” doorways and on the main level.
- Encourage the development of more units in the City that incorporate universal design principles. Create a pamphlet that describes universal design, the need for more units that accommodate residents with disabilities, and identifies design support resources.
- Work with local developers and builders to offer training in universal design techniques and encourage their application in all new development, not just designated “accessible units”.

## V.5. Transportation Impediments (Public)

### Lack of Adequate Transportation Options in Some Parts of the City

Alternative transportation resources for residents who cannot drive are generally adequate, with some important exceptions. There are some key streets and neighborhoods that have neither sidewalks nor good bus service. A noteworthy example is the multifamily apartments on Logan Drive, off of North Jackson Street. These units include handicap-accessible units at reasonable prices, but the lack of sidewalks or frequent bus service limits the options for some residents to adequately meet their daily needs.

Suggested Actions:

- Work with GO Transit to review transit accessibility across the City, and especially in Census Tracts 16 and 17. Evaluate the feasibility of reducing headway on service to northern parts of the city to 30 minutes.
- Ensure the provision of complete streets, including safe bike and pedestrian pathways, whenever streets are built or reconstructed. Work with the adjoining town governments and Winnebago County to ensure adequate bike and pedestrian linkages where pockets of Town land remain within the City’s growth area, especially to establish connectivity from the north side (tracts 16 and 17) to other parts of the City.

## V.6. Financial Impediments (Private)

### Lack of Loans to Minorities

The HDMA data show that minorities, especially African Americans, are less likely to originate a conventional loan. If they secure a loan, it is more likely to be a non-conventional loan. The inability to secure a mortgage, refinance, or home improvement loan is clearly a barrier to housing choice. If this barrier is higher for members of a protected class, it is an impediment that the City should work to eliminate.

Suggested Actions:

- Provide more credit and home-buying education to citizens, especially minority residents.
- Provide education and information for local lenders on predatory lending practices, to ensure that efforts to reduce the racial disparities in loan origination do not have the unintended consequence of increased rates of default and foreclosure among minority borrowers

## VI. Appendices

### Appendix A: Fair Housing Complaints

As compiled by the City of Oshkosh in the annual CAPER, 2006-2011:

#### 2006 CAPER (excerpt)

interacting with tenants in a fair and legal manner. Five fair housing complaint intakes were opened and closed during the program year - two on the basis of race and three on the basis of ability/disability.

#### 2007 CAPER (excerpt)

Activities undertaken by contracted services - The Fair Housing Center of Northeast Wisconsin (FHCNW) received \$10,000 in 2007 CDBG funds. The FHCNW is the local affiliate of the Metropolitan Milwaukee Fair Housing Council. FHCNW processed 2 fair housing complaints, six interagency meetings, 48 community outreach contacts, conducted six fair housing presentations reaching 92 Winnebago County/Oshkosh Housing Authority potential clients and conducted one seminar (rental management training and Housing Authority and other nonprofit staff training) during the Program Year. Topics covered included: local, state and federal fair housing law, contemporary forms of discrimination in the housing market, remedies available for discrimination and how complaints are processed/investigated. Of the two fair housing complaint intakes that were opened and closed during the program year - one was on the basis of gender and one was on the basis of ability/disability.

#### 2008 CAPER (excerpt)

Activities undertaken by contracted services - The Fair Housing Center of Northeast Wisconsin (FHCNW) received \$9,625 in 2008 CDBG funds. The FHCNW is the local affiliate of the Metropolitan Milwaukee Fair Housing Council. FHCNW fortunately did not need to process any fair housing complaints but 30 persons received fair housing referral services for non-fair housing issues (evictions, lease issues, code violations,

#### 2009 CAPER (excerpt)

Activities undertaken by contracted services - The Fair Housing Center of Northeast Wisconsin (FHCNW) received \$10,000 in 2009 CDBG funds. The FHCNW is the local affiliate of the Metropolitan Milwaukee Fair Housing Council. FHCNW conducted six fair housing complaints as follows:

PY 2009 FAIR HOUSING COMPLAINTS					
Date	Race	Sex	Number in Family	Income Level	Basis of Complaint
8/25/09	White	Female	2	Low	Disability
9/16/09	White	Female	1	Low	Disability/Age
1/15/10	White	Female	4	Ex-Low/None	Sex, Familial Status
3/4/10	White	Female	6	N/A	Familial Status
4/14/10	African American	Female	1	Low	Race
4/16/10	White	Female	2	N/A	Sex

