

# MILWAUKEE Foreclosure Partnership Initiative

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Report of  
**Final**  
Recommendations

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**BUILDING**  
**Stronger**  
*neighborhoods*

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*February 2009*

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**Milwaukee Foreclosure Partnership Initiative  
Final Recommendations  
February 2009**

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## I: Introduction

The Milwaukee Foreclosure Partnership Initiative (MFPI) was launched in September of 2008 to formulate and implement policies and programs to address the foreclosure crisis in the City of Milwaukee.

The charge of the MFPI was to build on the work that was already underway in the community to carry out a coordinated strategy to assist homeowners at risk of losing their homes to foreclosure, stabilize neighborhoods affected by increasing numbers of vacant foreclosed homes and prevent similar issues from developing in the future.

More than 100 volunteers representing a broad range of community interests answered the call of the MFPI Steering Committee to serve on the three working groups that crafted the recommendations contained in this report. Their work resulted in a comprehensive vision for how the City of Milwaukee and its partners will respond to the challenges posed by the foreclosure crisis. We are happy to report that efforts to implement many of the recommendations are already underway as highlighted within the report.

We wish to thank Steering Committee Members, Chairs of the MFPI workgroups and all the workgroup members who contributed countless hours to this effort and who are working every day to improve Milwaukee neighborhoods as well as the quality of life for our residents.

The vision that has guided the work of the MFPI as well as the City's response to the rise in foreclosures has been a vision of strengthening neighborhoods, preserving and expanding homeownership and building wealth in our community. While recent events have presented considerable challenges, they have also provided us with unique opportunities. Given the work and commitment of our many partners, we move forward with confidence.



Tom Barrett, Co-Chair  
Mayor



Steve Chernof, Co-Chair  
Godfrey & Kahn



Kathryn Dunn, Co-Chair  
Helen Bader Foundation

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<b>Milwaukee Foreclosure Partnership Initiative</b>
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**Milwaukee Foreclosure Partnership Initiative Chairs**

Mayor Tom Barrett (Co-Chair)	City of Milwaukee
Steve Chernof (Co-Chair)	Godfrey & Kahn
Kathryn Dunn (Co-Chair)	Helen Bader Foundation

**Steering Committee Members**

Sheila Ashley	U.S. Department of Housing and Urban Development
Richard Becker	Marshall & Ilsley Bank
Jenny Dandridge	Federal Deposit Insurance Corporation
Alderman Joe Davis Sr.	City of Milwaukee, 2 <sup>nd</sup> District Alderman
Ricardo Diaz	United Community Center
Catey Doyle	Legal Aid Society of Milwaukee
Demaris Edmond	Shorewest Realtors
Shirley Ellis	Office of Congresswoman Gwendolyn Moore
Fong Her	Hmong American Peace Academy
Charlotte John-Gomez	Layton Boulevard West Neighbors
Leo Ries	Local Initiatives Support Corporation - Milwaukee
Antonio Riley	Wisconsin Housing & Economic Development Authority
Mike Ruzicka	Greater Milwaukee Association of Realtors
Bethany Sanchez	Metropolitan Milwaukee Fair Housing Council
Deloris Sims	Legacy Bank
Pastor Bobby Sinclair	Mt. Hermon Missionary Baptist Church
Katie Topinka	Office of Senator Herb Kohl
Mac Weddle	Northcott Neighborhood House
Marcus White	Greater Milwaukee Foundation

**Workgroup Chairs**

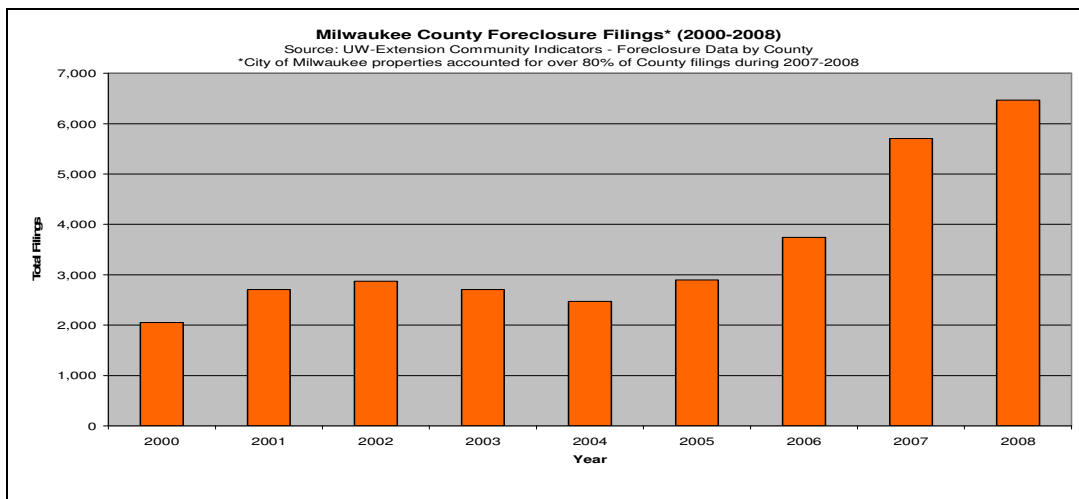
Kristi Luzar (Prevention)	Urban Economic Development Association of Wisconsin
Pam Anderson (Intervention)	U.S. Bank
Dan Idzikowski (Stabilization)	Marquette University Law School

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## II: Framing the Problem & Identifying the Issues

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A significant rise in the number of home foreclosures in the City of Milwaukee has resulted in considerable costs for Milwaukee homeowners and neighborhoods. During 2007 and 2008, there were over 10,000 foreclosure actions initiated against properties in the City of Milwaukee. By way of comparison, there was an average of 2,617 foreclosure filings per year in Milwaukee County from 2000-2005. This problem shows no sign of abating as the final quarter of 2008 saw an average of more than 500 filings per month, the highest level of the year. At the close of 2008, more than 4,700 properties in the City of Milwaukee were subject to an open foreclosure filing.



