



News Release

Wisconsin Supreme Court Upholds City Fee Reinspection Fee ruled a legal tool to use on code violators

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Madison, WI — In a major victory for neighborhoods, community groups and taxpayers, the Wisconsin Supreme Court on April 19th let stand a code that the Department of Neighborhood Services (DNS) uses to motivate non-compliant property owners to make required repairs on their property in a timely manner. DNS assesses a sliding scale fee, called a reinspection fee. After a reinspection shows the required repairs are not done, a fee is assessed against the owner. The fee increases with time, \$50 for the first re-inspection, \$75, \$150 and \$300 for the fourth and subsequent inspections. Most reinspections are done on a 30 day basis. The average case has 1.5 reinspections before it is closed. Unpaid reinspection fees become a tax lien on the property.

The decision is hailed as a victory for an effective tool to preserve Milwaukee's aging housing stock. Inspectors have routinely praised the reinspection fee as a great motivator to get building owners to make repairs. "Our ability to get repairs made before and after the reinspection fee code is like night and day." observed plumbing inspector Brian Vincent.

The suit was supported by the Apartment Association of South Eastern Wisconsin, although many members of that group appear to be unaware of that fact or aware of the amount that has been spent on this unsuccessful court challenge. "I hope that the AASEW will now devote its time and funds towards improving our housing stock instead of trying to strip DNS of one of our best methods of dealing with code violators." said Commissioner Martin G. Collins. "Code compliance improves the value of our neighborhoods and that benefits landlords and homeowners alike. An incentive that results in the costs of obtaining code compliance to fall more on code violators than on property owners who maintain their buildings is more fair to all." added Collins. Other Wisconsin municipalities have been awaiting the outcome of this decision before adopting a similar code.

The Supreme Court refused to hear the case which allows the lower court rulings that affirmed the use of the fee to continue. Community leaders hailed the reinspection fee as a strong "motivator" to get timely results in distressed neighborhoods. Fred Curzan of the Milwaukee City-wide Housing Coalition said, "The fee helps neighborhoods by persuading owners to do repairs in a timely manner. Landlords that delay those repairs contribute to the destabilization of the neighborhood through lower property values, high turnover and low home ownership."

Further information about these and any Milwaukee properties is available at www.milwaukee.gov/dns. To report a building code violation, call the Department of Neighborhood Services at 286-2268.

For more information contact:

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