



IndependenceFirst

The Resource For People With Disabilities

January 30, 2006

Honorable Mayor Tom Barrett
200 E. Wells Street
City Hall Rm. 201
Milwaukee, WI 53202

To the Honorable Members of the
Common Council of the City of Milwaukee
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202-3570

RE: CCFN 041402- A substitute ordinance relating to zoning regulations for certain types of group living facilities.

Dear Mayor Barrett and Members of Common Council;

As persons with disabilities and advocates who work to promote the integration of persons with disabilities in the community, as well as citizens of Milwaukee, the undersigned agencies and individuals would like to comment on an issue that is currently being considered by the City of Milwaukee leadership.

Persons with disabilities have the right to community-based housing and should not be discriminated against. As the City Attorney, Grant Langley, wrote to you in his 1/13/06 correspondence, regarding the lawsuit against the City of Greenfield, **“With regard to the issue of justification, Judge Curran noted that there was not ‘a scintilla of evidence that disabled people present a public health or safety threat to other residents of a community.’ ”**

At issue is the current ordinance requiring that all group living facilities in the City of Milwaukee be no less than 2,500 feet apart. This includes community living facilities such as group homes of 8 or less residents for people with disabilities. In many communities, these kinds of zoning limitations have been found to be discriminatory against persons with disabilities, in violation of the Federal Fair Housing Act. Due to past and pending lawsuits against the City of Milwaukee, there is now a proposal before the Committee on Zoning, Neighborhood and Development to eliminate the 2,500-foot requirement for group homes if all of the residents (except staff or caregivers and their families) are persons with a disability. It is about this issue that we write to you.

While we applaud the effort to eliminate the 2500 foot rule as applied to persons with disabilities we have some serious concerns about the way that modification is planned. The proposed wording of the ordinance is very awkward. As proposed, the ordinance limits the people that can live with persons with disabilities in an adult family home, small group shelter care facility, foster home, group home, group foster home or community living arrangement to care providers, their immediate families or other people with disabilities. Under this arrangement a person with a disability could not live with his or her own child or preference in roommate if that person was not a caregiver or did not have a disability him or herself.

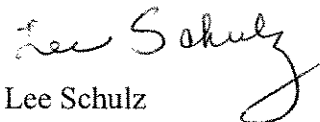
Additionally, it has come to our attention that provisions have been added to require neighborhood notice of the intention to locate one of these homes and corresponding creation of "community advisory committees" that review such homes and hold public hearings on whether they are acceptable neighbors. Persons with disabilities should not have to seek permission or approval of their neighbors to live in the community.

Bigotry is borne of fear and that is exactly what drives this train. We need to end these discriminatory practices and recognize that persons with disabilities are not to be feared. Not only do we need to end the spacing requirement but we absolutely must not require neighborhood notification for group homes when the residents are people with disabilities. Again, this is outright discrimination! Would the Common Council consider an ordinance requiring that neighbors be notified if an African-American moved into a white neighborhood? A Hispanic into a black neighborhood? A Hmong into a Hispanic neighborhood? Of course not. So how is doing that for people with disabilities acceptable?

Unfortunately, Milwaukee has had a long history of housing discrimination and segregation. We encourage the leadership of our city to change this pattern and take proactive steps to demonstrate that Milwaukee can be an inclusive, welcoming community for ALL!

Thank you for your consideration of this matter.

Sincerely,



Lee Schulz
Executive Director
IndependenceFirst

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