

1 By Supervisors Rolland, Clancy, Burgelis,
2 Gómez-Tom, Martinez, Martin, Taylor (5),
3 and Coggs-Jones
4

File No. 24-283

5 **A RESOLUTION**
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7 Requesting the Milwaukee County Office of Corporation Council (OCC) to seek a formal
8 opinion from the Wisconsin Attorney General's Office regarding the enforceability of
9 Chapter 107 of the Milwaukee County Code of General Ordinances related to Section 8
10 housing penalty provisions and calling upon the Wisconsin State Legislature to amend
11 Wisconsin State Statute 66.1011(1) to specifically include Section 8 vouchers in its
12 definition of "lawful sources of income"
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15 WHEREAS, Milwaukee County is committed to becoming the healthiest county
16 through racial equity, which includes accessible and affordable housing to all residents;
17 and
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19 WHEREAS, the Milwaukee County Housing Authority is funded by the U.S.
20 Department of Housing and Urban Development (HUD) to administer its Section 8
21 tenant-based Housing Choice Voucher Program serving individuals and families with
22 family income that does not exceed 50 percent of the median income of the county; and
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24 WHEREAS, Section 8 is designed to help low-income families and individuals
25 with rent assistance for decent, safe and sanitary housing provided by private owners
26 and rental agents; and
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28 WHEREAS, in 2018, the Milwaukee County Board passed File No. 18-139
29 amending [Section 107.01 of the Milwaukee County Code of General Ordinances](#)
30 regarding Fair Housing and creating Section 107.02(9) to include "receipt of rental or
31 housing assistance" as a protected class, citing powers granted under Wisconsin State
32 Statute 66.1011; and

33 WHEREAS, [Wisconsin State Statute 66.1011\(1\)](#) declares, "The right of all
34 persons to have equal opportunities for housing regardless of their sex, race, color,
35 disability, sexual orientation, religion, national origin, marital status, family status, as a
36 victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or
37 ancestry"; and
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39 WHEREAS, in the case of [Knapp v. Eagle Property Management](#) (1995), the
40 U.S. Court of Appeals, Seventh Circuit held that "a Wisconsin statute prohibiting
41 housing discrimination based on 'lawful source of income' did not include Section 8

42 vouchers because they were not specifically included in the definition of 'lawful source
43 of income' in the Wisconsin code"; and

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

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51 WHEREAS, it is assumed that the Milwaukee County Office of Corporation
52 Counsel will share a formal legal opinion with the Milwaukee County Board during the
53 March 2024 cycle underscoring its belief that the aforementioned enforcement and
54 penalty provisions are unenforceable; and

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56 WHEREAS, the Committee on Health Equity, Human Needs, and Strategic
57 Planning, at its meeting of March 6, 2024, recommended adoption of File No. 24-283
58 (vote 4-0); now, therefore,

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60 BE IT RESOLVED, the Milwaukee County Board of Supervisors requests the
61 Office of Corporation Counsel to immediately seek a formal opinion from the Wisconsin
62 Attorney General's Office regarding the enforceability of Chapter 107 of the Milwaukee
63 County Code of General Ordinances related to Section 8 housing penalty provisions;
64 and

65 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors calls
66 upon the Wisconsin State Legislature to amend Wisconsin State Statute 66.1011(1) to
67 specifically include Section 8 vouchers in its definition of 'lawful sources of income' to
68 eliminate any legal uncertainty about the enforceability of Section 8 housing voucher
69 discrimination penalty provisions in the future; and

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71 BE IT FURTHER RESOLVED, that the Milwaukee County Office of Government
72 Affairs staff is authorized and requested to communicate the contents of this resolution
73 to the Wisconsin State Legislature and the Governor of Wisconsin.

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76 03/06/24
77 s:\committees\2024\march\hehnsp march 6\resolutions\24-283 resolution occ from state ag on section 107 mcco
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