

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**  
6

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"  
13  
14

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  
18

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  
23

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  
27

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  
38

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

44

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

50

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; now, therefore,

55

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

61

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

66

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

## MILWAUKEE COUNTY FISCAL NOTE FORM

**DATE:** February 6, 2024

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** A resolution requesting the Milwaukee County Office of Corporation Council (OCC) to seek a formal opinion from the Wisconsin Attorney General's Office regarding the enforceability of Chapter 107 of the Milwaukee County Code of General Ordinances related to Section 8 housing penalty provisions and calling upon the Wisconsin State Legislature to amend Wisconsin State Statute 66.1011(1) to specifically include Section 8 vouchers in its definition of "lawful sources of income"

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact<br><input checked="" type="checkbox"/> Existing Staff Time Required<br><input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below)<br><input type="checkbox"/> Absorbed Within Agency's Budget<br><input type="checkbox"/> Not Absorbed Within Agency's Budget<br><input type="checkbox"/> Decrease Operating Expenditures<br><input type="checkbox"/> Increase Operating Revenues<br><input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures<br><input type="checkbox"/> Decrease Capital Expenditures<br><input type="checkbox"/> Increase Capital Revenues<br><input type="checkbox"/> Decrease Capital Revenues<br><input type="checkbox"/> Use of contingent funds |
|--|--|

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	Expenditure or Revenue Category	Current Year	Subsequent Year
<b>Operating Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0
<b>Capital Improvement Budget</b>	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
  - B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. <sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
  - C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
  - D. Describe any assumptions or interpretations that were utilized to provide the information on this form.
- A. Approval of this resolution requests the Milwaukee County Office of Corporation Council (OCC) to seek a formal opinion from the Wisconsin Attorney General’s Office regarding the enforceability of Chapter 107 of the Milwaukee County Code of General Ordinances related to Section 8 housing penalty provisions and calls upon the Wisconsin State Legislature to amend Wisconsin State Statute 66.1011(1) to specifically include Section 8 vouchers in its definition of ‘lawful sources of income’. It also authorizes and requests that the Government of Office Affairs communicate the contents of the resolution to the State Legislature and the Governor of Wisconsin.
  - B. There are no direct costs associated with this resolution. Additional staff time is necessary to provide a formal legal opinion and communicate the contents as outlined in the resolution.
  - C. There are no budgetary impacts associated with the resolution.
  - D. No assumptions or interpretations were made.

Department/Prepared By Bree Bzdawka, Research and Policy Analyst

Authorized Signature *Bree Bzdawka*

Did DAS-Fiscal Staff Review?  Yes  No

Did CBDP Review?<sup>2</sup>  Yes  No  Not Required

<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

<sup>2</sup> Community Business Development Partners’ review is required on all professional service and public work construction contracts.