



# City of Milwaukee

P.O. Box 324  
Milwaukee, WI 53201-0324

## Meeting Minutes

### HOUSING AUTHORITY

**MARK WAGNER, CHAIR**

**Ricardo Diaz , Vice Chair**

**Sherri L. Daniels, Hon. M. Joseph Donald, Lena Mitchell,  
Michael Van Alstine, and James N. Witkowiak**

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Wednesday, April 11, 2018

1:30 PM

City Hall, Room 301-A, 200 East Wells Street

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The mission of the Housing Authority of the City of Milwaukee (HACM) is to foster strong, resilient and inclusive communities by providing a continuum of high-quality housing options that support self-sufficiency, good quality of life, and the opportunity to thrive.

#### Call to Order

*Meeting called to order at 1:43 p.m.*

#### Roll Call

**Present:** 5 - Witkowiak, Diaz, Van Alstine, Wagner, Mitchell

**Excused:** 2 - Reed Daniels, Donald

#### A. APPROVAL OF THE CONSENT AGENDA

##### CONSENT AGENDA – ITEMS RECOMMENDED FOR APPROVAL

(All items listed under the Consent Agenda will be enacted by one motion unless a Commissioner requires otherwise, in which event, the item will be removed from the Consent Agenda and considered separately.)

1. [R 12946](#) Approval of the minutes of the regular meeting held on March 15, 2018

**Sponsors:** THE CHAIR

**Attachments:** [March 15, 2018 HACM Minutes](#)

**A motion was made by Ricardo Diaz, seconded by Michael T. Van Alstine, that this Motion be APPROVED. This motion PREVAILED by the following vote:**

**Aye:** 5 - Witkowiak, Van Alstine, Wagner, Mitchell, and Diaz

**No:** 0

**Excused:** 2 - Reed Daniels, and Donald

2. [R 12947](#) Resolution approving the final closeout submission of the 2014 Capital Fund Program Grant Number WI39P002501-14 to the U.S. Department of Housing & Urban Development
- Sponsors:** THE CHAIR
- Attachments:** [HUD Forms - Closeout of 2014 CFP Grant WI39P002501-14](#)
- A motion was made by Ricardo Diaz, seconded by Michael T. Van Alstine, that this Housing Authority Resolution be ADOPTED. This motion PREVAILED by the following vote:
- Aye:** 5 - Witkowiak, Van Alstine, Wagner, Mitchell, and Diaz
- No:** 0
- Excused:** 2 - Reed Daniels, and Donald
3. [R 12948](#) Resolution approving the appointment of Alderman James A. Bohl, Jr. to the Travaux Board of Directors
- Sponsors:** THE CHAIR
- Attachments:** [James Bohl Profile](#)
- A motion was made by Ricardo Diaz, seconded by Michael T. Van Alstine, that this Housing Authority Resolution be ADOPTED. This motion PREVAILED by the following vote:
- Aye:** 5 - Witkowiak, Van Alstine, Wagner, Mitchell, and Diaz
- No:** 0
- Excused:** 2 - Reed Daniels, and Donald

## B. REPORTS AND DISCUSSION ITEMS

1. [R 12949](#) Public Hearing regarding approval of a No Smoking Policy

**Sponsors:** THE CHAIR

*Commissioner Van Alstine made a motion to open the public hearing on the Housing Authority of the City of Milwaukee (HACM) proposed No Smoking policy to adhere to a recent HUD policy change. Commissioner Mitchell seconded the motion, and it carried.*

