

..Number  
251773  
..Version  
PROPOSED SUBSTITUTE A  
..Reference

..Sponsor  
ALD. BAUMAN

..Title  
A substitute ordinance relating to Department of Neighborhood Services enforcement of code violations for multi-unit residential properties.

..Section  
200-08-58.5 cr  
200-19-1 rc  
200-19-2 rn  
200-19-2 cr  
200-19-3 rn  
200-19-4 rn  
200-19-5 rn  
200-24 cr

..Analysis  
This substitute ordinance creates a nuisance category for multi-unit residential properties with a significant number of code violations, and subjects properties within this category to higher penalties for code violations.

..Body

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

Part 1. Section 200-08-58.5 of the code is created to read.

**200-08. Definitions.**

**58.5 a.** MULTI-UNIT RESIDENTIAL NUISANCE means any premise with 3 or more dwelling units for which the number of orders to correct code violations issued within the preceding 36 months is at least:

- a-1. 5 for premises with 3 to 10 dwelling units.
- a-2. 6 for premises with 11 to 15 dwelling units.
- a-3. 7 for premises with 16 to 20 dwelling units.
- a-4. 8 for premises with 21 to 25 dwelling units.
- a-5. 9 for premises with 26 to 30 dwelling units.

a-6. 10 for premises with 31 or more dwelling units.

b. Exterior painting orders issued under ch. 275 shall not constitute an order to correct a violation under this section.

Part 2. Section 200-19-1 of the code is repealed and recreated to read:

**200-19-1. Penalties.**

**1. APPLICABILITY.** This section shall apply to any person who does any of the following:

a. Is the owner, operator, or occupant of any premise where there there exists anything in violation of this code.

b. Shall build contrary to the plans and specifications approved by the commissioner.

c. Shall omit, neglect, or refuse to do any act required in this code.

Part 3. Section 200-19-2 to 5 of the code is renumbered 200-19-3 to 6.

Part 4. Section 200-19-2 of the code is created to read:

**2. PENALTIES.** a. Except where a special penalty is provided, each person subject to s. 200-19-1 shall, upon conviction, forfeit not less than \$150 per violation per day for each premise, structure, or property found to be in violation, together with the cost of the action. In no case shall the forfeiture exceed \$5,000.

b. Each day such violation, omission, neglect, or refusal shall continue shall be deemed a separate offence.

c. If the property contains more than one dwelling unit, the minimum forfeiture may be assessed against the owner, operator, or occupant for each dwelling unit found to be in violation or directly affected by the violation.

d. Except where a special penalty is provided, accumulated penalties recoverable in any one action shall not exceed \$10,000.

e. A violation of this code exists on the date that the order or citation is issued and continues to exist until remedied.

Part 5. Section 200-24 of the code is created to read.

**200-24. Multi-Unit Residential Nuisance Properties.**

**1. FINDINGS.** The common council finds that severe and consistent code violations create substantial threats to public health and safety. The common council further finds that premise owners that inadequately maintain their premises and consistently fail to remediate issues in a timely fashion create substantial risks to the health and safety of the public. The common council further finds that the penalty amounts provided under s. 200-19 are insufficient to deter and remediate frequent violations.

**2. DESIGNATION.** Whenever a premise with 3 or more dwelling units has been issued a sufficient number of orders to correct code violations to qualify as a multi-unit residential nuisance under s. 200-08-58.5, the commissioner may designate the premise as a multi-unit residential nuisance property.