This rise in foreclosure filings can be directly linked to the high levels of sub-prime and predatory lending that occurred in Milwaukee from 2000-2006. Sub-prime lending peaked in 2005 when loan activity exceeded \$1 billion. In the Milwaukee area, sub-prime and high-cost lending was concentrated in Milwaukee's central city, disproportionately impacting the City's poor and minority families. In Milwaukee's Community Development Block Grant Area, 57% of all loans issued in 2005 were high-cost or sub-prime. Notably, more than half of these loans were not purchase loans, but were refinances of existing mortgages.

Long-term residents who provided a stabilizing influence in City neighborhoods are being displaced. Home equity, the single largest source of wealth building for most low and moderate income families, is being erased.

Efforts to stem the rising tide of foreclosures by modifying loans have had mixed results, though there have been recent promising developments. Housing industry advocates note that many borrowers who received high-cost and sub-prime loans could have qualified for traditional lending products. However, as these loans reset to higher interest rates and increasingly fall into default, borrowers are finding it difficult to modify or restructure their original loan, often because the loan has been securitized and sold on the open

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market. The loan modification process must be streamlined and improved in order to help Milwaukee homeowners who are currently facing foreclosure.

Housing counseling agencies and private attorneys may be in the best position to assist homebuyers at risk of foreclosure and in the foreclosure process. However, more than 90% of homeowners who are subject to foreclosure filings go through court proceedings without an attorney. Housing counselors also serve as advocates for homeowners during the foreclosure process but are currently stretched beyond capacity, and report that many homeowners are simply not aware of their services or reluctant to ask for help. As the surge in sub-prime lending was in part a result of a lack of financial literacy on the part of borrowers, expanding the capacity and reach of housing counseling agencies will be necessary to avert similar future problems.

In addition to Milwaukee's homeowners, renters are being affected by foreclosures. Increasing numbers of renters are facing eviction as properties they rent are foreclosed upon. Eviction filings are up 37% over the past two years compared to historic totals. Renters are often provided little notice of impending evictions and do not receive the return of their security deposits, making obtaining new housing difficult. Strategies to address the foreclosure issue need to recognize the loss of affordable rental housing in the community and increase protections for families being displaced as a result of foreclosure related evictions.

Foreclosures are negatively impacting Milwaukee neighborhoods, as well. Increased foreclosures combined with a slowing real estate market have led to a glut of bank-owned vacant and foreclosed properties throughout the City. As of late 2008, there were over 1,750 bank-owned properties in the City of Milwaukee. (A map showing the geographic concentration of these homes follows this section.)

These vacant properties pose both health and safety risks while serving as a drain on City resources. Incidences of fires in vacant homes have doubled since 2005 and the Milwaukee Police Department reports a corresponding rise in service calls at vacant and abandoned properties. Two-thirds of foreclosed homes have open code violations with the Department of Neighborhood Services and board-ups have increased over 50% from 2005 levels.

These issues combine to create a significant impact on the health of local real estate markets and Milwaukee neighborhoods. On average, more than six months elapse between the point at which a lender acquires a foreclosed home at Sheriff's Sale and when it subsequently sells the property to a new owner. This creates an over-supply of homes on the market, undermines neighborhood confidence and acts as a barrier to neighborhood revitalization. Research shows that neighboring property values are negatively impacted by the presence of a foreclosed home in close proximity. Foreclosed homes themselves are currently selling for an average of slightly over half of their assessed values and significantly less in some central city neighborhoods. The potential impact on City property values and tax base is significant.

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Addressing the protection and preservation of foreclosed homes and minimizing their blighting influence on the community will be key to stabilizing neighborhoods affected by the foreclosure problem. Responsible disposition strategies must also be implemented that promote homeownership and the responsible investment (rental) ownership of foreclosed properties.

Foreclosures are resulting in costly and destabilizing impacts on the entire community. Going forward, the strategies and work to address the foreclosure problem in Milwaukee must include these characteristics:

- a comprehensive effort that addresses the multiple aspects of the problem, not only dealing with the issues at hand, but providing a framework for avoiding them in the future;
- a collaborative approach that involves a number of different partners, including residents, government, community organizations, local foundations, developers, lenders, and the real estate community;
- the leveraging of resources, both human and financial, and the creative and cost effective use of these resources to provide the maximum impact for individual neighborhoods and the community; and
- a long-term effort - the plan must progress from strategy to implementation with urgency, but also be sustained over time, as the foreclosure problem may take some time to address.

**Number of Foreclosed Properties**

0
1 - 5
6 - 10
11 - 20
21 - 41





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### III: Milwaukee Foreclosure Partnership Initiative: Formation, Structure and Charge

Prior to the formation of the Milwaukee Foreclosure Partnership Initiative, efforts were already underway to address the problem of foreclosures in the community.

- The City of Milwaukee Foreclosure Workgroup, made up of representatives of City departments and community partners, began meeting in 2007 to share information, formulate and implement strategies to address the effects of foreclosures on City homeowners and neighborhoods and reduce the costs associated with the rise in foreclosures to the City and its taxpayers.
- The Strategies to Overcome Predatory Practices (STOPP) Initiative sponsored by the Metropolitan Milwaukee Fair Housing Council worked to raise awareness of predatory and sub-prime lending activity, advocate for legislative reforms, and provide consumer education and outreach in the community.
- The U.S. Department of Housing and Urban Development's Predatory Lending and Foreclosure Prevention Task Force organized to address neighborhood issues, intervention efforts and legislative reforms relating to the foreclosure issue.
- Area non-profit housing counseling agencies and the Legal Aid Society of Milwaukee conducted on-going foreclosure counseling, outreach, and research efforts.
- State-wide foreclosure conferences were sponsored by The Federal Reserve Bank of Chicago, the University of Wisconsin Cooperative Extension and the Wisconsin Housing and Economic Development Authority throughout 2007 and 2008.

The Milwaukee Foreclosure Partnership Initiative (MFPI) was formed to build on this work and better coordinate efforts and expand the resources and strategies directed to addressing the foreclosure issue.

On September 18, 2008, Mayor Barrett and the co-chairs of the Milwaukee Foreclosure Partnership Initiative (MFPI) convened the 22-member Steering Committee, outlined their charge, and requested community participation in the three MFPI working groups. More than 100 individuals representing a diverse array of organizations answered this call and volunteered to provide their time and expertise to develop and implement solutions to the foreclosure crisis in the City of Milwaukee.