*Ken Barbeau, HACM Director of Community Programs and Services, provided some background on the policy. A number of years ago, HUD released a notice encouraging Public Housing Authorities (PHAs) to create No Smoking Policies. In 2015, they released a rule requiring PHAs to put a No Smoking Policy in place by July 31, 2018. HACM has been working with residents since then to develop the policy. HUD cited health (including secondhand smoke), fire risk, unit turnaround and maintenance costs as reasons. All PHAs are required to enact these policies. HACM's policy defining smoking is very comprehensive, including pipes, hookas, e-cigarettes, etc. Smoking is prohibited in both common areas like lobbies & patios (already prohibited), as well as within the apartments, and within 25' of the building, all as per HUD's requirements. HACM's policy will include the public housing units (required by HUD) and the mixed-finance units, so as to be consistent. (For example, to include both Hillside Terrace and Townhomes of Carver Park.) HACM's non-subsidized market-rate units at Berryland, Northlawn and Southlawn will not fall under the policy. The enforcement provisions are included in the policy and contains several progressive steps, starting with verbal warnings. While eviction is a possible, final outcome, indications from PHAs that have already gone smoke-free have stated that it is a rare outcome and that almost all cases are resolved before that step. HACM's goal is to work with the resident to give them the assistance they need before it comes to that. HACM has been promoting smoke-free resources, for instance partnering with American Lung Association to offer smoking cessation classes and promoting quit lines and other methods to support efforts for residents to quit or reduce smoking. A Lease Addendum including these changes is also part of what is being voted on today.*

*Mr. Barbeau also spoke of the outreach efforts made for comments on the policy. Staff has presented the policy to the Resident Advisory Board, and in March attended every Resident Organization meeting. HACM has been talking about the subject for two years, so it is not a surprise to residents, but wanted to present the final policy to the leadership groups. Most residents had no opinion or were supportive, but there was a significant number who felt it was an intrusion and that government had no place in what they do in their homes. HUD's response is that landlords are able to make their buildings smoke free. Another frequent question was why HUD was singling out public housing, not other subsidized housing, or multifamily buildings.*

*Commissioner Van Alstine asked whether the policy included Section 8 landlords, which it does not, as they are in the private market. HACM voucher holders who happen to be living in HACM's mixed-finance developments will fall under the policy. The policy also includes Scattered Sites properties, and the definition of buildings includes garages, per HUD. Commissioner Diaz asked if private sector landlords have similar policies. Mr. Barbeau answered that an increasing number are making similar requirements. Tyujk, Commissioner Diaz asked whether HACM is then considering it for its unsubsidized housing, to which Mr. Barbeau answered that there are concerns presently about the vacancy rate, but that HACM will review how the rollout at the public housing and mixed-financed proceeds. Chair Wagner likened it to when restaurants went smoke-free; at the time there was concern about a drop off in customers, but that people adjusted to the policy. He also noted that the policy is*

directed by HUD, and not following it would mean the loss of funding, but that HACM is making efforts to make the policy as pain-free as possible.

Milwaukee Fire Department (MFD) Chief Mark Roling thanked Deputy Chief Aaron Lipski who has been promoting similar policies at local and national levels. The Milwaukee Fire Department wholeheartedly supports the policy. He sees the policy as even more as a health and wellness issue, than as a fire safety issue. 85% of MFD calls are for medical service. He sees policies like this as a proactive step for public health. Chief Roling also mentioned some smoking-related fire statistics: 90,000 – 100,000 fires a year in the U.S., 500-600 deaths, 1,500-2,000 civilian injuries, \$600-\$800 million dollars of major property damage and noted that smoking-related fires are disproportionately responsible for deaths from fire.

William Evans, resident of Mitchell Court, spoke in opposition of the policy because he does not want to see anyone evicted because of it. He is a smoker and will try to comply with the policy. He smokes less than he used to and is thankful for the tools he has been offered, but has tried to quit on a number of occasions. He doesn't like it, but will try to live with it. He was impressed by the Fire Chief's remarks and previous presentations about the policy, and suggested the revenue received by the federal government from the tobacco companies could be used to offset the smoking-related maintenance costs.

John Shane, resident of Highland Gardens, spoke in opposition of the policy. He believes that residents' homes should be a place of privacy and that HACM should tell HUD they are not going to follow the policy. He doesn't believe that HACM should evict the elderly and disabled no matter how many times they are found smoking, and questioned how HACM will monitor the policy. He believes that residents shouldn't have to be subject to staff looking in the units and that as taxpayers and citizens they should not be subject to what he considers discriminatory practices by one group of Americans against another.

