

Department of Workforce Development
Equal Rights Division
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Tony Evers, Governor
Caleb Frostman, Secretary

DATED AND MAILED FEB - 1 2019

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

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FEB 05 2019

CITY OF WEST ALLIS
CITY CLERK

CALLA C E EDMOND
1530 BIG BEND RD #F
WAUKESHA WI 53189
Complainant

vs.

INITIAL DETERMINATION -
NO PROBABLE CAUSE

ERD Case No. CR201802668

CITY OF WEST ALLIS
7525 W GREENFIELD AV RM 242
WEST ALLIS WI 53214
Respondent

I. THE DIVISION DECIDED:

There is no probable cause to believe City of West Allis violated the Wisconsin Open Housing Law, sec. 106.50, Stats., by:

- A. exacting different price, terms or conditions for the financing of housing because of race;
- B. exacting different price, terms or conditions for the financing of housing because of family status.

The complaint is therefore dismissed.

II. THIS MEANS:

No reason was found to believe a formal hearing should be held on the complaint and the Equal Rights Division is dismissing the complaint.

III. THE NEXT STEP IS:

The dismissal will become final unless written appeal is received by the Equal Rights Division, PO Box 7997 Madison, Wisconsin 53707-7997, within 20 days of the date this determination was mailed. (The DATE OF MAILING is stamped at the top of the Initial Determination.)

If a timely appeal is filed, this case will be certified to the Hearing Section for a hearing on the issue of probable cause. If no timely appeal is received, the Department will close this case without further action.

IV. THE DIVISION DECIDED THERE WAS NO PROBABLE CAUSE BECAUSE:

- A. The Complainant first contacted the Division in writing on October 5, 2018. The Division accepted the Complainant's complaint on October 5, 2018.

- B. The Respondent is an agency of the government of the city of West Allis, Wisconsin. The Respondent administers the Section 8 Rent Assistance program.
- C. The Complainant alleged a violation of the Wisconsin Open Housing Law on the basis of her race (African American) and family status. The Complainant alleged that the Respondent discriminated against her when it modified her housing voucher.
- D. In or around early September 2018, the Complainant requested that her housing voucher be transferred from Waukesha, Wisconsin, to West Allis.
- E. Prior to the Respondent receiving the Complainant's paperwork, she called the Respondent to inquire as to the size of the voucher that would be issued. Administrative Support Assistant Amy Moreno told her that the voucher is typically the same as the voucher issued by the original housing authority, but no final determinations could be made until her paperwork was reviewed by a housing specialist.
- F. On September 14, 2018, the Respondent received the Complainant's portability file via email from Waukesha.
- G. The Respondent ordered a background check and contacted the Complainant to schedule a briefing for September 21, 2018.
- H. After reviewing the Complainant's paperwork, the Respondent contacted the Waukesha housing authority to question why the Complainant had been approved for a three bedroom voucher. Waukesha informed the Respondent that their administrative plan allows for a three bedroom voucher based on the Complainant's family composition (allowing a separate bedroom for each adult and a child).
- I. The Respondent's administrative plan indicated that the Complainant would be eligible for a two bedroom voucher (one bedroom for her and one bedroom to be shared by her sons). The Respondent provided the Division with a copy of its subsidy standards and voucher issuance guidelines, which explains how voucher size is determined. The Complainant's paperwork was prepared prior to her briefing according to these guidelines.
- J. During the September 21, 2018 briefing, the Respondent explained to the Complainant that she would be eligible for a two bedroom voucher under its guidelines. The Respondent also informed the Complainant that, per HUD regulations, her adult son may possibly need to be removed from the household if he were to be convicted of a pending felony charge. The Respondent noted that, regardless of whether her adult son was living with her, she would receive a two bedroom voucher.
- K. The Complainant became upset with the Respondent after learning that she would only receive a two bedroom voucher. The Complainant accused the Respondent of changing her voucher after seeing her. The Complainant noted that she had already put a deposit down on a three bedroom unit. She asked the Respondent about adding her grandson, who she had kinship custody of, to the household and was told that the voucher would remain at two bedrooms, pursuant to the administrative plan.
- L. The Complainant denied asking about adding her grandson to her household.
- M. On September 24, 2018, the Complainant emailed the Respondent to request that her file be returned to Waukesha. Soon after, the Respondent informed the Waukesha housing authority that the Complainant requested to rescind her port to West Allis.
- N. The Complainant was not refunded the money she put down on the three bedroom unit in West Allis.

- O. The Complainant noted that she has a friend who ported their voucher to West Allis and the voucher was not changed.
- P. The Complainant asserted that she "was told by a Realtor that [she] was the second black lady [the Respondent had] done this to."

V. INVESTIGATOR'S EXPLANATION:

- A. It does not appear that that Respondent violated the Wisconsin Open Housing Law with regard to the Complainant's allegations. The Respondent provided a copy of its subsidy standards and voucher issuance guidelines which show that the Complainant was eligible for a two bedroom voucher based on her household composition. Meanwhile, the Complainant failed to substantiate that she was discriminated against on the basis of her race or family status when her voucher was changed from a three bedroom to a two bedroom voucher.

Gretchen Vollrath-Sharkey
Equal Rights Officer

cc: Complainant
Respondent
