

MICHAEL S. D'AMATO
ALDERMAN, 3RD DISTRICT



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January 11, 2006

Grant F. Langley, City Attorney
City Hall, Room 800
200 E. Wells Street
Milwaukee, WI 53202

Dear Mr. Langley:

On January 10, 2006, the Common Council's Zoning, Neighborhoods and Development Committee considered Council File Number 041402, an ordinance relating to zoning regulations for certain types of group living facilities. One question raised at this meeting is whether the operator of a group living facility (community living arrangement, adult family home, etc.) is required to obtain a licensed dwelling facility license from the City.

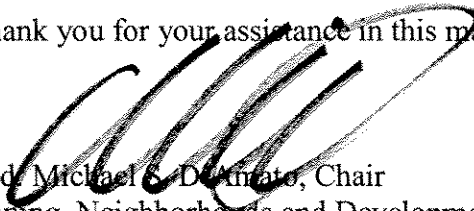
The definition of "licensed dwelling facility" is found in s. 200-08-52.5 of the Code of Ordinances. This term includes hotels and motels, residential living facilities (e.g., fraternity house or emergency shelter), rooming houses and second class dwellings. "Rooming house" is defined in s. 200-08-74 and would seem to include at least certain types of group living facilities.

The Zoning, Neighborhoods and Development Committee is holding a special meeting on Tuesday, January 17, 2006 at 2 p.m. to further discuss File Number 041402. It would be most helpful if your office could provide a written response to the following questions prior to that meeting:

1. Can the definition of "rooming house" (and, therefore, the definition of "licensed dwelling facility") be interpreted to include a group living facility?
2. If the definitions of "rooming house" and "licensed dwelling facility" do not already include group living facilities, could either or both definitions be amended to explicitly include such facilities?
3. If a group living facility is already included in the definition of "rooming house," or if the definition is amended to specifically include a group living facility, does the City have the legal authority to require a licensed dwelling facility license for a group living facility? Or is the City's ability to require any type of license for a group living facility pre-empted by the State of Wisconsin's licensing of these facilities?



Thank you for your assistance in this matter.



Ald. Michael S. DeAmato, Chair
Zoning, Neighborhoods and Development Committee

cc: Zoning, Neighborhoods and Development Committee members