



## Legislation Details (With Text)

**File #:** 100438 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 7/27/2010 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:** **Final action:** 9/21/2010

**Effective date:**

**Title:** A substitute ordinance relating to the housing infrastructure preservation fund.

**Sponsors:** ALD. BAUMAN

**Indexes:** HOUSING TRUST FUND

**Attachments:** 1. City Attorney Opinion, 2. Hearing Notice List, 3. Notice Published on 10-6-10

Date	Ver.	Action By	Action	Result	Tally
7/27/2010	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/10/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/15/2010	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
9/21/2010	1	COMMON COUNCIL	PASSED	Pass	14:0
10/1/2010	1	MAYOR	SIGNED		
10/6/2010	1	CITY CLERK	PUBLISHED		

### 100438 SUBSTITUTE 1

ALD. BAUMAN

A substitute ordinance relating to the housing infrastructure preservation fund.

304-31.5-6 cr

This ordinance provides that any property restoration, rehabilitation or mothballing work or activity funded by the housing infrastructure preservation fund shall not be considered public works or public improvements as those terms are defined or used in the code of ordinances, the city charter or state law.

Whereas, The purpose of the Housing Infrastructure Preservation Fund ("HIPF") established under s. 304-31.5 of the Code of Ordinances is to provide a permanent, dedicated funding source to finance City restoration, rehabilitation or mothballing of 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, rehabilitation or preservation because of such factors as neighborhood context, architectural characteristics or quality, or historic status of the structures or their neighborhoods; and

Whereas, The HIPF provides funding for repair work on primarily one- and 2-family homes that had been privately owned, came under temporary public ownership through the *in rem* foreclosure

procedure, and are intended to be returned to private ownership and occupancy following completion of those repairs; and

Whereas, Properties that receive funding from the HIPF are not intended to be used by the public for any public use or public purpose; and

Whereas, The types of work funded by the HIPF, such as roof replacement, porch replacement and foundation repairs, are typically performed by private owners of one- and 2-family housing as part of the general maintenance, renovation or repair of their properties and are not of the nature, scale or scope of typical "public works" projects; now, therefore

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

Part 1. Section 304-31.5-6 of the code is created to read:

**304-31.5. Housing Infrastructure Preservation Fund.**

**6. FUNDED WORK NOT PUBLIC WORKS OR IMPROVEMENTS.** Any property restoration, rehabilitation or mothballing work or activity funded by the housing infrastructure preservation fund shall not be considered public works or public improvements as those terms are defined or used elsewhere in this code, the city charter or state law.

APPROVED AS TO FORM

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

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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

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

LRB10375-2

JDO

08/06/2010