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A resolution/ordinance by Supervisors Dimitrijevic, Nicholson, Johnson, Jr., Taylor, Martin, Haas, and Moore Omokunde, amending Section 107.01 and creating Section 107.02(9) of the Milwaukee County Code of General Ordinances regarding fair housing to include “receipt of rental or housing assistance” as a protected class, by recommending adoption of the following:

AN ENGROSSED RESOLUTION/ORDINANCE

WHEREAS, fair housing occurs when people have a wide range of housing choices based on their income and needs, regardless of race, color, sex, sexual orientation, religion, creed, national origin, ancestry, age, marital status, lawful source of income, disability, family status, or status as a victim of domestic abuse, sexual abuse, stalking, gender identity and gender expression, or status in a domestic partnership; and

WHEREAS, many cities, states, and counties, including Milwaukee County (the County), have local laws that do not allow landlords to discriminate against potential tenants on the grounds of their “source of income,” yet research suggests that landlords continue to discriminate against potential tenants based on their source of income and relatedly receipt of rental or housing assistance; and

WHEREAS, discrimination is especially prevalent with tenants who have Section 8 vouchers, a Federal rental subsidy, leading to the failure of the main goals of the voucher program – mobility and poverty de-concentration; and

WHEREAS, Section 107 of the Milwaukee County Code of General Ordinances (the Code) was created in 1992 and contains the County’s fair housing ordinance, which is enforced by the County’s Office of Corporation Counsel; and

WHEREAS, “receipt of rental or housing assistance” is not included as a protected class in the County’s fair housing ordinance and Federal law does not require landlords to accept housing choice vouchers; and

WHEREAS, it is therefore necessary to include and define “receipt of rental or housing assistance” to ensure that tenants are not discriminated against based on their receipt of rental or housing assistance; and

WHEREAS, additionally, the first and last months of tenancy for tenants receiving rental or housing assistance can be difficult for both landlords and tenants; and

WHEREAS, a revolving fund providing financial assistance to tenants may provide more stability during transitions, as well as more certainty to landlords, which may improve access to good, affordable housing for tenants receiving rental or housing assistance; and

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WHEREAS, the 2018 Milwaukee County budget created the Housing Opportunities and Minimizing Evictions for Stability (HOMES) program, which includes a housing stabilization fund that may be utilized to provide stability and improve outcomes for tenants receiving rental or housing assistance; and

WHEREAS, residents can report fair housing violations to the Audit Services Division, Office of the Comptroller, which operates the County’s Fraud Hotline; and

WHEREAS, the Committee on Economic and Community Development, at its meeting of June 12, 2018, recommended adoption of File No. 18-139 as amended (vote 3-1); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) continues to support the policy enshrined in the fair housing ordinance, which states that “all persons shall have an equal opportunity for housing”; and

BE IT FURTHER RESOLVED, the County Board authorizes and requests that the Housing Division, Department of Health and Human Services (DHHS), study the proposal of a revolving fund that provides financial assistance to tenants receiving rental or housing assistance, focusing on the beginning or end of a rental agreement; and

BE IT FURTHER RESOLVED, as part of the study of the revolving fund, the Housing Division, DHHS, should work with the Housing Authority of the City of Milwaukee to explore possible funding sources for the fund, as well as possible partnerships to support the fund; a written report should be provided to the County Board by the September 2018 cycle detailing the findings of the study; and

BE IT FURTHER RESOLVED, the County Board authorizes and requests that the Housing Division, DHHS, target resources in the Housing Opportunities and Minimizing Evictions for Stabilization (HOMES) program’s housing stabilization fund to tenants receiving rental or housing assistance; and

BE IT FURTHER RESOLVED, to improve and modernize Milwaukee County’s (the County) voucher program and to recruit landlords for the program the Housing Division will hold a quarterly education series with the Housing Authority of the City of Milwaukee for landlords, and additionally will evaluate the following issues:

- 85 • Reasonableness of inspection and approval timelines
- 86 • Electronic Payments
- 87 • Physical documentation for tenants of voucher eligibility
- 88 • Housing Division's response time to inquiries from landlords
- 89 • Evaluating fair market rents and voucher portability
- 90 • Educating landlords on the process and educational opportunities

91
92 ; and

93
94 BE IT FURTHER RESOLVED, the Housing Division, DHHS, shall provide
95 quarterly reports to the County Board on its efforts to improve and modernize the
96 County's voucher program, and its efforts to recruit and educate landlords; and
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98 BE IT FURTHER RESOLVED, Corporation Counsel, Office of Corporation
99 Counsel, will continue to enforce the provisions of Section 107 of the Milwaukee County
100 Code of General Ordinances (the Code) and will work with the Audit Services Division,
101 Office of the Comptroller, to ensure a seamless referral process for fair housing
102 complaints received through the County's Fraud Hotline; and
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104 BE IT FURTHER RESOLVED, the County Board hereby amends Section 107 of
105 the Code by adopting the following:
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107 **AN ORDINANCE**

108
109 The County Board of Supervisors of the County of Milwaukee does ordain as
110 follows:
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112 **SECTION 1.** Section 107.01 of the Milwaukee County Code of General Ordinances is
113 hereby amended as follows:
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115 107.01. - Intent.
116

117 It is the intent of this chapter to render unlawful discrimination
118 in housing and to enact this chapter pursuant to the authority granted to
119 counties by s. ~~66.432(2)~~ 66.1011, Wis. Stats. It is the declared policy of
120 the county that all persons shall have an equal opportunity for housing
121 regardless of sex, race, color, disability, religion, creed, national origin or
122 ancestry, marital status of a person maintaining a household, lawful
123 source of income, receipt of rental or housing assistance, age, sexual
124 orientation, as defined in s. 111.32(13m), Wis. Stats., status as a victim of
125 domestic abuse, sexual assault, or stalking, gender identity and gender
126 expression, or status in a domestic partnership.
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128 **SECTION 2.** Section 107.02(9) of the General Ordinances of Milwaukee County is
129 created as follows:

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131 107.02 Definitions.

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133 (9) "Receipt of rental or housing assistance" means the receipt of any form of financial
134 contribution from a third party for the purposes of creating or keeping affordable housing
135 for tenants, purchasers, or other potential housing recipients, including but not limited
136 to, assistance provided pursuant to Title 42, United States Code, section 1437f
137 (commonly known as the "Section 8" housing program), the HOME Partnership
138 Program, the Community Development Block Grant program, or any other public or
139 private rental assistance vouchers or programs. It shall not be considered unlawful
140 discrimination in housing for a housing provider to (1) refuse to accept emergency
141 assistance funds under s. 49.138, Wis. Stats., or (2) refuse to accept any other public
142 rental assistance or voucher if such rental assistance or voucher does not fully
143 reimburse the housing provider for the amount of rent due at the time a rental
144 assistance or voucher payment is made.

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146 **SECTION 3.** The provisions of this Ordinance shall become effective upon passage and
147 publication.

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