#### 2010 CAPER (excerpt)

Activities undertaken by contracted services – In 2010, the Fair Housing Center of Northeast Wisconsin (FHCNW) received \$10,000 in CDBG funds. FHCNW is the local affiliate of the Metropolitan Milwaukee Fair Housing Council. FHCNW investigated six (6) fair housing complaints as follows:

PY 2010 FAIR HOUSING COMPLAINTS					
Date	Race	Sex	Number in Family	Income Level	Basis of Complaint
5/12/10	African – American	Male	3	Extremely Low Income	Race
9/28/10	Hispanic	Female	2	N/A	Lawful Source of Income
10/5/10	African – American	Female	2	Low Income	Race, Disability
11/30/10	White	Female	3	None	Disability, Familial Status, Sex
2/28/11	White	Female	3	N/A	Sex, Marital Status
3/17/11	White	Female	4	N/A	Familial Status

#### 2011 CAPER (excerpt)

Activities undertaken by contracted services – In 2011, the Fair Housing Center of Northeast Wisconsin (FHCNW) received \$10,000 in CDBG funds. FHCNW is the local affiliate of the Metropolitan Milwaukee Fair Housing Council. FHCNW investigated eight (8) fair housing complaints as follows:

PY 2011 FAIR HOUSING COMPLAINTS					
Date	Race	Sex	Number in Family	Income Level	Basis of Complaint
6/9/11	White	Female	3	NA	Race
10/12/11	White	Female	2	NA	Disability
11/1/11	White	Female	2	Low	Disability, Familial Status
11/2/11	African American	Male	2	Low	Race, Age
11/14/11	White	Female	1	Low	Disability
12/6/11	White	Female	1	Low	Disability
2/27/12	White	Female	2	Extremely Low	Lawful source of income
4/2/12	White	Male	1	Extremely Low	Disability

**As compiled and reported by the State of Wisconsin Civil Rights Bureau:**

*As Program Supervisor for Civil Rights I have access to some Civil Rights case data which maybe what you need. Our records retention are for 6 years after case closure. The numbers below are for Winnebago County and cover the years of January 1, 2005 through December 31, 2011.*

*Winnebago County had a total of 18 investigations with the following outcomes: Initial Determination - No Probable Cause - 8 Initial Determination - Probable Cause - 3 Dismissed - Failure to Cooperate/Respondent - 2 Dismissed - Withdrawn - 2 Dismissed - Not taken - 2 Dismissed - Private Settlement 1*

*I hope this information is helpful.  
Sincerely,*

*Marlene A. Duffield  
Program Supervisor, Civil Rights Bureau  
Investigation Sections  
Equal Rights Division  
Department of Workforce Development  
201 E. Washington Ave. P.O. Box 7972  
Madison, WI 53707-7972  
[marlene.duffield@dwd.wisconsin.gov](mailto:marlene.duffield@dwd.wisconsin.gov)  
T 608/264-8746  
F 608/267-4592*

**As compiled and reported by HUD, Office of Fair Housing and Equal Opportunity:**

## Cases Received from Oshkosh, WI

CY Filed	Case Number	Filing Date -	Bases	Issues	Zip Code	Case Completion Type, Detailed	Number of Filed Cases
CY2007	05-07-1394-8	8/9/2007	Disability,	380 - Discriminatory terms, conditions, privileges, or services and facilities, 500 - Failure to permit reasonable modification, 510 - Failure to make reasonable accommodation,	54901	25 No Cause	1
CY2008	05-08-1163-8	6/6/2008	Race,	380 - Discriminatory terms, conditions, privileges, or services and facilities,	54901	25 No Cause	1
CY2009	05-09-1314-8	6/18/2009	Race,	350 - Discriminatory financing (includes real estate transactions),		25 No Cause	1
	05-10-0265-8	11/23/2009	Disability,	430 - Otherwise deny or make housing unavailable,	54902	16 Conciliated/Settled	1
CY2011	05-12-0294-8	12/15/2011	Disability,	510 - Failure to make reasonable accommodation,	54901	16 Conciliated/Settled	1
CY2012	05-12-0824-8	5/9/2012	Disability,	510 - Failure to make reasonable accommodation,	54901	16 Conciliated/Settled	1
<b>Total</b>							<b>6</b>

*Appendix B: Fair Housing Ordinance (Oshkosh Ordinance Chapter 16, Division 2)***DIVISION 2. FAIR HOUSING****SECTION 16-3 DEFINITIONS**

