

# Milwaukee's Flooding Requires Legislation, Not Just Response

A Framework for Structural Policy Action at the City, County, and State Level

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## THE PROBLEM

In August 2025, Milwaukee was hit with up to 14 inches of rain in two days, which overwhelmed the underground tunnel that stores sewage and stormwater, pushed two treatment facilities beyond their capacity for hours, and sent about 5.14 billion gallons of untreated sewage pouring into local rivers and Lake Michigan. That was the largest sewage overflow since the tunnel opened in 1994 (MMSD, 2025a). By the time it was over, the storms had caused more than \$200 million in damage to homes and businesses, triggered 65 water rescues, and left families displaced for weeks (Milwaukee County, 2025).

The neighborhoods that took the worst damage were not random. Research through NASA's Applied Sciences program confirms that flood risk in Milwaukee is highest in neighborhoods that were historically redlined and in areas where most residents are Black or Hispanic (Tango et al., 2022). A study by Groundwork Milwaukee and the Medical College of Wisconsin found that about 39 percent of Milwaukee residents live in a neighborhood with high flood risk, high vulnerability to flood damage, or both. Black residents are more likely to live in those neighborhoods. Poverty, unemployment, and limited access to healthcare make it even harder to recover when flooding hits (Groundwork USA, 2025).

After the storms, the federal government denied Wisconsin's request for \$26.5 million to repair public infrastructure across six counties, including Milwaukee, without giving any reason. Wisconsin appealed and the appeal was denied as well, leaving Milwaukee County to cover \$22 million in repair costs on its own while already managing a \$46.7 million budget deficit (Urban Milwaukee, 2025).

The root cause of Milwaukee's flooding is not heavy rain alone. The city's combined sewer system is a single pipe covering approximately 23.5 square miles of the oldest and most densely populated neighborhoods, built to carry both sewage from homes and businesses and rainwater from streets, but never designed to handle the scale of storms Milwaukee now regularly experiences (Informed Infrastructure, 2019). The rules governing that system, the funding behind it, and the legal requirements attached to it have not kept pace with that reality, and the five actions below address exactly that gap, organized by what can be done right now and what needs to be built toward.

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## LEGISLATIVE FRAMEWORK

**TIER 1 | ACT NOW**

*Common Council jurisdiction. No state approval required. Achievable in 2026.*

### 1. Update the City's Stormwater Rule for New Construction

Right now, city law requires new buildings and major renovations to hold the first half-inch of rain on their property before it runs off into the street, a standard set in 2018 that has not been updated since August 2025 showed us how significantly Milwaukee's storms have intensified (City of Milwaukee, 2019). MMSD is already reviewing its own design standards in response to the storm, and the Common Council can move in the same direction by updating this

ordinance to reflect current climate conditions without needing state permission, moving it through the Zoning, Neighborhoods and Development Committee to a full Council vote (MMSD, 2025a).

*Any council member whose constituents flooded has the standing and the justification to introduce this ordinance, and the technical case is already being built through MMSD's post-storm design review. This is a rule update that requires no new money and no state permission.*

## **2. Require Infrastructure Money to Go Where the Data Says It Is Needed Most**

Groundwork Milwaukee and the Medical College of Wisconsin have already mapped every neighborhood in Milwaukee by flood risk and by how much damage residents can absorb when flooding hits, and that map is finished, publicly available, and ready to be used. The problem is that no law requires the city to use it when deciding where to spend infrastructure dollars, which means the hardest-hit neighborhoods have no legal guarantee of priority. The Common Council can change that by passing an ordinance requiring the Department of Public Works to use the flood vulnerability map when deciding which projects get funded first, and while the Council cannot legally order MMSD to do the same because MMSD is its own independent government agency, it can pass a companion resolution calling on MMSD to adopt the same standard, which places MMSD on public record and creates real accountability (Groundwork USA, 2025).