**3. NOTICE.** a. If the commissioner designates a premise as a multi-unit residential nuisance property, he or she shall notify the premise owner of the designation. This notice shall contain:

a-1. The street address or legal description sufficient for identification of the premise.

a-2. A record of the orders issued to the premise and the current status of each order at the time the premise was declared a multi-unit residential nuisance property.

a-3. A statement indicating that special penalties may be assessed to the owner.

a-4. A statement explaining the circumstances in which special penalties do not apply under sub. 5.

a-5. A statement that the premise owner or other responsible party shall, within 10 days upon receipt of the notice, either respond to the Commissioner with a written course of action to resolve all current violations at the premises or file an appeal under sub. 8.

b. A notice under this section shall be deemed to be properly delivered if sent either by first class mail to the premise owner's last known address or if delivered in person to the premise owner. If the owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the owner's usual place of abode or regular business in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing or conducting business there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner or other responsible party as identified by the records of the commissioner, the commissioner of assessments, or to the appropriate licensing authority.

**4. COURSE OF ACTION.** a. The commissioner shall accept a course of action submitted under sub. 3-a-5 if it addresses all outstanding violations with an appropriate remediation plan and a reasonable date by which the course of action shall be finished.

a-1. If the proposed course of action is accepted, the commissioner shall inform the owner in writing and perform a re-inspection after the date specified in the course of action.

b. If the course of action is rejected, the commissioner shall provide notice to the owner of that determination.

b-1. This notice shall contain:

b-1-a. The street address or legal description sufficient for identification of the premise.

b-1-b. A record of the orders issued to the premise and the current status of each order at the time the premise was declared a multi-unit residential nuisance property.

b-1-c. A statement indicating that special penalties may be assessed to the owner.

b-1-d. A statement explaining the circumstances in which special penalties do not apply under sub. 5.

b-1-e. A statement explaining why the course of action was rejected and providing suggestions for modification.

b-1-f. A statement that the premises owner or other responsible party shall, within 10 days upon receipt of the notice, either respond to the Commissioner with a modified course of action that resolves the commissioner's concerns or file an appeal under sub. 8.

b-2. Upon receipt of a rejection notice under b-1, the owner of the premise shall have 10 days to submit a modified course of action, or to file an appeal under sub. 8.

b-3. A notice under this section shall be deemed to be properly delivered if sent either by first class mail to the premise owner's last known address or if delivered in person to the premise owner. If the owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the owner's usual place of abode or regular business in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing or conducting business there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner or other responsible party as identified by the records of the commissioner of assessments, to the appropriate licensing authority or the commissioner of neighborhood services.

**5. SPECIAL PENALTIES.** a. Notwithstanding any other provision of s. 200-19, any person who is the owner, operator, or occupant of any premise designated as a multi-

unit residential nuisance property by the commissioner under s. 200-24 shall, upon conviction, forfeit not less than \$450, nor more than \$15,000, per violation per day. The minimum forfeiture may be assessed against each dwelling unit found to be in violation or directly affected by the violation. Accumulated penalties recoverable in any one action shall not exceed \$30,000.

b. Special penalties under this section shall not apply to the owner, operator, or occupant of a designated multi-unit residential nuisance property during the following time periods:

b-1. During the initial 10 day period provided to the owner under sub. 3-a-5 to respond with a written course of action or to appeal the designation.

b-2. From the delivery of a timely filed course of action in response to an initial designation notice under sub. 3-a-5, until the receipt of notice of the commissioner's acceptance or rejection of the course of action.

b-3. Until the date specified for an accepted course of action to be completed.

b-4. If the owner has submitted an appeal to the administrative review board of appeals, until a final determination has been issued by the administrative review board of appeals upholding the designation.

**6. TERMINATION OF DESIGNATION.** The commissioner may terminate a designation issued under this section if in the discretion of the commissioner substantial efforts have been made by the owner to bring the premise into compliance.

**7. APPEAL.** Appeal of a determination that a premise is a multi-unit residential nuisance property, or of a rejection by the commissioner of a course of action, may be submitted to the administrative review board of appeals as provided in s. 320-11. Such appeal shall be submitted within 10 days from the date of the notice.

..LRB  
APPROVED AS TO FORM

*K. Broadnax*

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Legislative Reference Bureau  
Date: May 5, 2026

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..Attorney  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

..Requestor

..Drafter  
LRB181372-5  
Gunnar Raasch  
05/04/2026