Work was divided among three action-oriented workgroups focused on: 1) foreclosure **prevention** through pre-purchase education and consumer protection; 2) developing **intervention** strategies and identifying resources to aid homeowners in the foreclosure

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process; and, 3) crafting and implementing appropriate responses to drive the **stabilization** of neighborhoods impacted by abandoned and foreclosed homes.

The workgroups followed an aggressive timeline as they worked to develop strategies which would have a significant impact on the foreclosure problem and were feasible locally. The groups were also responsible for identifying responsible partners to carry out recommended strategies, proposing timelines and developing a framework for implementation. An interim report was presented to the Steering Committee on October 23, 2008, at which time the Committee provided input to the working groups and encouraged them to begin to implement many of the proposed recommendations.

A final report was presented to the Steering Committee on December 4, 2008. A summary of the specific actions recommended to the MFPI Steering Committee, along with implementation work to date and next steps, follows.

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## IV: Final Recommendations

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### Prevention Workgroup

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**Issue:** The recent surge in mortgage foreclosures has been driven by both a lack of financial literacy on the part of homebuyers and the increased availability of sub-prime and predatory lending products.

Increasing financial literacy and homebuyer training will reduce the rate of future foreclosures and allow citizens to make more educated and effective decisions regarding money management in the future.

#### Tasks:

- a.) Identify, replicate and expand successful homeownership counseling and financial literacy education models. Expand the capacity of local service agencies to provide these services.
- b.) Develop methods to increase consumer awareness of sub-prime and predatory lending products.
- c.) Identify and advocate for legislation to protect consumers from predatory lending products.
- d.) Consider past successful models to determine if an ongoing proactive partnership of lenders and homeownership counseling agencies might be appropriate to help prevent similar problems in the future.

### Recommendation #1: Form a Homeownership Consortium

**Summary:** The Prevention Workgroup has identified a strong link between homeownership education and successful, sustainable homeownership. Nevertheless, high numbers of individuals (including first-time homebuyers) are not utilizing these services prior to purchasing or refinancing their homes. Closing this gap will reduce future foreclosure filings and help families build wealth.

The Prevention Workgroup recommends convening a permanent homeownership consortium for the purpose of increasing the number of purchasers and existing homeowners who receive homeownership-related education and services. Multiple stakeholders will partner in this collaborative to bring new resources to bear in this effort, and to market the services provided by coalition members as being vital, reliable and adhering to a high standard of integrity.

The purpose of the Consortium would be *“to preserve and promote sustainable neighborhoods by encouraging and maintaining homeownership through effective education and counseling.”* The Prevention Workgroup suggests that the Consortium be

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convened as a larger group, who will then decide if a more formal structure (such as committees) is needed to carry out the work.

A similar group, New Opportunities for Homeownership in Milwaukee (NOHIM), was very active in Milwaukee throughout the 1990s and early 2000s. The original charge was to increase access to home mortgages for low and moderate income Milwaukee residents primarily through innovative partnership arrangements between Milwaukee's lenders and community-based homebuyer counseling organizations. Through the work of its committees, NOHIM enhanced training opportunities for lenders, real estate professionals and non-profits, designed and implemented new loan products, and developed high levels of professional standards and support for its members. NOHIM disbanded in 2003, as members felt they had achieved their initial mission, having originated \$263 million in mortgage loans since 1991 to first-time homebuyers.

The Prevention Workgroup believes that the key this time is to ensure that members of the Consortium agree that the Consortium will remain a viable and permanent part of homeownership outreach in Milwaukee. Its mission should be flexible and adaptable as the real estate market and neighborhoods change over time.

The Consortium framework also should be used to assess and develop solutions for capacity issues facing the homeownership counseling agencies in Milwaukee. During the MFPI process, it became clear that each MFPI workgroup was seeking to utilize the services of these agencies to assist with the implementation and practice of their recommendations.

**Work to Date:** The Prevention Workgroup has drafted a strategic framework and an operating proposal to be used in launching the Consortium. Additionally, the three workgroup chairs surveyed 16 agencies that provide homebuyer counseling in the Milwaukee area regarding the services they provided, the total number of staff, the number of staff dedicated to foreclosure counseling, service delivery methods, service area and capacity. A meeting of the housing counseling agencies was conducted to discuss the results and to explore their capacity needs in depth. The housing counseling agencies unanimously supported the idea of such a consortium, noting that such a group would assist them in marketing and outreach to the community, cross-training and information-sharing, and ensuring a high standard of homeownership assistance in the community.

Other workgroup members representing lending institutions, mortgage professionals, and government agencies expressed their willingness to participate in such a body. The workgroup developed a list of stakeholders who could be invited to join the Consortium and suggested individuals who could be called on to assist in convening the body. The Urban Economic Development Association of Wisconsin (UEDA) has agreed to work as the administrative agent of the Consortium. UEDA has presented the Consortium as a “key project” at the most recent Urban Lenders meeting.

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**Next Steps:** During early 2009, UEDA and the City of Milwaukee will work with key leaders in the homeownership sector to convene this Consortium. Once formed, the body will agree upon an organizational and operating structure, establish membership standards, develop a work plan for 2009, and create a mechanism to financially support its activities over the long-term. While a portion of the Consortium's operating expenses may be derived from fees paid by member lenders and other real estate professionals, the consortium must secure additional funding from other sources to support its activities during the first year.