Azure'De M. Williams of the Milwaukee Tobacco Prevention Network spoke on behalf of the Network's members in support of the policy. A letter had also been provided from the members. Ms. deWilliams thanked HACM for including e-cigarettes, as these are growing in popularity and not currently FDA-approved. The Network also applauded the decision to include HACM's mixed-finance developments. The Network's letter listed suggestions of additional resources for the policy's "Smoke-Free Resources" and some language changes for consistency between the documents, and also that they felt the literacy level of the Lease Addendum is currently too high, which could cause confusion. They would also encourage the installation of receptacles the posted distance from the building. The Network also recommended continued use of its members as the policy is continued to be communicated, especially in group settings, which it found to be effective over the last two years. They also recommend developing talking points for the staff who will be fielding the most questions about the policy. The Network will continue to make itself available as a resource.

Tobias Miscevic, resident of Lapham Park, had questions regarding the policy. He was aware that HUD has already made their decision, but asked whether any housing authorities questioned HUD's decision in support of their residents' quiet enjoyment. Chair Wagner spoke of the Commissioners annual visits to Capitol Hill to speak with legislators, as well as public and private meetings with HUD. Mr. Mescevic also asked about enforcement, especially as he feels there are a number of units on his floor with illegal residents with nothing being done. Chair Wagner encouraged Mr. Mescevic to speak with Mr. Willie Hines about his resident concerns and thanked him for bringing

*those concerns to the Board's attention.*

*Chair Wagner thanked all those who offered comments and questions.*

*There being no other comments, Commissioner Van Alstine moved to close the public hearing on the Housing Authority of the City of Milwaukee (HACM) proposed No Smoking policy to adhere to a recent HUD policy change. Commissioner Diaz seconded the motion, and it carried.*

2. [R 12950](#)

Resolution approving the No Smoking Policy and a Lease Addendum

**Sponsors:** THE CHAIR

**Attachments:** [Smoke Free Housing Lease Addendum 25 foot version](#)  
[Smoke Free Housing Policy 25 foot version](#)

**A motion was made by Ricardo Diaz, seconded by James N. Witkowiak, that this Housing Authority Resolution be ADOPTED. This motion PREVAILED by the following vote:**

**Aye:** 5 - Witkowiak, Van Alstine, Wagner, Mitchell, and Diaz

**No:** 0

**Excused:** 2 - Reed Daniels, and Donald

3. [R 12951](#) Report from the Secretary-Executive Director

**Sponsors:** THE CHAIR

**Attachments:** [Housing Affairs Letter - Housing Spending Up Considerably 03-23-2018](#)  
[Housing Affairs Letter - Specifics of HUD Budget Proposal 03-23-18](#)  
[Housing Affairs Letter - Envision Centers Bloat Bureaucracy 03-16-2018](#)  
[Housing Affairs Letter - SAFMR Rule Takes Effect In Days 03-09-18](#)  
[Housing Affairs Letter - Low Income Housing for Hamptons 03-09-18](#)  
[Ltr re No Smoking Policy from Patricia Osburn - Rec'd 03-19-18](#)  
[U.S. Senate Tammy Baldwin Support Ltr for College Court CNI - 03-22-18](#)  
[WI Assembly Bill AB 768 2017 - Tax Exempt Property of Hsg Authorities](#)  
[HUD-APA Press Release Westlawn Gardens Receives Nat'l Community Planning Award - HUD Secretary's Opportunity & Empowerment Award 03-27-18](#)

*Mr. Pérez spoke on the Smoke Free Policy and Lease Addendum. HACM will particularly focus on providing information and connections to those residents who are hoping to mitigate their smoking. Part of this that gives him pause is the challenge of policing these policies. Reports of violations will have to be examined and assessed on a one-on-one basis. It will be a challenge and we will be reaching out to other PHAs that have already enacted such policies to learn best practices as well as learn from our own experiences as we proceed with caution. Mr. Pérez also noted the fervor of residents on all sides of the issue and wished that could be harnessed for other issues.*

