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June 15, 2007

Alderman Michael J. Murphy
10th Aldermanic District
Room 205 – City Hall

Re: Housing Trust Fund

Dear Alderman Murphy:

In a May 18, 2007 letter our legal opinion was requested concerning the proper interpretation of Common Council File Nos. 041537 and 060071. Specifically, we were asked to provide an opinion as to whether the combined authority of those two Common Council files obligates the Council and the Mayor to set aside for the Housing Trust Fund in the 2008 and 2009 City Budgets an amount equal to one-half of the City's portion of the tax revenues received from three tax incremental districts which will be closed during 2007.

Common Council File No. 060071 was a resolution relating to recommendations of the Milwaukee Housing Trust Fund Task Force for the operation and funding of the Housing Trust Fund. The Task Force report and the resolution indicated that “ . . . the City shall designate General Fund Revenue for the Housing Trust Fund in an amount equal to the incremental tax revenue (City portion) received from the TID during the last tax collection cycle in which the tax incremental district was in existence.” Common Council File No. 041537 was the ordinance which created Chapter 316 of the Code of Ordinances pertaining to the Housing Trust Fund. In the ordinance, somewhat different language was utilized stating that “ . . . it is anticipated that the Housing Trust Fund is to be funded by services identified in Common Council File No. 060071.”

The actual allocation and expenditure of City funds for the Housing Trust Fund is subject to the City's normal budget and appropriation process. Accordingly, the combined authority of those two Common Council files does not “obligate” the Common Council and the Mayor to set aside specific funding for the Housing Trust Fund in any given year.

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It is our understanding that you anticipate scheduling a meeting involving representative of the Comptroller's Office, the Budget Office and our office to discuss the specific steps which will be required in order to provide the requisite budget and appropriation authority to fund this program. It will be our pleasure to work with you and other City departments in order to finalize that process.

Very truly yours,



GRANT F. Langley
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TOG/mll:120467

c: Craig Kammholz, Comptroller's Office
 Mark Nicolini, Budget Office
 Ron Leonhardt, City Clerk

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