## **Recommendation #2: Advocate for Legislative Protection for Consumers**

**Summary:** Not all homebuyers will choose to utilize the services of housing counseling agencies and many will remain vulnerable to be taken advantage of by unscrupulous market agents. Predatory lending practices and scam artists were partially responsible for the current housing crisis, and are likely to re-emerge when conditions are favorable. For these reasons, the Prevention Workgroup supports the review and enhancement of existing consumer protection legislation where needed. Specifically:

- *The creation of better mechanisms to improve and enhance the enforcement of existing consumer protection regulations and laws;*
- *The extension of existing consumer protection laws and rules regulating the lending practices of some financial institutions to all financial institutions that engage in the same type of financial transactions; and*
- *The passage of new regulation that specifically targets gaps in existing consumer protection laws, such as proposed legislation to ban foreclosure rescue scams.*

Legislative strategies that target the issues described above operate mostly at a State or federal level; however, the involvement and support of the private, public and nonprofit sectors in Milwaukee is crucial for the successful passage of legislation. Legislators need to know that these issues are important to their constituents. Continued support and the potential for increased involvement by MFPI members and partners would be beneficial to assist with proposals slated for the 2009 legislative session

**Work to Date:** The STOPP Legislative Work Group and representative trade associations (such as the Wisconsin Bankers Association, Wisconsin Mortgage Professionals Association, and the Wisconsin Credit Union League) have been active in advocating for legislation in these areas for some time. The Prevention Workgroup compiled a list of proposed legislative actions that addressed mortgage lending, foreclosure rescue scams and related issues and discussed potential legislation with representatives of the above-mentioned groups. It was difficult for the workgroup as a whole to recommend or advocate for specific legislative proposals, given that many are in draft form and have not been subject to review; however, a consensus emerged regarding the areas of focus identified above.

**Next Steps:** MFPI Steering Committee members and other participants will continue to take part in the efforts of the various trade associations and the STOPP Legislative Work

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Group to ensure that legislative and enforcement solutions are reached for issues such as foreclosure rescue scams, inflated appraisal practices and predatory lending activities.

Interested parties must work with the Wisconsin Department of Financial Institutions and the Wisconsin Department of Regulation and Licensing to create and enhance policies and mechanisms that will allow for increased enforcement of current regulations. Efforts should explore increasing financial resources at these two agencies so they can monitor and investigate potential violations, allow for industry-led monitoring and consumer-based outreach.

The City of Milwaukee, through its Intergovernmental Relations staff, will remain engaged with legislative proposals at the State and Federal level so that Milwaukee's interests are represented. The framework of the proposed Homeownership Consortium will also be utilized to inform and engage members on pending legislation.

<p><b>Prevention Workgroup Participants:</b> Kristi Luzar (Workgroup Chair – Urban Economic Development Association of Wisconsin), Greg Adlington (Robbins &amp; Lloyd Mortgage), Ammar Askari (Marshall &amp; Ilsley Bank), Randall Barwick (National City Bank), Richard Becker (Marshall &amp; Ilsley Bank), Fernando Campos (United Community Center), Todd Clausen (Nonprofit Center of Milwaukee), Gwendolyn Dansby (Chase Bank), Alderman Joe Davis Sr. (Milwaukee Common Council), Roxanne Defoe (Housing Resources Inc.), Suzanne Dennik (University of Wisconsin Cooperative Extension / City of Milwaukee), Kathy Gentry (U.S. Bank), Renee Kossow (Tri-City National Bank), Erin Krueger (Wisconsin Mortgage Professionals Association), Sam Leichtling (City of Milwaukee Department of City Development), Lloyd Levin (Robbins &amp; Lloyd Mortgage), Rita McCain-Walker (Wisconsin Housing and Economic Development Authority), Deborah McCollum-Gathing (City of Milwaukee Department of City Development), Angela Moragne (ACORN Housing), Thomas Nelson (U.S. Department of Housing and Urban Development), Peter Richardson (Northwestern Mutual), Lisa Ross-Decordova (Johnson Bank), Bethany Sanchez (Metropolitan Milwaukee Fair Housing Council), Audrey Sellers (Tri-City National Bank), Marne Stuck (Greater Milwaukee Association of Realtors), Diane Waller (U.S. Department of Housing and Urban Development), Irma Yopez-Klassen (Select Milwaukee)</p>
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## Intervention Workgroup

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**Issue:** A significant number of homeowners are at risk for foreclosure or are currently in the process of foreclosure. Many of these homeowners utilized sub-prime and predatory lending products despite being eligible for more traditional loans. Others were not financially savvy enough to understand the terms of the loan they were receiving or knowingly overextended themselves believing their financial situation would improve.

Not enough homeowners are seeking counseling early in the process. The resources that are currently available are insufficient to address the scope of the problem. It is often difficult for homeowners to connect with the “right individual” at financial institutions to successfully renegotiate their loans. There are a lack of affordable legal services and representation available to those facing foreclosure. There are not sufficient loan restructuring options (refinance products) available to homeowners who may be able to remain in their homes with proper intervention.

Matching homeowners at risk for foreclosure with the appropriate intervention strategies earlier in the process will reduce the number of homes lost in foreclosure.

### Tasks:

- a.) Develop and implement an early warning outreach system for homebuyers at risk of foreclosure.
- b.) Identify and replicate successful distressed buyer counseling and intervention models. Expand the capacity and training of local service agencies and identify other potential resources to provide these services.
- c.) Develop a system to provide additional affordable legal representation for homeowners in the foreclosure process.
- d.) Increase the variety and availability of mortgage restructuring products available to borrowers in danger of default or foreclosure.

### Recommendation #1: Operate a Centralized Hotline

**Summary:** One of the most frequently identified hurdles to assisting homeowners at risk of losing their homes to foreclosures is that many are not aware of the options available to them and do not contact either their lender or a non-profit housing counseling agency. A 2005 survey conducted by Freddie Mac discovered that 61% of delinquent borrowers were unaware of the variety of workout options available to them.

Housing counseling agencies have established relationships with mortgage lenders and are able to evaluate a particular homeowner’s circumstances and advocate for an appropriate solution to that individual’s specific situation. In contrast, recent events have given rise to a number of for-profit “foreclosure rescue” firms and professionals which often do not operate to protect the interests of their clients and which the Federal Trade



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Commission cautions may be scam operations designed to collect exorbitant fees in exchange for little to no service or to strip equity from homeowners.

While a national partnership operates the HOPE Hotline, it is essential to develop a reputable local point of contact for owners facing foreclosure. This centralized hotline will connect homeowners with an established and accredited local counseling agency capable of providing direct assistance with refinancing and foreclosure prevention.

**Work to Date:** During October of 2008, Money Smart Week Wisconsin set up a foreclosure outreach contact number which provided assistance in both Spanish and English, connecting callers to local counseling agencies. Serve Marketing created a campaign to market the number throughout the City of Milwaukee. During its initial promotion, the hotline received over 640 calls. Currently, calls during non-business hours are referred to the national HOPE Hotline.