- (A) "Commission" shall mean the Oshkosh Commission on Equal Opportunities in Housing and "Commissioner" shall mean a member thereof.
- (B) "Complainant" shall mean any person who files a complaint with the Commission pursuant to this Division.
- (C) "Dwelling" shall mean any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease by the construction or location thereon of any such building, structure, or portion thereof.
- (D) "Familial status" shall mean one or more individuals who have not reached the age of 18 living with a parent or another person having legal custody of such individual or individuals, or the designee of such parent or other person having such custody with the written permission of such parent or other person. This shall also apply to any person who is pregnant or is in the process of securing legal custody of any individual who is not 18 years of age.
- (E) "Handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of such impairment, or being regarded as having such impairment.
- (F) "Housing" shall include any room, apartment, house, building or trailer or structure any part of which is used or offered for use for human habitation on a temporary or permanent basis, or land, whether or not vacant.
- (G) "Owner" shall include a person who has any part of the fee interest, including a person who has a life estate.
- (H) "Owner occupied dwelling" shall mean housing in which the owner thereof maintains his permanent living quarters.
- (I) "Persons" shall include any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of such person.
- (J) "Respondent" shall mean any person named in any complaint filed, against whom an allegation of prohibited discriminatory practice under this Division.



**SECTION 16-4 ACTS PROHIBITED BY THIS DIVISION****(A) It Shall Be a Prohibited Discriminatory Practice for Any Person to:**

- (1) Discriminate in real property transactions.  
Refuse to sell, lease, sublease, rent or in any other manner deny, withhold, or impair the transfer of title, leasehold or any other interest in any part of any housing, when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused.
- (2) Discriminate in lending money for purchase or improvement of Property.  
Refuse to lend money, guaranty any loan, accept any mortgage or in any other manner make available any funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused; or
- (3) Discriminatorily refuse to furnish services.  
Refuse to furnish for any housing such facilities or services ordinarily provided pursuant to legal duty, when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused.
- (4) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right protected by this Division.
- (5) For an owner of residential rental property to refuse to permit a handicapped tenant to make reasonable modification, at the tenant's own expense, of the premises if the proposed modifications are necessary for the full use of the premises by the tenant.

**(B) Public Communication Indicating Intent to Violate Paragraph (A) Above Prohibited**

It shall be prohibited discriminatory practice of any person to print, publish, circulate, issue, display, post, mail or communicate in any other way any announcement, statement, advertisement, publication or sign, the import of which indicates a decision or purpose to do any act prohibited under Section (A).

**(C) Rights of Owner**

- (1) Nothing in this Division shall be deemed to prohibit an owner or the agent from requiring that any person who seeks to buy, rent or lease any housing supply information concerning family, marital, financial and business status.
- (2) Nothing in this Division shall be deemed to prohibit an owner or the agent from refusing to sell, rent or lease any housing to any person on the basis of treatment of any property formerly occupied by the person or on the basis of the person's record in paying rent or other obligations when due.
- (3) When it is reasonable to do so, permission granted by an owner to permit a handicapped tenant, at the tenant's expense, to make reasonable modifications to a premises may be conditioned upon the renter or lessee agreeing to restore the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.

**SECTION 16-5 EXEMPTIONS**

- (A) No prohibition in this Division shall apply to an offer or advertisement to lease or rent, or to the lease or rental of, rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other where the owner occupies one of the living quarters.
- (B) The prohibition in this division against discrimination based on familial status does not apply to housing for older persons.
- (1) As used in this subdivision, "housing for older persons" means housing:
- (a) Provided under any State or Federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
  - (b) Intended for, and solely occupied by, persons 62 years of age or older; or
  - (c) Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons under this paragraph shall contain at least the following factors:
    - (I) Significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, the provider may demonstrate that such housing is necessary to provide important housing opportunities for older persons; and
    - (II) At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
    - (III) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
- (2) Housing shall not fail to meet the requirements for housing for older persons by reasons of:
- (a) Persons residing in such housing as of the date of enactment of this Ordinance who do not meet the age requirements of subparagraph (b) or (c) above, provided that new occupants of such housing meet the age requirements of subparagraph (c) above.
  - (b) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subparagraph (c) above.

**SECTION 16-6 REPEALED**

**SECTION 16-7 POWERS AND DUTIES OF COMMISSION**

The Commission on Equal Opportunity in Housing shall have the following powers and duties:

- (A) Adopt Rules  
To adopt, amend, publish and rescind rules for governing its meetings and hearings; and for implementation of this Division.
- (B) Receive and Investigate Complaints  
To receive and authorize staff investigation of all complaints alleging any discriminatory practice prohibited by this Division.
- (C) Promote Settlement Agreements  
The Commission shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.
- (D) Hearings  
To hold hearings, if necessary, after efforts at settlement based on complaints made against any person, to administer oaths and take testimony, to compel the production of books, papers and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.
- (E) Recommend Enforcement Measures  
To make recommendations for enforcement of this Division to the City Attorney.
- (F) Recommend Legislation to Council  
To recommend to the City Council any legislation necessary to promote further the purposes of this Division and to file annual written reports of its work with the City Council.