*Mr. Pérez discussed the following items and made note of particular areas of interest for the Board:*

- *An article from the Housing Affairs Letter entitled "Housing Spending Up Considerably"*
- *An article from the Housing Affairs Letter entitled "Specifics of HUD Budget Proposal"*
- *An article from the Housing Affairs Letter entitled "Envision Centers Bloat Bureaucracy"*
- *An article from the Housing Affairs Letter entitled "SAFMR Rule Takes Effect In Days"*
- *An article from the Housing Affairs Letter entitled "Low Income Housing for Hamptons"*
- *A letter regarding the No Smoking Policy from Patricia Osburn. Mr. Pérez appreciated her reaching out to us with her thoughts. It puts him in mind of utilizing such residents as a resource for input and opinion when needed.*
- *A support letter from U.S. Senate Tammy Baldwin for HACM's College Court Choice Neighborhood Initiative application. On another issue, Mr. Pérez received a call from Senator Baldwin's office that HACM will be receiving five more Veterans vouchers. HACM appreciates receiving them.*
- *A copy of WI Assembly Bill AB 768 2017, "Relating to Tax-Exempt Property Partially-Owned by Housing Authorities 17-3485" which means that all properties HACM owns will be tax-exempt and subject to PILOT (Payment In Lieu of Taxes). The*

Assessor's office was supportive of the measure as it streamlines the elaborate appeals process that had to be performed previously.

- A press release from the U.S. Department of Housing & Urban Development and American Planning Association announcing the selection of Westlawn Gardens for the national HUD Secretary's Opportunity & Empowerment Award for community planning.

Mr. Pérez explained that the cap on HUD's Rental Assistance Demonstration (RAD) was increased in the omnibus spending bill to over a million units authorized for the transformation (a 450,000 unit increase). It might mean the program would expand beyond a demonstration. There has been some bipartisan support for the measure which allows for the private sector to impact the backlog of repairs/replacement of public housing units. It looks like the payment standards for the per unit cost will be increased in this round, so HACM may review the implications of that for the units have already engaged in RAD.

Mr. Pérez noted that Travaux currently has a Request for Qualifications (RFQ) for Co-Development Partners. As HACM looks forward to the possibility of a RAD transformation, there may be opportunities for redevelopment of HACM properties (although nothing is in place yet) which would include developer fees, Travaux would like to know who is interested and what entities would be able to add to the equation of these potentially privately-funded investments. HACM has revisited the RFQ to clarify it, and has extended both the Q&A, as well as the deadline for submissions.

Mr. Pérez thanked Commissioner Diaz for hosting Shirley Wong, HUD Milwaukee PIH Field Office Director for a lunch and tour of the United Community Center (UCC) campus. While there, Mr. Pérez received a check from UCC for the final payment of the developer fee for Olga Village.

Mr. Pérez received another check this month: the first rent check from the new tenant, the UPS Store, now ensconced in one of the Convent Hill retail spaces. He recently spoke with the owner and both were very pleased.

Commissioner Diaz asked about recent comments from Governor Walker and the White House about work requirements related to public housing. Mr. Pérez noted that any action would have to come through the legislature. Chair Wagner noted that this is the kind of item they will be discussing with the legislators in their upcoming visit to the Capitol.

Mr. Pérez noted a recent presentation for staff, and then for a broader public & stakeholder audience, including the Mayor, regarding the commercial needs & wants of the Westlawn CNI neighborhood. Mr. Pérez was thankful for the Mayor's presence, as it impresses upon the audience the importance of what is being shared and the importance of the work being done in their neighborhood.

Chair Wagner thanked Mr. Pérez for his comments.

## Adjournment

There being no further business, Commissioner Diaz made a motion to adjourn the meeting at 3:13 p.m. Commissioner Van Alstine seconded the motion. There being no objections, the motion carried.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Housing Authority ADA Coordinator, Patricia Schmidtknecht at 286-5100, (FAX) 286-3456, (TDD) 286-3504 or by writing to the Coordinator at 650 West Reservoir, Milwaukee, WI 53212.

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