**Next Steps:** The Money Smart Week Coalition has agreed to continue to fund the hotline through the first quarter of 2009 and provide additional in-kind support for promotion of the hotline. Channel 18/24 will continue to donate production time for television and radio advertisements.

## **Recommendation #2: Increase Foreclosure Counseling Capacity**

**Summary:** Housing counselors are an essential resource for homeowners who are at risk of losing their homes. Often, homeowners are unable or unwilling to work directly with their lenders when they are facing the prospect of default or foreclosure. If they are able to talk to their lender or servicer, it is difficult for many homeowners to navigate the complex loss mitigation process and understand their options. Counselors are experienced in working with homeowners to determine the best option given individual circumstances and then collaborating with lenders and servicers to achieve the best solution for all parties.

Milwaukee is home to a number of experienced, certified, and highly capable housing counseling agencies who actively work with homeowners facing foreclosure. Local counseling agencies reported serving more than 1,000 homeowners at risk of foreclosure during 2008 and helping over 30% of those avoid foreclosure. Given the significant emotional and financial consequences of foreclosure, increasing the number of homeowners seeking counseling is one of the most important and cost-effective methods of mitigating the foreclosure crisis.

In a survey of area counseling agencies conducted by MFPI workgroup chairs, multiple agencies reported that they lacked the staffing capacity to meet the foreclosure counseling needs of the community. Foreclosure filings have continued to increase and thousands of Milwaukee families are currently going through the foreclosure process. Additional foreclosure counselors are needed to maximize the numbers of these families who are able to remain in their homes. The Intervention Workgroup recommends that Milwaukee counseling agencies add ten certified foreclosure counselors in order to meet existing



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need. The addition of these foreclosure counselors, combined with expanded lender and servicer efforts to modify loans, will reduce the number of Milwaukee homeowners losing their homes to foreclosure in the coming years.

**Work to Date:** The MFPI workgroup chairs conducted a survey of local counseling agencies to gauge services provided, capacity, and potential service gaps. They also convened a meeting of counseling agencies to discuss how to best coordinate their efforts going forward. After gauging current capacity and need, the Intervention Workgroup determined that a minimum of ten additional foreclosure counselors are needed to properly respond to the current crisis. Counseling agencies also identified a number of strategies to allow them to better collaborate to serve their customers.

**Next Steps:** Funding sources for additional foreclosure counselors must be secured. The counseling agencies will work with the Volunteer Center to coordinate skilled volunteers to assist with intake and scheduling. Agencies will continue to explore methods of collaborating and sharing best practices through the framework of the Housing Consortium.

### **Recommendation #3: Launch a Court-Based Foreclosure Mediation Program**

**Summary:** Too often, homeowners facing foreclosure do not explore workout or loan modification options with their lender prior to losing their home. It is often difficult for owners in default to reach a representative of their lender with the ability to approve a workout or modification. Alternatively, some borrowers take steps to avoid all contact with lenders, including workout overtures.

A key to stemming the number of foreclosure filings resulting in sheriff sale is to ensure that the lender or loan servicer and the homeowner communicate for the purposes of reviewing the potential for loan modification or workout. When successful, these efforts allow the homeowner to retain their home, protect their credit and achieve long-term affordability.

Court-based mediation programs provide a forum for these efforts by requiring that, if requested by the homeowner, lenders attend a mediation conference with owner-occupants facing foreclosure prior to proceeding with court action. Mediation programs have been initiated within the courts in several jurisdictions that have a judicial foreclosure process like Wisconsin's including Ohio, New York, Florida, and the City of Philadelphia. These initiatives have succeeded in keeping significant numbers of homeowners in their homes. The Intervention Workgroup recommends that the Milwaukee County Circuit Court initiate a court-based foreclosure mediation program for Milwaukee County.

**Work to Date:** The Legal Aid Society of Milwaukee has led efforts to launch a mediation program housed in the Milwaukee County Court House. The Chief Judge has agreed to consider implementing a temporary local rule requiring that homeowners be notified about the program at the time of a filing. Discussions are ongoing with

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agencies with the potential to act as a fiscal agent to administer the program and to provide the counseling services necessary to prepare participating homeowners for mediation. Detailed program guidelines and operating procedures have been established and await implementation.

**Next Steps:** Although a shared lender/homeowner fee would be instituted to recover some costs, these funds would not be available at start-up and would not cover the full costs of the program. Additional funding must be secured to launch the mediation program.

#### **Recommendation #4: Offer a Rescue Refinance Product**

**Summary:** While falling interest rates have allowed many homeowners to refinance high-interest and adjustable rate mortgages into conventional loans, access to credit has tightened and large numbers of homeowners have credit issues, negative equity, or temporary financial hardships which make them unable to refinance through private lenders.

While these homeowners may not be able to afford the above-market interest rates of their current mortgages, they may be able to save their homes, protect their equity, and preserve their credit if given access to loans at prevailing rates.

The Intervention Workgroup recommends that the City of Milwaukee work with the Wisconsin Housing and Economic Development Authority (WHEDA) to identify a source of funds for a loan loss reserve which would leverage additional private funds to create a rescue refinance loan product. This product would serve as a product of last resort for eligible homeowners who have the demonstrated ability to make payments under the terms of the program but who cannot otherwise refinance their loans. Studies of similar programs in other states have revealed that the marketing efforts of State Housing Finance Agencies encourage significant numbers of homeowners, including those not eligible for State programs, to seek sustainable refinance options.

The workgroup also recommends that WHEDA seek a revision to State law to allow for the use of bond proceeds to fund refinance mortgages, a statutory change allowed by recent changes to Federal tax law. The workgroup further recommends that WHEDA explore changing the income limits on its property tax deferral loan program in order to assist more homeowners.

**Work to Date:** Workgroup members have worked in conjunction with WHEDA to develop the proposed loan product, which WHEDA has agreed to underwrite and administer. Program parameters and underwriting standards have been proposed and are being reviewed.

