

Lee, Chris

From: Schanning, Mary
Sent: Tuesday, September 23, 2025 11:39 AM
To: Lee, Chris
Cc: Carson, Alexander R.; Owczarski, Jim; Osterman, Jeffrey
Subject: RE: Proposed Substitute for File 250406

Chris,

I am confirming that the City Attorney's Office finds that Substitute D in file 250406 is legal and enforceable.

Mary L. Schanning | Deputy City Attorney | City Attorney's Office
Zeidler Municipal Building | 841 North Broadway, Room 716 | Milwaukee, WI 53202
Direct line: 414-286-2290 | Email: mary.schanning@milwaukee.gov

From: Lee, Chris <clee@milwaukee.gov>
Sent: Tuesday, September 23, 2025 9:08 AM
To: Schanning, Mary <Mary.Schanning@milwaukee.gov>
Cc: Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Osterman, Jeffrey <joster@milwaukee.gov>
Subject: RE: Proposed Substitute for File 250406

Good morning,

Can you provide a written response as to the legality and enforceability of Proposed Substitute D for the record?

Or is the below communications sufficient?

Sincerely,

Chris Lee
Staff Assistant

From: Schanning, Mary <Mary.Schanning@milwaukee.gov>
Sent: Tuesday, September 23, 2025 8:24 AM
To: Osterman, Jeffrey <joster@milwaukee.gov>
Cc: Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Bauman, Robert <rjbauma@milwaukee.gov>; Lee, Chris <clee@milwaukee.gov>
Subject: RE: Proposed Substitute for File 250406

I've added a timeline. See attached proposed substitute D

Mary L. Schanning | Deputy City Attorney | City Attorney's Office
Zeidler Municipal Building | 841 North Broadway, Room 716 | Milwaukee, WI 53202
Direct line: 414-286-2290 | Email: mary.schanning@milwaukee.gov

From: Schanning, Mary

Sent: Tuesday, September 23, 2025 7:54 AM

To: Osterman, Jeffrey <joster@milwaukee.gov>

Cc: Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Bauman, Robert <rjbauma@milwaukee.gov>; Lee, Chris <clee@milwaukee.gov>; Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Bauman, Robert <rjbauma@milwaukee.gov>; Lee, Chris <clee@milwaukee.gov>

Subject: Re: Proposed Substitute for File 250406

I don't see it in the file and based on a text with Jim O night evening, I was under the impression that a time limit for the alder's response would be added.

Mary

Sent from my iPad

On Sep 23, 2025, at 7:51 AM, Osterman, Jeffrey <joster@milwaukee.gov> wrote:

Good Morning All,

There is now a Proposed Substitute C that is just like Proposed Substitute B but adds the highlighted text below in 304-49-3-c-4-a and c-4-b.

Jeff

Jeff Osterman
Legislative Research Supervisor
City of Milwaukee
Legislative Reference Bureau
200 E. Wells St., Room 307
Milwaukee, WI 53202
(414) 286-2262
joster@milwaukee.gov

From: Schanning, Mary <Mary.Schanning@milwaukee.gov>

Sent: Monday, September 22, 2025 4:26 PM

To: Osterman, Jeffrey <joster@milwaukee.gov>; Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Bauman, Robert <rjbauma@milwaukee.gov>

Subject: RE: Proposed Substitute for File 250406

Importance: High

Jeff,

Legally that additional language is not problematic, however, I raise a practical one for Ald. Bauman to consider (and I've copied him on this string of emails). While Ald. Bauman may be quick to respond to such requests for consultation on properties to be sold, not all alders do. Could we add a provision that an alder's lack of response or silence could be deemed an agreement to accept the bid after XX number of days? There would still be an opportunity for the local alder to object under the notice of sale requirement that we wrote into the new ordinance. Please also note that the new state law requires up to publish reasons for not accepting the highest bid should the local alder prefer a lower bidder over the highest bidder.

