

Number

090459

Version

Substitute 1

Reference

Sponsor

ALD. BAUMAN and WADE

Title

A substitute ordinance establishing the housing infrastructure preservation fund.

Sections

304-31.5 cr

Analysis

The code of ordinances requires that the commissioner of city development, in consultation with the local common council member, classify each improved parcel in the city's inventory of "neighborhood property" (residential property containing 4 or fewer housing units) as a "habitable property," "uninhabitable property" or "special consideration property," with the last category being further divided into "public restoration properties" (suitable for immediate restoration by the city, the housing authority, the redevelopment authority or another public entity) and "mothballing properties" (properties not suitable for immediate restoration but suitable for mothballing by the city).

This ordinance creates a housing infrastructure preservation fund to provide a permanent, dedicated funding source to finance these city property restoration and mothballing activities. Funding sources shall include the tax levy, general obligation borrowing, net proceeds from sales of restoration properties, amounts appropriated by law and transferred to the fund by the comptroller, and other appropriations of the common council made from time to time.

The total expenditures from the housing infrastructure preservation fund for a fiscal year shall be authorized by the adopted city budget. The department of city development shall be authorized to expend these monies without further common council approval.

Body

Whereas, Pursuant to s. 304-49-2-b of the code of ordinances, the commissioner of city development, in consultation with the local common council member, is required to classify each improved parcel in the city's inventory of "neighborhood property" (residential property containing 4 or fewer housing units) as a "habitable property," "uninhabitable property" or "special consideration property"; and

Whereas, The code further requires that each special consideration property be classified as either:

1. Public restoration property - a property suitable and recommended for immediate restoration or rehabilitation by the city, the housing authority, the redevelopment authority or another public entity; or

2. Mothballing property - a property that is not suitable and not recommended for immediate restoration or rehabilitation by a public entity, but shall be designated for mothballing or landbanking by the city and maintained in accordance with s. 304-59. Mothballing shall include boarding of windows with Lexan, securing the structure and emergency repairs required to prevent further deterioration of the structure.

; and

Whereas, To carry out the property restoration and mothballing activities described in s. 304-49-2-b, it is essential that the city establish a permanent, dedicated funding source to pay for these activities; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-31.5 of the code is created to read:

**304-31.5. Housing Infrastructure Preservation Fund. 1. FUND CREATED.** There is created a capital improvements fund to be known as the housing infrastructure preservation fund. Monies in this fund shall be used only for the purposes specified in sub. 2.

**2. PURPOSES AND OBJECTIVES.** The city seeks to preserve surplus, city-owned improved residential properties that are not habitable in their current condition and are unlikely to be restored by private purchasers, but are worthy of restoration or rehabilitation because of such factors as neighborhood context, architectural characteristics or quality, or historic status of the structures or their neighborhoods. To that end, s. 304-49-2-b-3 calls for each property of this type to be either restored or rehabilitated by the city, the housing authority, the redevelopment authority or another public entity or mothballed or landbanked by the city. The purpose of the housing infrastructure preservation fund is to provide a permanent, dedicated funding source to finance city property restoration and mothballing activities described in s. 304-49-2-b-3.

**3. FUNDING SOURCES.** The housing infrastructure preservation fund may be funded by:

- a. Tax levy.
- b. General obligation borrowing.
- c. Net proceeds from sales of restoration properties.
- d. Amounts appropriated by law and transferred to the fund by the comptroller.
- e. Other appropriations of the common council made from time to time.

4. EXPENDITURES. The total expenditures from the housing infrastructure preservation fund for a fiscal year shall be authorized by the adopted city budget. The department of city development shall be authorized to expend these monies without further common council approval.

5. NET SALE PROCEEDS. Upon sale of a property classified as a restoration property pursuant to s. 304-49-2-b, the net sale proceeds shall be deposited in the housing infrastructure preservation fund.

LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Requestor

Drafter

LRB09318-3

JDO

09/10/2009