



Legislation Text

File #: 051412, **Version:** 0

051412
ORIGINAL

ALD. BOHL AND PUENTE

Resolution requesting the United States Congress to pass federal legislation relating to the location of group living facilities.

With this resolution, the City of Milwaukee requests the United States Congress to pass federal legislation that would permit municipalities to balance the need to accommodate group living facilities in residential neighborhoods with the need to preserve the primarily owner-occupied residential character of those neighborhoods. The ability of Milwaukee and other municipalities to seek this balance has been curtailed by federal fair housing and anti-discrimination laws and related court cases, particularly cases challenging to local facility-spacing requirements.

This resolution also directs the City Clerk to send copies of the resolution to all members of Wisconsin's congressional delegation

Whereas, As of January, 2006, the City of Milwaukee contained 285 licensed community living arrangements, adult family homes and shelter care facilities; and

Whereas, License applications for an additional 66 group living facilities to be located in Milwaukee were pending as of January, 2006; and

Whereas, This proliferation of group living facilities is occurring not just in Milwaukee, but in communities across Wisconsin and the nation; and

Whereas, Group living facilities tend to locate in residential neighborhoods with affordable housing stock, thereby leading to concentrations of group living facilities in certain communities and an overall uneven distribution of facilities; and

Whereas, The concentration of corporate-owned group living facilities in certain communities can erode the owner-occupied, single-family character of those communities; and

Whereas, Until recently, the City of Milwaukee regulated the location of group living facilities by requiring that they be located at least 2,500 feet from one another or obtain special zoning approval from the Board of Zoning Appeals (a requirement which is based on state enabling legislation); and

Whereas, The federal Fair Housing Act Amendments, the Americans with Disabilities Act and the Rehabilitation Act all require municipalities to consider the granting of a "reasonable accommodation" when reviewing zoning requests for group living facilities that provide services to the disabled; and

Whereas, Because of lawsuits against the City of Milwaukee and federal court decisions across the country, the City is now in the process of repealing its 2,500-foot spacing requirement for group living facilities; and

Whereas, Together, the elimination of the 2,500-foot rule and the requirement to provide a “reasonable accommodation” to the disabled mean that the Board of Zoning Appeals now approves virtually all requests for group living facilities and that the City has no ability to prevent or mitigate the concentration of such facilities in certain neighborhoods; and

Whereas, The Common Council recognizes the need to locate group living facilities in residential neighborhoods, and is opposed to any effort to concentrate such facilities in non-residential settings or to “institutionalize” the disabled; and

Whereas, The Common Council finds that the need to locate group living facilities in residential settings must be balanced with the need to protect the predominately owner-occupied residential character of the neighborhoods in which most such facilities are located; and

Whereas, The Common Council finds that this balance cannot be achieved under current federal laws, which, in essence, preclude any local government regulation of the location or concentration of group living facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the United States Congress is requested to pass federal legislation that would permit municipalities to balance the need to accommodate group living facilities in residential neighborhoods with the need to preserve the primarily owner-occupied residential character of those neighborhoods; and, be it

Further Resolved, That the City Clerk is directed to send copies of this resolution to all members of Wisconsin’s congressional delegation.

LRB06047-1
JDO
02/07/2006