Another consideration is also no a legal one, but a concern that not accepting bids could result in additional legislation at the state that would REQUIRE the city to accept highest bids removing all of our buyer policies written into our ordinance. If it came out that the City was listing all the properties, as required by the statute, but was rejecting every single offer received (meaning former owner's are never getting surplus paid back) it wouldn't be long before the realtors association is back complaining to the legislature and then they change it to "shall" accept an offer above appraised value and the City has no discretion.

Those are my thoughts.

Mary

From: Osterman, Jeffrey <joster@milwaukee.gov>

Sent: Monday, September 22, 2025 3:46 PM

To: Carson, Alexander R. <acarso@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Schanning, Mary <Mary.Schanning@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>

Subject: Proposed Substitute for File 250406

Good Afternoon Again,

I submitted your Proposed Substitute B to the file. Subsequently, I met with Ald. Bauman, who informed me that unless the following language is added for the process for the post-March, 2024 properties, he will move to hold the file in committee. Please let me know if you are okay with this language and I will draft the necessary substitute (Ald. Bauman said he will then sponsor it).

c-4. Bid Acceptance. c-4-a. First Listing. The property shall be listed for up to 30 days. When reviewing bids obtained in response to this first listing, the department shall reject every bid less than the appraised value of the property. Where there are multiple bids, the department may, **in consultation with, and with the agreement of, the local common council member,** accept any bid which is at or above the appraised value. Where the department accepts a bid less than the highest bid, the department shall prepare a written statement, available for public inspection, that explains the reasons for accepting a bid that is less than the highest bid. Adequate reasons for accepting a bid that is less than the highest bid include, but are not limited to, compliance with the buyer policies in sub. 6 and preference for a bid from someone who, subject to a deed restriction, agrees to be an owner-occupant of the property or to rehabilitate or develop the property for sale to an owner-occupant. The department shall not accept a bid if the prospective buyer is in violation of the buyer policies in sub. 6 unless the sale is approved by resolution by a majority of the members of the common council.

Thanks,

Jeff

From: Carson, Alexander R. <acarso@milwaukee.gov>
Sent: Monday, September 22, 2025 1:10 PM
To: Bauman, Robert <rjbauma@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Osterman, Jeffrey <joster@milwaukee.gov>
Cc: Schanning, Mary <Mary.Schanning@milwaukee.gov>; Goyke, Evan <egoyke@milwaukee.gov>; Misky, David <dmisky@milwaukee.gov>; Smith, Kari <kasmit@milwaukee.gov>
Subject: 304-49 Proposed Changes - CCFN 250406
Importance: High

Dear Alderman Bauman, Mr. Owczarski, and LRB,

The City Attorney's Office reviewed the 304-49 redraft proposal submitted by LRB this morning and unfortunately there are significant concerns as to both its legality, enforceability, and consistency across the existing ordinances.

However, we have made further edits to the original 304-49 proposal, which we hope will satisfy the Committee's concerns. As Dr. Smith adeptly described at the committee meeting last week, the new state law leaves much of the existing 304-49 obsolete. To aid those who are visual learners, like myself, I have marked the existing 304-49 to highlight this obsolescence, which is attached for your review. Green denotes sections which had already been incorporated into the new ordinance, red denotes sections which are obsolete given time restrictions, and purple denotes an illegal provision, pursuant to the U.S. Supreme Court's decision in Tyler v. Hennepin County, which is not limited in applicability only to properties acquired post-March 2024.

As you can see, there is essentially less than a single page of provisions remaining after accounting for those already in the new ordinance or that are obsolete.

For those sections that remain, we have substantially incorporated their requirements into the original 304-49 proposal drafted by the City Attorney's Office that was before ZND for consideration at its September 16 meeting, which is also attached for your review in redlined form. We believe this solution retains Council discretion over the pre-March 2024 properties, complies with the state law change and the Tyler v. Hennepin County decision, and avoids the consistency issues presented by maintaining all of 304-49 in its existing form.

We hope this solution is acceptable to the Committee.

Regards,

Alex Carson | Assistant City Attorney | City Attorney's Office
841 N. Broadway – Suite 716 | Milwaukee, WI 53202 | Direct line: 414.286.8409 | Email:
acarso@milwaukee.gov