

CITY OF MADISON, WISCONSIN

AN ORDINANCE \_\_\_\_\_

PRESENTED \_\_\_\_\_  
REFERRED \_\_\_\_\_

Creating Section 4.28 of the Madison General Ordinances to

DRAFT

Drafted by: Adriana Peguero

Date: March 24, 2011

SPONSOR:

DRAFTER'S ANALYSIS: This ordinance creates a requirement that any individual receiving City financial assistance of \$100,000 for the development of newly constructed housing make 10% of those units fully accessible to people with disabilities.

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The Common Council of the City of Madison do hereby ordain as follows:

Section 4.28 entitled "City Funding and Accessible Housing" of the Madison General Ordinances is created to read as follows:

**"4.28 CITY FUNDING AND ACCESSIBLE HOUSING.**

- (1) Statement of Purpose. The City has an interest in providing housing options to people with disabilities that are fully accessible, inclusionary, and affordable. 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 one hundred thousand dollars (\$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;

Approved as to form:

5. "City financial assistance" includes, but is not limited to, capital revolving fund loans, redevelopment contracts, economic development agreements, revenue or loan agreements with an eligible participant or authorized developer under Wis. Stat. §§ 66.1333(5) and 66.1105(1105(3)(e).
  6. "City financial assistance" does not include public works contracts, supply procurement contracts, professional service or other service contracts as defined therein, contracts of insurance or guaranty, or collective bargaining agreements.
    - (b) "Recipient of City Financial Assistance" means any person, including that person's subcontractors, successors, assignees and transferees, who enters into a contract with the City to receive City Financial Assistance" as defined in this ordinance.
    - (c) "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 recipient of City financial assistance, as defined in this section, and uses any amount of those funds for new construction of housing, shall design, construct, and maintain ten percent (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 three (3) or more attached dwelling units and exceeds sixty (60) feet or six (6) stories in height.