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## **MEMORANDUM**

### **Neighborhood Revitalization REPORT TO FINANCE AND PERSONNEL COMMITTEE October 9, 2020**

On October 2, 2020, the Finance and Personnel Committee heard the annual budget update from the City Attorney's Office. At that time, Alderman Spiker requested additional information from the City Attorney's Office as it relates to nuisance abatement. What follows is an update on successes and obstacles since our budget hearing in 2019.

#### **NEIGHBORHOOD REVITALIZATION AND ORDINANCE ENFORCEMENT SECTION OVERVIEW**

The Neighborhood Revitalization and Ordinance Enforcement section of the City Attorney's Office improves the quality of life in Milwaukee's neighborhoods by prosecuting ordinance violations and abating public nuisance conditions. We facilitate lawful public safety efforts through litigation, legal opinions, education and outreach. Our community prosecution team collaborates with other city departments and governmental agencies, local businesses, community based organizations and residents to holistically address chronic neighborhood and housing-related problems. This includes investigating exploitative landlords and seeking receiverships and injunctive relief where appropriate, initiating and defending condemnation (raze order) proceedings against blighted properties, investigating and prosecuting appropriate actions against municipal license holders, and developing unique legal strategies that target difficult and ongoing problem properties.

#### ***Attorneys assigned to the NR Section and their respective roles:***

NR Section Deputy – Vacant at this time (temporarily overseen by Mary Schanning).

Heather Hecimovich Hough – City-Wide Community Prosecution Coordinator (works with all police district community prosecution units and the District Attorney’s Office on nuisance abatement). Assigned to MPD Districts 2, 3, 4, 5, 6 community prosecution efforts. Lead nuisance litigation prosecutor, federal litigation related to nuisance (i.e., opioid litigation), defense of MPD and DNS in civil litigation.

Nicole Larsen – Lead DNS Prosecutor and nuisance abatement litigator, responsible for in-rem foreclosure investigations and circuit court litigation related to sheriff’s sale and building and zoning code judgment collection.

Meighan Anger – Ordinance Enforcement Division (“OED”) Manager (leads Municipal Court prosecution efforts), Assigned to MPD District 1 Community Prosecution efforts (includes homeless outreach and licensed premise issues in MPD D1).

Kimberly Prescott – Assigned to Municipal Court citation review and prosecution. Assigned to MPD District 7 Community Prosecution. Lead on Towing issues.

Jennifer Tate – Assigned to Municipal Court citation review and prosecution. Lead on OWI prosecution.

Jay Unora – Lead DNS Municipal Court Prosecutor; assigned to municipal court citation review and prosecution.

### **NOTABLE WORK**

This last year, despite pandemic-related challenges, the NR Section of the City Attorney’s Office had a number of nuisance abatement successes. What follows are a few of the highlights:

- The settlement of the City’s nuisance abatement lawsuit against Elijah Rashaed. This case was hard fought and successfully wrested control of a highly distressed residential rental property portfolio from the defendant for two years. The court-appointed property manager has managed and repaired much of the occupied units of the portfolio but has not been able to repair some larger vacant distressed properties or pay the property taxes for the portfolio over the course of the litigation. While many units were improved and significant building code violations were abated, the court-appointed property management order was not indefinitely sustainable. The resolution of this case moves these properties out of an unsustainable holding pattern and will allow the City to continue to monitor these distressed properties and enforce the code against the new owners as necessary. DNS and the NR Section continue to monitor the portfolio under new ownership.
- As was discussed at the budget hearing, the NR Section was successful at circuit court in litigating Black Spruce’s challenge to the raze orders for the former Northridge Mall. Black Spruce appealed that decision to the court of appeals. The

parties are in the briefing stage, and no schedule has been given for resolution of the appeal or even for oral argument. Black Spruce has also filed another motion for relief pending appeal with the court of appeals, asking the court of appeals to stay enforcement of the raze orders while their appeal works through the process. The City has opposed this motion, and continues to oppose the appeal. Unfortunately, there is no date for resolution, and it may take longer than usual due to the pandemic-related shutdown of the courts over the past months.

- The NR Section continued to collect outstanding municipal court B&Z judgments from bidders on properties offered for sale at the weekly sheriff's sales. From January 2019 to date we have collected **\$35,491.66** in outstanding municipal court judgments. (There were no sheriff sales between mid-March and late June 2020).
- The NR Section investigated and reported on 97 applications to vacate in rem foreclosure judgments.
- The NR Section filed one drug house nuisance action against Brenden Julien in MPD District 3 after numerous attempts to abate drug-related nuisance behavior. The lawsuit was a success and the Court ordered the closure and sale of the property.
- The NR Section worked with DNS; MPD; the Department on Aging, Veteran's Affairs and the Health Department to abate hoarding conditions in MPD District 6 via a Special Inspection Warrant and Direct Abatement Order in circuit court.
- Despite COVID restrictions, the NR Section continues community outreach, trainings and community prosecution efforts in conjunction with other city departments regarding property investigations, exploitative landlords, licensed premises and holistic crime & safety initiatives. The City-Wide Community Prosecution Coordinator has participated in and worked with all police districts in the City on licensed premise concerns, expedited tax in-rem foreclosure actions (i.e., 4218 W. Highland), nuisance designations and their appeals, and holding property owners accountable for community quality of life concerns. Additional information district-specific is available upon request.
- The NR Section provided training to MPD on constitutional issues related to civil disturbance and crowd management, municipal ordinances related to prostitution, and nuisance abatement.
- The NR Section participated in the Collaborative Legal Clinic with the Benedict Center, Legal Action and LOTUS related to human trafficking. Although on hold due to COVID, the NR Section holds Municipal Citation Review and Off-Site Conferences for victims of sex trafficking. In collaboration with the Benedict Center, and other partners of the Human Trafficking Task Force, the City Attorney's Office works with victims of sex trafficking to resolve outstanding municipal citation issues such as warrants, default judgments and forfeitures. A pilot program commenced in 2018 and ongoing efforts have been successful.
- A NR Section attorney has been assigned to serve as in-house counsel for the City's Opioid Litigation to assist outside counsel with discovery efforts.
- Not only does the NR Section proactively target nuisance activity in litigation and other abatement efforts, we must also defend the City when nuisance efforts are called into question. The NR Section attorney was assigned to defend named police officers in a civil rights lawsuit (Terry Cullen, Dragonwood Conservancy

v. Felician and Simmert, et. al.). This lawsuit alleges constitutional violations for the execution of warrants related to the seizure of reptile portfolio consisting of over 200 alligators, crocodiles, large snakes and tarantula-like spiders.

Obviously, the pandemic has created obstacles for the NR Section, as it has the entire City, particularly with community outreach efforts and our ability to engage with residents and organizations to assist in nuisance abatement. The NR Section has participated in community meetings and district call-ins both in person and via conference calls. We continue to serve as a resource for aldermanic nuisance related concerns and look forward to continued successes to improve the quality of life in the neighborhoods of our good City.

An additional obstacle for the NR Section this year was the loss of Deputy City Attorney Adam Stephens who left to City to take a job out-of-state and who has yet to be replaced at the date of this report. The hiring of a replacement is expected soon, however.

Should you have any questions regarding the matters described in this memo, please reach out to Deputy City Attorney Mary Schanning or Assistant City Attorney Heather Hough.