**Next Steps:** Partners will monitor the constantly changing availability of private market refinance loans as well as proposed government policy changes to ensure that the finalized product responds to current consumer need and is not duplicative of other public

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or private programs. Should the recommendation move forward, it will be necessary to identify a source to fund a 10% loan loss reserve to leverage the necessary funds from local lenders to capitalize the loan pool.

**Intervention Workgroup Participants:** Pam Anderson (Workgroup Chair – US Bank), Curtis Allen (ACORN Housing), Michael Barndt (Nonprofit Center of Milwaukee), Bonnie Boards (Chase Bank), Trena Bond (Housing Resources Inc.), Terese Caro-Jackson (North Milwaukee State Bank), Don Cohen (Landmark Credit Union), Geoffrey Cooper (Wisconsin Housing and Economic Development Authority), Jeffrey Cummisford (Johnson Bank), Leticia Cureno (Metropolitan Milwaukee Fair Housing Council), Alderman Joe Davis Sr. (Milwaukee Common Council), Suzanne Dennik (University of Wisconsin Cooperative Extension / City of Milwaukee), Catey Doyle (Legal Aid Society), Lemuel Eaton (Metropolitan Milwaukee Fair Housing Council), Jean Garrison (Genworth Mortgage Insurance), Jeff Gauvin (Wells Fargo), Emmett Gross (ACORN Housing), Jim Hiller (Burleigh Street Community Development Corporation), Nina Johnson (Guaranty Bank), Yves LaPierre (City of Milwaukee Department of City Development), Ken Little (Associated Bank), Nicole Penegor (Legal Aid Society), Nic Quiles III (Wisconsin Loss Mitigation), Heather Rivard (Aurora Family Services), Bethany Sanchez (Metropolitan Milwaukee Fair Housing Council), Brenda Schwab (Genworth Mortgage Insurance), Theresa Scott (Housing Resources Inc.), Tranaise Scott (Fresh Start Realty), Rose Sura (HBC Services)

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## Stabilization Workgroup

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**Issue:** Banks own a significant number of vacant homes as a result of the recent surge in foreclosures. Vacant properties are a drain on City resources and a destabilizing influence in City neighborhoods. Many foreclosed properties are in poor shape and have low marketability. Information about ownership and management of these properties is lacking, hindering stabilization efforts. Tenants living in foreclosed properties are often displaced with little notice. Foreclosed homeowners are having difficulties finding rental housing because of the foreclosures on their credit records.

Ensuring that vacant properties are maintained and developing strategies to return them to qualified homeowners and responsible landlords will have a stabilizing effect on City neighborhoods. Alternatives for foreclosed homeowners and tenants evicted because of foreclosure actions need to be addressed.

### Tasks:

#### Interim Stabilization

- a.) Ensure that vacant properties are being maintained and managed in a manner that minimizes their blighting influence. Increase and streamline communication between lenders, property managers, neighborhood-based community organizations and City departments.
- b.) Address the issue of finding suitable alternative rental housing for tenants and homeowners who have been displaced as a result of foreclosure.

#### Long-Term Stabilization

- a.) Identify and implement strategies for lenders to dispose of foreclosed homes prior to vacancy – i.e., short sales, disposition agreements, etc.
- b.) Determine which group(s)/model(s) have the most capacity to successfully acquire and rehabilitate vacant properties. As a companion strategy, also consider existing successful housing programs/products that could be utilized to assist in the effort. Create a strategy to fund efforts to acquire and rehabilitate vacant homes in areas in need of intervention.
- c.) Create strategies (work with local home buying counseling agencies, real estate community and neighborhood partners) to identify potential buyers and match them with homes in foreclosure and foreclosed homes.
- d.) Develop financial products which will allow homebuyers and responsible landlords to purchase foreclosed homes.
- e.) Consider/identify methods and strategies in the disposition of foreclosed properties that will lessen the “negative impact” of foreclosure sales on the existing housing market.

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## Recommendation #1: Aggressively Monitor and Preserve Vacant Properties

**Summary:** The rise in foreclosed properties in the City of Milwaukee has resulted in a corresponding growth in the number of vacant homes in the City. On average, foreclosed properties remain vacant for over six months between their purchase by lenders at sheriff sale and subsequent sale to a new owner. Many properties are vacant for longer periods of time as their owners or tenants vacate the property at some point during the foreclosure process prior to sheriff sale. These properties can become blighting influences on neighborhoods, draining City resources and negatively affecting neighboring property values.

Ensuring that vacant properties are maintained and secured is an essential component of a successful stabilization strategy. The efforts of multiple partners are required in these efforts, including residents, lending institutions, property preservation firms, and police, fire and code compliance professionals. The participation of all these groups on the Stabilization Workgroup resulted in identification of comprehensive strategies to mitigate the blighting influences of vacant homes. These strategies include the following elements:

- *Coordinate notification efforts:* City departments should proactively share information regarding foreclosure filings and vacant properties. When a property becomes vacant or boarded, information should be shared with residents regarding who to contact in the event of criminal activity or maintenance issues. This information should also be included in water bills sent to City residents. The City should make foreclosed property information available on its COMPASS and MapMilwaukee internet mapping applications.
- *Aggressively respond to and secure vacant properties:* The Department of Neighborhood Services (DNS) should inspect foreclosed homes for safety risks when a vacancy is reported. The Milwaukee Police Department (MPD) should continue to monitor vacant properties for signs of criminal activity. Property preservation firms and lenders should explore the installation of alarms at these properties. In conjunction with this recommendation, the workgroup supports the City's efforts to enact an ordinance requiring the maintenance of properties in the foreclosure process.
- *Build partner capacity to monitor and preserve vacant properties:* DNS should explore the feasibility of adding a code compliance inspector dedicated to monitoring vacant foreclosed homes. The City should provide block clubs and community groups with the property and contact information necessary for them to monitor the condition of vacant properties in their neighborhoods and report any problems to the appropriate City department.

**Work to Date:** Many elements of this recommendation have been successfully implemented since the convening of the MFPI. The Department of City Development (DCD) has established a real-time database to track and map foreclosed properties in the

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City, both before and after sheriff sale. DCD is able to share this information with the MPD, the Milwaukee Fire Department and DNS. Foreclosed property information has been added to COMPASS and MapMilwaukee which allows the information to be analyzed alongside crime data and other neighborhood indicators. DNS has expanded its efforts to quickly identify and monitor foreclosed properties for code violations and the Milwaukee Police Department continues to monitor vacant property for criminal activity. The City has also shared information about foreclosed homes with community organizations and block clubs to allow them to identify and report potential problem properties.

