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MEMORANDUM

TO: Community and Economic Development Committee
FROM: Kathy Flores, Diversity Coordinator – Community & Economic Development
CC: Karen Harkness, Director of Community Development & Economic Development
Mayor Timothy Hanna
DATE: July 11, 2013
RE: Fair Housing Ordinance Updates

You received the Analysis to Impediments to Fair Housing report at the April 22, 2013, meeting of the Community and Economic Development Committee. In that report, the first impediment identified focused on updating our Fair Housing ordinance.

Our team has been working for the past few months to make updates and changes to our Fair Housing ordinance to comply with standards suggested by Milwaukee Fair Housing.

The changes include:

- Clarifications on language.
- Protected classes are more fully defined.
- Protections for persons with disabilities expanded to mirror state and federal housing laws.
- Protections added include Gender Identity and/or Gender Expression.
- Addition of the terminology 'actual or perceived' to protected classes.
- Penalties for violating the ordinance have been raised consistent with state and federal housing laws.
- Elimination of the word "willful" as it applies to intent.
- The Ordinance is amended to clarify that civil action is permissible under the ordinance and defines what role and benefits the victim of discrimination is afforded in such actions.
- Addition of prohibiting discrimination in the procurement of homeowner's insurance.
- Definition of advertising is expanded.
- Elimination that the requirement of written complaints be notarized.
- The statute of limitations for filing a complaint has been lengthened to one year.

Additional information about the addition of the protected class of Gender Identity and/or Gender Expression

The Lack of protection based on Gender Identity and/or Gender Expression is one of several concerns in the current fair housing ordinance, also identified by the Fair Housing Council as creating impediments to fair housing in Appleton. By making these changes, we are correcting these concerns and most likely closing discriminatory loopholes in our ordinance.

Although the Fair Housing Act does not yet include Gender Identity and/or Gender Expression, a new HUD Rule39 prohibits discrimination on those bases in HUD funded housing. Assistant Secretary for Fair Housing and Equal Opportunity at HUD, John Trasvina, expressed the need for amending the Fair Housing Act to include Gender Identity and/or Gender Expression.

Over 165 cities and counties provide protections on the basis of Gender Identity and/or Gender Expression. Seventeen states ban housing discrimination on the basis of Gender Identity and/or Gender Expression.

In diversity and inclusion work, it is proven that in order to get to the action verb of 'inclusion,' we must push ourselves outside of the 'compliance only' model and be leaders of acceptance which will make a stronger, safer and more welcoming community for all. The addition of Gender Identity and/or Gender Expression to Appleton's Fair Housing Ordinance as a protected class demonstrates Appleton is a leader in diversity and inclusion, and it supports our work to make Appleton a more welcoming and inclusive community.

If you have any questions or comments, please contact me at (920) 832-1564 or email at Kathy.flores@appleton.org