

4.28 CITY FUNDING AND ACCESSIBLE HOUSING

- (1) Statement of Purpose. The City has an interest in providing housing options that are fully accessible to people with disabilities. The City provides financial assistance to many developers and when such expenditures are made for the purpose of developing housing in the City, those expenditures should be used to promote the development of housing that is fully accessible to people with disabilities.
- (2) Definitions.
  - (a) “City financial assistance” means any grant, cooperative agreement, loan, contract (other than a public works contract, a supply procurement contract, a contract of insurance or guaranty or a collective bargaining agreement) or any other arrangement by which the City provides or otherwise makes available assistance in an amount equal to \$100,000 or more in the form of:
    1. Funds
    2. Services of City personnel
    3. Real and personal property or any interest in or use of such property, including:
      - a. Transfers or leases of such property for less than the fair market value, or for reduced consideration; and
      - b. Proceeds from a subsequent transfer or lease of such property if the City’s share of its fair market value is not returned to the City.
    4. The sale and lease of, and the permission to use (on other than a casual or transient basis) City property or any interest in such property, the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale, lease or furnishing of services to the recipient, and
    5. Any City agreement, arrangement or other contract which has as one of its purposes the provision of financial assistance, including purchase of service agreements.
  - (b) “Type A Accessible Unit” has the meaning as defined in ICC/ANSI A117.1-2003, Chapter 10, Section 1003.
- (3) Accessible Housing Development Requirement. Any developer or individual who is the recipient of City financial assistance, as defined in this section, and uses any amount of those funds for new construction of housing, shall design and construct 10% of the total number of units in each building to be “Type A” Accessible units. This requirement shall apply only if the newly constructed housing consists of 3 or more attached dwelling units and exceeds 60 feet or 6 stories in height.

## Relevant Sections of the Wisconsin Administrative Code

Comm. 61.03...

### **(5) LOCAL ORDINANCES.**

(a) 1. Except as provided in par. (b), pursuant to s. 101.02 (7), Stats., a city, village, town or local board of health may enact and enforce additional or more restrictive standards for public buildings and places of employment, provided the standards do not conflict with this code.

2. Nothing in this code affects the authority of a municipality to enact and enforce standards relative to land use, zoning or regulations under ss. 59.69, 60.61, 60.62, 61.35 and 62.23 (7), Stats.

(b) 1. Pursuant to s. 101.02 (7m), Stats., a city, village, town or county may not enact and enforce additional or more restrictive standards for multifamily dwellings, except as provided under s. 101.975, Stats., and that do not conflict with this code.

Comm. 61.04

**(14)** “Multifamily dwelling” has the meaning given in s.101.971 (2), Stats.

**Note:** Section 101.971 (2), Stats., reads as follows: “ ‘Multifamily dwelling’ means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. ‘Multifamily dwelling’ does not include a facility licensed under ch. 50.”