On December 16, 2008, the Milwaukee Common Council adopted legislation sponsored by Aldermen Michael Murphy, James Bohl, Willie Wade, and Robert Bauman that requires lenders and their agents to inspect properties periodically during the foreclosure process and to register, secure, and maintain those that become vacant. MFPI participants were active in supporting this measure.

**Next Steps:** City departments will continue to work to streamline communication about the status of vacant and abandoned foreclosed properties. DNS has reallocated its resources to focus on quickly responding to notices of vacant property and ensuring compliance with new and existing regulations. MPD will also assist with efforts to monitor vacant properties. In addition, MPD Community Liaison officers will work with block club and Safe Streets partners to provide additional notice of vacancies and request assistance in reporting potential problems. The City will work with lenders and property preservation firms to comply with new and existing regulations expand efforts to reduce blight, and respond to specific complaints.

### ***The Responsible Acquisition and Disposition of Foreclosed Properties***

*The Stabilization Workgroup developed a number of overarching principles which it recommended guide the City and its partners as they carry out the acquisition and disposition of foreclosed homes. The workgroup recommends that stabilization efforts be guided under the principle that while owner-occupancy is the preferred outcome for vacant properties, returning units to productive occupancy must be the top priority. Market-based approaches that involve direct sales between lenders and end-users are also preferred, as are approaches that assist neighborhood owners in accessing NSP funding in order to build wealth and encourage neighborhood-based management of properties. When targeting neighborhoods for stabilization activity, the group recommends focusing on areas where there are complementary activities underway to revitalize neighborhoods and address broader quality of life issues (e.g. Target Investment Neighborhoods, Healthy Neighborhoods, Zilber Initiative Neighborhoods, etc.). The group also recommended integrating job creation and economic development strategies into stabilization efforts.*

***These principles form a basis for the recommendations that follow.***

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## **Recommendation #2: Leverage and Utilize Resources Available for the Responsible Acquisition and Disposition of Foreclosed Homes for Maximum Impact**

**Summary:** It is essential to identify realistic and responsible strategies to return vacant foreclosed properties to productive occupancy. The Housing and Economic Recovery Act of 2008 provided the City of Milwaukee with \$9.2 million of Neighborhood Stabilization Program (NSP) funds which can be used to: 1) establish financing mechanisms for the purchase and redevelopment of foreclosed homes, 2) acquire and rehabilitate foreclosed homes, 3) establish a land bank for foreclosed homes, 4) demolish blighted structures, or 5) redevelop demolished or vacant properties. The State of Wisconsin also received an NSP allocation of \$38 million. The City has applied for a portion of these State NSP funds to expand its efforts to stabilize Milwaukee neighborhoods.

The Stabilization Workgroup provided input to City departments and the Common Council Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes as the City of Milwaukee worked to draft and submit its Neighborhood Stabilization Plan. The workgroup proposed a number of strategies and priorities for consideration by the City to assist in the drafting and implementation of its NSP plan

The workgroup also explored ways to leverage additional funds to supplement the federal allocation. Given the high number of currently foreclosed homes and the number expected to reach this stage in the coming year, it is clear that additional funds must be leveraged to have a meaningful impact on the problem. The workgroup recommended building on the ongoing work of community based organizations and neighborhood developers to capitalize on and protect past investments. The group also recommended partnering with Focus on Energy to assist with energy efficient rehabilitation and examining ways to link stabilization efforts to job creation. One legislative issue identified by the group was supporting the efforts underway to increase the availability of Section 8 rental vouchers.

**Work to Date:** Milwaukee's NSP plan has been approved by HUD and it is expected that funds will be available by the end of March 2009. The City has submitted its application for additional State NSP funds to the Wisconsin Department of Commerce. Workgroup members have worked with local lending institutions to explore how additional lending resources can be brought to assist in this effort. The City and its neighborhood partners have begun planning and outreach efforts in order to ensure that NSP funds are utilized to have the greatest possible impact on neighborhoods of greatest need. The City is working with community partners to pilot a deconstruction program for foreclosed homes slated for demolition in order to reduce waste and provide job training for City residents. Focus on Energy has committed additional funds to support energy efficiency and long-term affordability of homes rehabilitated under NSP.

**Next Steps:** The City expects that NSP funds will become available by the end of March 2009. At that time, the City will work with its partners to begin to carry out the stabilization activities identified in its NSP plan. All partners in these activities will



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continue to coordinate their efforts to leverage the maximum amount of resources for Milwaukee neighborhoods.

### **Recommendation #3: Issue a Request for Proposals (RFP) to Identify Development Partners**

**Summary:** Legislation mandates that NSP funds must be committed within 18 months of the City receiving funding from the U.S. Department of Housing and Urban Development. This makes it crucial that the City identify a group of development partners with the capacity to quickly respond to opportunities to engage in the strategic acquisition and rehabilitation of foreclosed homes. Issuing an RFP will allow the City to create a pool of development partners to participate in the acquisition, rehabilitation, development and management of housing consistent with the programs contained in the City's NSP plan.

**Work to Date:** The Stabilization Workgroup examined how other municipalities have undertaken this activity and made recommendations regarding elements which the City should consider in issuing an RFP and evaluating responses.

**Next Steps:** The City will explore the feasibility of issuing an RFP for this purpose. If this recommendation moves forward, the City will coordinate the efforts of eligible developers within the neighborhoods identified for foreclosure stabilization strategies.

### **Recommendation #4: Establish a Land Bank Entity**

**Summary:** While a market for foreclosed homes exists without City intervention, the Stabilization Workgroup identified coordinated acquisition and disposition efforts as a key component of any meaningful neighborhood stabilization strategy.

The group recommends that the City establish a new entity capable of acquiring and disposing of properties, either through bulk purchases, land banking, or strategic acquisition. It recommends that a careful screening process be used and that disposition strategies which take into account localized market conditions be identified prior to the acquisition of any property.

