

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY AND LEGISLATION COMMITTEE

ITEM 3, FILE # 021032

NOVEMBER 18, 2002

MARK A. RAMION

File # 021032 is a resolution authorizing payment of the judgment in the lawsuit entitled Oconomowoc Residential Programs, Inc., *et al.* v. City of Milwaukee, Case No. 97-C-251.

Background

This resolution will authorize the payment of the judgment in the lawsuit entitled Oconomowoc Residential Programs, Inc., *et al.* v. City of Milwaukee, Case No. 97-C-251.

Discussion

1. The plaintiffs in this case alleged that the city violated the federal fair housing law and the Americans with Disabilities Act by refusing to make an accommodation under the city's zoning ordinances to allow the operation of a group home on North Menomonee River Parkway.
2. A federal lawsuit was initiated by the plaintiffs in order to seek a remedy regarding the right to operate a group home in the location selected.
3. On August 8, 2002, the Seventh Circuit Court of Appeals issued a decision that the city had not met the burden of proof that a group home, in the place selected, presented a danger to the residents or placed an additional burden on the city to provide emergency services for the disabled in the dwelling.
4. The judgment against the city represents the total of the awarded damages, attorneys' fees and interest.

Fiscal Impact

1. The total amount of this resolution is \$590,912.81 to be paid from the Damages and Claims Special Purpose Account. Council File # 021031, to be considered by the Finance and Personnel Committee, requests the appropriation of \$590,912.81 from the Common Council Contingent Fund to fund this claim.
2. The 2002 Damages and Claims SPA has received \$1.1 million from the Contingent Fund, to date, in 2002 because of several large claims paid out by the city. The 2002 Damages and Claims SPA was budgeted for \$2 million. A similar amount is budgeted for 2003.

3. The balance in the 2002 Damages and Claims SPA, on November 13, 2002, is \$228,683.

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LRB-Fiscal Review Section
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