**SECTION 16-8 ENFORCEMENT PROCEDURES**

- (A) Complaint  
Any complaint alleging any discriminatory practices prohibited by this Division shall be reduced to writing and verified by the complainant. Such complaints may be initiated by any person having personal knowledge of the facts constituting the alleged discriminatory practice. All complaints shall contain the following:
  - (1) The name and address of the complainant, and of the person allegedly discriminated against, if different.
  - (2) The name and address of the respondent or respondents.
  - (3) A statement setting forth the facts constituting the alleged discriminatory practice, and
  - (4) The date or dates of the alleged discriminatory practice.
- (B) Where Filed  
Complaints shall be filed with the City Clerk who shall transmit the same to the Commission Chairperson and Secretary.
- (C) When Filed  
Complaints alleging any discriminatory practice prohibited by this Division shall be filed no later than 1 year from the termination or occurrence of an alleged discriminatory practice.

- (D) Notice to Respondent  
The Commission shall provide a copy of the complaint to the respondent within ten (10) days of said filing. The respondent shall have ten (10) days after receipt of the complaint to file a response with the Commission.
- (E) Amendment and Withdrawal  
A complaint may be amended or withdrawn by the complainant at any time with and subject to the approval of the Commission or its designated agent and under such terms as the agent shall direct.
- (F) Investigation, Conciliation and Hearings
- (1) The Chairperson shall direct the Secretary, or the Secretary's designee, to promptly investigate all duly filed complaints. Within thirty (30) days of such filing, the Secretary or the Secretary's designee shall file a report of said investigation with the Commission.
  - (2) Conciliation may be undertaken by the Secretary or the Secretary's designee who shall file a report of said conciliation with the Commission. The action authorized by subsection (3) below may be delayed, on order of the Chairperson, pending a report of such conciliation which shall be filed within sixty (60) days of appointment of the conciliator.
  - (3) Upon filing the report of the investigation and/or conciliation, and within seventy (70) days of filing of the complaint, the Commission shall by majority vote of the members present and voting, make a preliminary determination whether there is probable cause to believe that discrimination did occur. If there is no finding of probable cause, the case will be closed and the claimant and respondent promptly notified.
  - (4) If the Commission determines probable cause exists to believe discrimination occurred, then the Commission shall conduct a hearing to determine facts upon which to base a recommendation for prosecution to the City Attorney. Said hearing shall be conducted within eight-five (85) days of filing the complaint. The complainant and respondent may but need not be represented at said hearing by an attorney. The Commission may subpoena witnesses and compel testimony.
  - (5) At the conclusion of the hearing, the Commission shall by majority vote of those members present and voting, make a final determination whether there is probable cause to believe that discrimination did occur. If there is no finding of probable cause, the case will be closed and the claimant and respondent promptly notified. If there is a finding of probable cause, the Commission shall promptly notify the claimant and respondent of the finding and no later than one hundred (100) days of filing the complaint, recommend to the City Attorney that prosecution be commenced.
  - (6) No Commissioner who has filed a complaint on the Commissioner's own initiative or who has
  - (7) If any person fails to attend such hearing or to testify when subpoenaed, the Commission may refer such refusal to the City Attorney who shall seek judicial enforcement of such subpoena.

#### SECTION 16-9 LIBERAL CONSTRUCTION; SEVERABILITY

- (A) The provisions of this division shall be liberally construed in order to promote the purposes and provisions contained herein.
- (1) It is the intention of the City Council that this be interpreted consistently with Title VIII of the Civil Rights act of 1968 (42 USC Sec. 3601-3619) as amended, and with regulations applicable thereto (24 CAR Parts 14, 100, 103, 110, 115 and 121) except where the language of this subsection clearly requires a different interpretation.
- (B) The provisions of this Division are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of the Division or their application to other person or circumstances. It is hereby declared to be the legislative intent that this Division would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, Section or part thereof had not been included therein, and if the person or circumstances to which the Division or any part thereof is inapplicable had been specifically exempted therefrom.

*Appendix C: Home Mortgage Disclosure Act 2009 Data*