Such an entity would allow the City to pursue bulk purchases of foreclosed properties through the National Community Stabilization Trust (NCST). The NCST is a nationwide non-profit organization formed to facilitate the transfer of foreclosed homes from financial institutions to responsible government or community organizations. The NCST has expressed a willingness to facilitate transactions in Milwaukee if an appropriate entity is formed. Forming such an entity would also allow the City to act quickly to acquire abandoned properties in targeted areas to complement ongoing neighborhood stabilization activities. The City should also work with local financial institutions to leverage additional funds to expand the capacity of this entity to engage in the strategic acquisition and disposition of foreclosed homes.



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**Work to Date:** The City is exploring creating an entity which would allow for the acquisition and rehabilitation, redevelopment, or land banking of foreclosed properties. Local Initiatives Support Corporation (LISC) Milwaukee and the Wisconsin Partnership for Housing Development have been active in working to coordinate efforts to partner with the NCST and in convening a group of local lending institutions to work with the City to establish a shared risk lending pool which would leverage funds to further expand the City's ability to acquire foreclosed properties through a newly created entity. DCD is working with neighborhood groups on planning efforts to ensure that any property acquisitions are made within the context of a larger neighborhood strategy.

**Next Steps:** The City will work to create an entity which can efficiently acquire and dispose of or land bank foreclosed properties. Workgroup members will continue working with lenders and the National Community Stabilization Trust in an attempt to leverage additional funds which can be utilized to expand these efforts.

### **Recommendation #5: Create a Program to Support Neighborhood Investors**

**Summary:** Increasing owner-occupancy is an important step in neighborhood stabilization. However, given the current state of the housing and credit market and the sheer number of vacant foreclosed properties, it is also necessary to encourage responsible investor owners to purchase and manage properties for rental in order to quickly return units to productive occupancy.

The Stabilization Workgroup recommends establishing a program that provides support to existing and potential small-scale property investors who would benefit from training, mentoring, property management and financing support, and a peer support network. Such a program would help remove barriers which may prevent neighborhood based investors from entering the property investment field and would assist existing small-scale property investors by providing them with important tools and resources to be more effective property owners and a resource for the neighborhoods in which they invest. In conjunction with such a program, the City should make NSP funding available to expand its existing Buy in Your Neighborhood and Rental Rehab programs to assist these investors in purchasing foreclosed homes.

**Work to Date:** The workgroup explored the formation of such a program by examining how similar models have operated in Chicago (through both the Community Investment Corporation and Neighborhood Housing Services) and conducting a number of sessions focused on identifying the gaps that such a program would fill. LISC Milwaukee has spearheaded this effort and is working with interested parties to determine how to launch this effort in Milwaukee. The City of Milwaukee has allocated a portion of its Neighborhood Stabilization Program funding to the Buy in Your Neighborhood Program as well as the Rental Rehab program. Participants in the investor support program could potentially access these NSP funds to assist them in purchasing and rehabbing a foreclosed property.

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**Next Steps:** Workgroup members will continue to convene interested parties and develop a proposal to secure funding for and operate this initiative in Milwaukee.

### **Recommendation #6: Link Buyers to Foreclosed Homes**

**Summary:** The threat of declining home values, the high number of homes on the market, and the tightening of credit markets pose a challenge to attracting new owners to foreclosed homes. Attracting those owners, however, is essential to stabilize neighborhoods. The Stabilization Workgroup made a number of recommendations on how to attract homebuyers to foreclosed homes in Milwaukee neighborhoods.

Providing the public with information about foreclosed homes, resources to incentivize their purchase and linkages to lenders who are active in this market are at the core of these recommendations. It is also necessary to market homeownership as a tool to build wealth and to ensure that buyers have access to the counseling resources required to make informed purchases. The City should continue to support other quality of life initiatives in areas with high rates of foreclosure to make investment and homeownership more attractive.

Targeted marketing is needed to highlight homeownership opportunities and connect potential buyers to reliable counseling and lending resources. The Stabilization Workgroup recommended a number of strategies to achieve this goal, including launching a high-impact marketing campaign highlighting homeownership opportunities, utilizing counseling agencies, partnering with realtors, and other community stakeholders to link buyers with foreclosed homes, providing counseling and rehab technical assistance to potential buyers, and providing resources to ensure long-term affordability. Extensive marketing should be conducted through area schools and employers. These resources should include down payment assistance and affordable financing options.

**Work to Date:** The City of Milwaukee has developed a website which provides information about foreclosed homes and NSP resources available to homebuyers. The City has also allocated a portion of its NSP funds to homebuyer assistance which will aid homeowners in purchasing foreclosed homes. The State of Wisconsin has allocated a portion of its NSP funds to WHEDA to offer a competitive financing product for homebuyers purchasing foreclosed homes. Housing counseling agencies and other parties responsible for convening the Homeownership Consortium recommended by the Prevention Workgroup have discussed ways in which the Consortium can serve to link buyers with lenders, real estate agents, and additional resources to assist them as they seek to purchase a home. Counseling agencies have existing relationships with lenders and realtors active in this market and the Consortium will allow them to strengthen those relationships.

**Next Steps:** The City will continue to expand its marketing and outreach efforts through its foreclosure website and other methods. The City and WHEDA will work with their partners to publicize the resources available through NSP and ensure that they are effectively deployed in the City of Milwaukee, helping residents purchase and

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rehabilitate foreclosed homes. The City will convene local realtors to enlist their support in stabilization activities. Housing counseling agencies, lenders and community organizations will conduct events, including neighborhood tours, centered on marketing foreclosed homes and homeownership opportunities. Housing counseling agencies will also work with buyers who wish to access NSP funds to ensure that they make informed purchase decisions and are linked with all available resources. Upon the formation of the proposed Homeownership Consortium, members of the Consortium will work to market homeownership in Milwaukee, expand the number of residents seeking homebuyer counseling and link potential buyers to reputable lenders and real estate agents.

*[The above Stabilization Workgroup recommendations are a summary of a more in-depth report prepared by Stabilization Workgroup Chair Daniel Idzikowski. A full copy of the report can be found at: <http://www.mkedcd.org/MilwaukeeStrong/MFPIstabilization.pdf>]*

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