One risk that must be addressed alongside this action is displacement. The neighborhoods with the highest flood risk are the same ones that have faced decades of disinvestment, and when infrastructure investment finally arrives and property values begin rising, it can push out the very residents who were promised relief. Any ordinance on capital prioritization must include anti-displacement protections introduced at the same time, including expanded access to community land trusts and homeowner stabilization programs, so that investment strengthens the community rather than replacing it.

*This action moves as two parts introduced together: an ordinance through the Infrastructure and Public Works Committee requiring the Department of Public Works to follow the flood vulnerability map, and a companion resolution to MMSD's board calling on them to adopt the same standard. Anti-displacement protections are introduced simultaneously through the Zoning, Neighborhoods and Development Committee. No new money is required for any of it.*

### **TIER 2 | THIS BUDGET CYCLE**

*Milwaukee County Board and Wisconsin Legislature. Both tracks must run simultaneously.*

## **3. Lock Flood Infrastructure Funding So It Cannot Be Raided**

Milwaukee collects a quarterly fee from property owners called the Stormwater Management Charge. That money is supposed to pay for flood and stormwater infrastructure. The problem is that this money goes into the city's general budget, where it competes every year against other priorities like police, parks, and payroll. When budgets get tight, stormwater spending gets cut or delayed. The fix is to create what is called an enterprise fund: a separate, protected account where stormwater fees can only be spent on stormwater infrastructure. Think of it like a dedicated savings account that cannot be touched for anything else. Water, sewer, gas, and electric utilities already operate this way in 43 states across the country (Stormwater Solutions, 2025). It allows the city to plan long-term, borrow money at lower rates, and access additional state and federal loan programs.

One important step: Wisconsin law requires the state legislature to grant permission before a local government can create this kind of protected fund, which means the County Board and state legislators need to move at the same time rather than one after the other. While the County Board passes a resolution requesting that authority and state legislators introduce the companion enabling bill, the City Comptroller's office should simultaneously audit how much the Stormwater Management Charge brings in each year, because that figure determines how much the city can borrow against the fund and the audit can be initiated through a public records request today.

This structure also insulates Milwaukee when federal funding disappears, because an enterprise fund borrows against its own dedicated fee income rather than depending on federal grants to remain functional. MMSD already carries a triple-A credit rating from the two largest rating agencies in the country and has successfully borrowed money this way before, which means the financial infrastructure for this approach is already in place (MMSD, 2024).

*The County Board Committee on Finance introduces a resolution requesting state enabling authority while state legislators introduce the companion bill at the same time. As both tracks move forward, the City Comptroller begins an immediate revenue audit of current Stormwater Management Charge collections to establish the fund's borrowing capacity, with MMSD providing technical support throughout the process.*

TIER 3 | BUILD NOW,  
LEGISLATE IN 2027

*Wisconsin Legislature. Draft language now for introduction in January 2027.*

#### **4. Create a Wisconsin State Fund for When the Federal Government Says No**

When a disaster hits and the federal government denies disaster relief for public infrastructure, Wisconsin counties currently have no backup plan, and that is exactly what happened after the August 2025 floods. Wisconsin asked the federal government for \$26.5 million to repair damaged public infrastructure across six counties including Milwaukee, the request was denied without explanation, the appeal was denied, and Milwaukee County was left absorbing \$22 million in repair costs on its own in the middle of a \$46.7 million budget deficit, which forced cuts to bus service and behavioral health programs (Urban Milwaukee, 2025).

Wisconsin needs a state law that creates a dedicated fund triggered automatically when the federal government denies public assistance after a declared disaster. Governor Evers has included flood infrastructure funding in three consecutive state budgets (Washington County Insider, 2026), and U.S. Senator Tammy Baldwin and Congresswoman Gwen Moore have both publicly condemned the federal denial on the record (Urban Milwaukee, 2025). The political foundation for this legislation is already built. What is missing is someone introducing the bill.

This fund has to be built carefully because a law without money behind it is just words on paper, and the legislation must include a dedicated funding source written directly into the law rather than a promise that the legislature will fund it each budget cycle. Wisconsin has already demonstrated that this is possible through the Pre-Disaster Flood Resilience Grant program, which was created with its own funding line built into the state budget and serves as the model for what this backstop statute should look like (Wisconsin Emergency Management, 2026).

