

1 By Supervisor Rolland, Taylor (5), Clancy,
2 Nicholson, Coggs-Jones, Vincent, Gomez-Tom, Martin,
3 Martinez, and Shea
4
5

File No. 23-698

6 **AN ENGROSSED RESOLUTION**
7

8 Calling on the Housing Division of the Milwaukee County Health & Human Services
9 (DHHS) and all other relevant county departments to develop strategies to incentivize
10 landlords to accept renters who are participating in Milwaukee County’s Housing Choice
11 Voucher Program.
12
13

14 WHEREAS, the Milwaukee County Housing Authority is funded by the U.S.
15 Department of Housing and Urban Development (HUD) to administer its Section 8
16 tenant-based Housing Choice Voucher Program serving individuals and families with
17 family income that does not exceed 50% of the median income of the county; and
18

19 WHEREAS, Section 8 is designed to help low-income families and individuals
20 with rent assistance for decent, safe and sanitary housing provided by private owners
21 and rental agents; and
22

23 WHEREAS, in 2018, the Milwaukee County Board passed File No. 18-139
24 amending Section 107.01 of the Milwaukee County Code of General Ordinances
25 regarding Fair Housing and creating Section 107.02(9) to include “receipt of rental or
26 housing assistance” as a protected class, citing powers granted under Wisconsin State
27 Statute 66.1011; and
28

29 WHEREAS, Wisconsin State Statute 66.1011(1) declares, “The right of all
30 persons to have equal opportunities for housing regardless of their sex, race, color,
31 disability, sexual orientation, religion, national origin, marital status, family status, as a
32 victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or
33 ancestry”; and
34

35 **WHEREAS, in the case of Knapp v. Eagle Property Management, 54 F.3d**
36 **1272 (1995), the U.S. Court of Appeals, Seventh Circuit held that “a Wisconsin**
37 **statute prohibiting housing discrimination based on ‘lawful source of income’ did**
38 **not include Section 8 vouchers because they were not specifically included in the**
39 **definition of ‘lawful source of income’ in the Wisconsin code”; and**
40

41 ~~WHEREAS, upon review of Wisconsin law, the Milwaukee County Office of~~
42 ~~Corporation Counsel shared a preliminary legal opinion stating that Chapter 107~~
43 ~~of the Milwaukee County Code of General Ordinances related to Section 8~~
44 ~~housing discrimination, specifically the enforcement and penalty provisions, is~~
45 ~~likely unenforceable; and~~
46

47 ~~WHEREAS, even during the five-year period from 2018 to present when~~
48 ~~enforcement actions were presumed to be permissible, there were zero verified~~
49 ~~Section 8 discrimination complaints filed with the Office of Corporation Counsel~~
50 ~~despite that it is highly likely that landlords discriminated against potential~~
51 ~~tenants based on their use of Section 8 vouchers; and~~

52
53 ~~WHEREAS, even if complaints had been received, under current~~
54 ~~organization efforts to pursue action are unlikely to help the specific tenant-~~
55 ~~applicant who suspected discrimination because of the time it takes to undertake~~
56 ~~legal action even on an expedited basis, and the effectiveness of an enforcement~~
57 ~~program is questionable, given its costs and timeliness concerns; and~~

58
59 ~~WHEREAS, if punishments and penalties are unenforceable, the County~~
60 ~~should consider incentives to encourage landlords to accept renters who~~
61 ~~participate in the Section 8 voucher program; and~~
62

63 WHEREAS, through investments in housing stability, especially for low-income
64 neighbors, health outcomes can be improved to create a safer and healthier County;
65 and
66

67 WHEREAS, the Committee on Health Equity, Human Needs, and Strategic
68 Planning, at its meeting of July 12, 2023, recommended **REJECTION** of File No.
69 23-698, due to a failed motion to recommend adoption (vote 1-3); now, therefore,
70

71 BE IT RESOLVED, the Milwaukee County Board of Supervisors calls upon the
72 Department of Health & Human Services and all other relevant departments to develop
73 a list of viable strategies to incentivize or compel landlords to accept renters who are
74 participating in Milwaukee County's Housing Choice Voucher Program; and
75

76 BE IT FURTHER RESOLVED, the report should be shared with the Milwaukee
77 County Board of Supervisors before the end of calendar year 2023.
78

79
80 ars
81 07/27/23
82 S:\County Board Files\County Board 2023\Engrossed Resolutions\23-698 Rolland right to housing engrossed
83 resolution.docx