

PLEDL LAW OFFICE

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September 15, 2006

Ald. Robert Baumann
Milwaukee Common Council
200 East Wells
Milwaukee, WI 53202-3515
Via Messenger

Re: Proposed ordinance regarding Transitional Living Facilities

Dear Ald. Baumann:

This follows our telephone conversation yesterday regarding your proposal to amend the ordinances pertaining to Transitional Living Facilities.

I told you that Atty. Mark Peterson and I had been discussing various issues concerning the City's zoning code with disability service and housing providers in connection with our work on the *Options* lawsuit. Mark and I had also met with two aldermen and a staff person from another alderman's office to discuss a number of issues regarding zoning of residential uses for people with disabilities. (Atty. Jan Smokowicz was present at these meetings.) I also told you that I had recently begun to work with the housing workgroup of the Milwaukee Mental Health Task Force on zoning issues. One topic that has come up in every one of these contexts is the question of whether the definitions and zoning treatment of certain uses involving people with disabilities reflects the actual way in which services are provided. Even more importantly, disability providers have some ideas for zoning changing that would improve services and address concerns about safety and sufficient support for consumers.

I told you that these discussions had included the zoning treatment of Transitional Living Facilities. The definition is so broad that it includes a number of very different residential service models. I think it is likely that we will propose that the TLF definition be sub-divided into several categories with different zoning treatment. I expressed my concern that the timing of your pending TLF proposal was somewhat awkward since it concerns a zoning category that we think will have to be revisited in the near future. (I also expressed our position that the TLF proposal, if adopted, would violate the FHA, ADA and §504 and lead to litigation.)

You asked me whether these discussions in the Mental Health Task Force were likely to reach some conclusions on these issues in the near future. You used the timeframe of three months. After speaking with you, I emailed the members of the housing workgroup. I passed along our

discussion and asked whether they believed that something specific would be forthcoming within three months. The responses that I have received are all very positive. The members of the Task Force are committed to discussing proactive approaches to the issues that you and other alderman have raised. Appropriate staff at DCD and DNS will be consulted as the process moves from the conceptual stage to any specific proposals.

Given these assurances, we would hope that the proposed TLF ordinance change can be held in abeyance in order to allow these other important processes to go forward.

I certainly appreciate the time you took to discuss these important issues.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Pledl".

Robert (Rock) Theine Pledl

c: Atty. Mark A. Peterson

Atty. Jan Smokowicz (Via messenger)

Members of Milwaukee Mental Health Task Force