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(ITEM) From the Director, Department of Health and Human Services, requesting authorization to amend Section 110.02(c)(9) of the Milwaukee County Code of General Ordinances to exclude from Chapter 110 the review of Housing Choice Voucher Program administrative decisions, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, the Department of Health and Human Services is responsible for administering the United States Department of Housing and Urban Development’s (HUD’s) tenant-based housing assistance program – the Housing Choice Voucher Program (the Program) – and implementing regulations promulgated by HUD; and

WHEREAS, under those regulations, specifically Title 24, Section 982.555(a) of the Code of Federal Regulations (CFR), a Program participant has a right to an informal hearing before an impartial hearing officer prior to any modification or termination of Program benefits; and

WHEREAS, currently, a decision by the hearing officer is reviewable under Chapter 110 of the Milwaukee County Code of General Ordinances (MCCGO) because Milwaukee County has elected not to be governed by Wisconsin Statutes Chapter 68; and

WHEREAS, the procedure described in Chapter 110, MCCGO, generally contemplates an appeal process under which the decision is reviewed first by an administrator within the County department where the initial determination was made, and that administrator’s decision is then subject to review by the standing committee of the Milwaukee County Board of Supervisors having jurisdiction over that department; and

WHEREAS, the process described in Chapter 110, MCCGO, when applied to appeals of 24 CFR Section 982.555 decisions, has proved to be awkward and unduly time-consuming, and has also given rise to issues of adherence to requirements of procedural due process; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends Section 110.02(c)(9) of the Milwaukee County Code of General Ordinances by adopting the following:

AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

46 **SECTION 1.** Section 110.02(c)(9) of the General Ordinances of Milwaukee County is
47 amended as follows:

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49 **110.02. [Definition and reviewable/non-reviewable determinations.]**

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51 (c) The following determinations are not reviewable under this chapter:

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53 (9) A decision of the department of health and human services to modify or
54 terminate housing assistance pursuant to 24 CFR s. 982.555; a decision
55 of the same department to deny, suspend or revoke a child day care
56 certification under s. 48.651, Wis. Stats.; a decision of the director of that
57 department under s. 48.685(5c)(b), Wis. Stats. to uphold a determination
58 that a person desiring certification has failed to demonstrate that he/she
59 has been rehabilitated; or a decision of the department of administrative
60 services to certify a debt owed to Milwaukee County to the Department of
61 Revenue under s. 71.935, Wis. Stats. the municipal tax refund intercept
62 program ("TRIP"). The department of administrative services shall adopt
63 and implement policies and procedures for the review of those decisions,
64 which procedures shall include an evidentiary hearing which substantially
65 meets the requirements of s. 68.11, Wis. Stats.

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67 **SECTION 2.** This amendment shall be effective upon passage and publication.

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