*Bill language should be developed in partnership with the Milwaukee County Executive's office and the offices of Sen. Baldwin and Rep. Moore through the remainder of 2026, with the draft required to include a permanent funding source rather than a discretionary line item, and introduced at the start of the 2027 legislative session.*

#### **5. Hold MMSD Accountable to a Real Timeline on Sewer Separation**

Milwaukee's combined sewer system is the core infrastructure problem underlying everything else. It is a single pipe that carries both sewage from homes and businesses and rainwater from streets, and when too much rain comes in at once, the pipe overflows and raw sewage pours into rivers, basements, and Lake Michigan. The long-term fix is sewer separation, which means replacing that single pipe with two dedicated systems so sewage and stormwater never share the same path, but MMSD's current plan treats separation as a goal rather than a legal obligation with a real deadline and guaranteed funding behind it (MMSD, 2025b).

MMSD is its own independent government agency, which means the Common Council and County Board cannot legally order it to do anything by passing a city or county law. What both bodies can do is pass a joint resolution, which is a formal public demand that MMSD's board respond to on the record. That kind of resolution from both the Council and the County Board carries real political weight because MMSD's board members are appointed by the same elected officials passing the resolution.

Actions 3 and 5 must move together because a binding sewer separation commitment without a protected funding source creates a legal obligation with no money behind it. The enterprise fund established in Action 3 is the financing mechanism that makes the sewer separation commitment in Action 5 real rather than aspirational.

The displacement risk here is real and must be built into the resolution from the start. When sewer infrastructure is repaired in neighborhoods that have been disinvested for decades, property values rise and long-term residents can be pushed out before they ever benefit from the investment. Any joint resolution must require a displacement impact assessment in all high-vulnerability neighborhoods before construction begins.

*How it gets done: The Common Council and County Board jointly pass a resolution calling on MMSD's board to add a binding sewer separation commitment and timeline to its Vision Forward 2035 update. The resolution includes a requirement for a displacement impact assessment in all high-vulnerability neighborhoods before construction begins. This is a direct accountability measure for the \$96 million in accelerated projects MMSD has already committed (Daily Reporter, 2026).*

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## **CONCLUSION**

There is no reason to wait. The research has been done, the flood vulnerability map is public, the damage from August 2025 is fully documented, and the federal government's denial of recovery funding is on record. The fact that 39 percent of Milwaukee residents live in a neighborhood with high flood risk or high vulnerability to flood damage is not background context. It is a mandate to act.

The five actions are organized by urgency and jurisdiction, with two requiring nothing beyond a Common Council vote that can be introduced today, one requiring the County Board and state legislature to move simultaneously on tracks that can both begin immediately, and two requiring legislation to be drafted now so it is ready for introduction in January 2027, none of which require the federal government to cooperate.

These five actions alone will not stop flooding. Milwaukee's combined sewer system covers 23.5 square miles of the city's oldest and densest neighborhoods and was built for a different era of rainfall (Informed Infrastructure, 2019), and the August 2025 storm dropped 35 billion gallons of water on the metro area in 78 hours (MMSD, 2025a). Achieving full sewer separation in the highest-risk corridors along with the large-scale green infrastructure and property buyouts the problem actually requires would cost approximately \$1.29 billion based on MMSD's own planning estimates (Epicenter Insights, 2025), which means the \$96 million MMSD has committed, while meaningful, is not a solution to a billion-dollar problem (Daily Reporter, 2026).

What these five actions do is build the governance and financial foundation that makes the real solution possible. Without them, flood infrastructure funding continues to compete against other budget priorities and lose, the hardest-hit neighborhoods stay at the back of the line, MMSD's sewer separation goal remains a wish with no deadline, the next federal denial leaves Milwaukee absorbing the cost alone, and infrastructure investment risks displacing the very residents it was meant to protect. These actions address each of those failure points directly, and while they are not the finish line, they are how Milwaukee finally gets to the starting line of a solution that is equal to the scale of the problem. The people of Milwaukee deserve that work done.

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