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4 **A RESOLUTION**

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6 Calling on the Housing Division of the Milwaukee County Health & Human Services
7 (DHHS) and all other relevant county departments to develop strategies to incentivize
8 landlords to accept renters who are participating in Milwaukee County’s Housing Choice
9 Voucher Program.
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12 WHEREAS, the Milwaukee County Housing Authority is funded by the U.S.
13 Department of Housing and Urban Development (HUD) to administer its Section 8
14 tenant-based Housing Choice Voucher Program serving individuals and families with
15 family income that does not exceed 50% of the median income of the county; and
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17 WHEREAS, Section 8 is designed to help low-income families and individuals
18 with rent assistance for decent, safe and sanitary housing provided by private owners
19 and rental agents; and
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21 WHEREAS, in 2018, the Milwaukee County Board passed File No. 18-139
22 amending Section 107.01 of the Milwaukee County Code of General Ordinances
23 regarding Fair Housing and creating Section 107.02(9) to include “receipt of rental or
24 housing assistance” as a protected class, citing powers granted under Wisconsin State
25 Statute 66.1011; and
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27 WHEREAS, Wisconsin State Statute 66.1011(1) declares, “The right of all
28 persons to have equal opportunities for housing regardless of their sex, race, color,
29 disability, sexual orientation, religion, national origin, marital status, family status, as a
30 victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or
31 ancestry”; and
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33 WHEREAS, in the case of [*Knapp v. Eagle Property Management*](#), 54 F.3d 1272
34 (1995), the U.S. Court of Appeals, Seventh Circuit held that “a Wisconsin statute
35 prohibiting housing discrimination based on ‘lawful source of income’ did not include
36 Section 8 vouchers because they were not specifically included in the definition of
37 ‘lawful source of income’ in the Wisconsin code”; and
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39 WHEREAS, upon review of Wisconsin law, the Milwaukee County Office of
40 Corporation Counsel shared a preliminary legal opinion stating that Chapter 107 of the
41 Milwaukee County Code of General Ordinances related to Section 8 housing
42 discrimination, specifically the enforcement and penalty provisions, is likely

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

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

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

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61 WHEREAS, through investments in housing stability, especially for low-income
62 neighbors, health outcomes can be improved to create a safer and healthier County;
63 now, therefore,

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65 BE IT RESOLVED, the Milwaukee County Board of Supervisors calls upon the
66 Department of Health & Human Services and all other relevant departments to develop
67 a list of viable strategies to incentivize landlords to accept renters who are participating
68 in Milwaukee County's Housing Choice Voucher Program; and

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