



# City of West Allis

## Legislation Details (With Text)

**File #:** O-2015-0042 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 9/1/2015 **In control:** Common Council

**On agenda:** 9/1/2015 **Final action:** 9/1/2015

**Title:** An Ordinance to Create Sections 18.10 and 18.11 of the City of West Allis Revised Municipal Code Relating to Registration of Residential Properties Pending Foreclosure and Registration of Residential Mortgage Loans in Default.

**Sponsors:** Safety and Development Committee (INACTIVE)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance O-2015-0042, 2. Signed Ordinance, 3. Affidavit of Publication

Date	Ver.	Action By	Action	Result
9/17/2015	1	City Clerk	Published	
9/2/2015	1	Mayor	Signed/Enacted	
9/1/2015	1	Safety and Development Committee (INACTIVE)		Pass
9/1/2015	1	Common Council	Passed	Pass
9/1/2015	1	Common Council		

An Ordinance to Create Sections 18.10 and 18.11 of the City of West Allis Revised Municipal Code Relating to Registration of Residential Properties Pending Foreclosure and Registration of Residential Mortgage Loans in Default.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 18.10 of the Revised Municipal Code of the City of West Allis is hereby created to read:

### 18.10 Registration of Residential Properties Pending Foreclosure.

(1) Findings. The Common Council finds that a significant relationship exists among residential properties in the foreclosure process, the prevalence of blight and abandoned buildings, increased calls for police service, higher incidence of fires, both accidental and intentional, and decline and disinvestment in neighborhoods. Residential property owners involved in foreclosure have less incentive to maintain their properties, and properties in foreclosure have a higher incidence of building code violations than properties not in foreclosure. The foreclosure process may also result in abandonment. Abandoned buildings become havens for vandalism, arson and drug crimes, draining valuable governmental resources and creating a significant reduction in quality of life for the surrounding neighborhood. Registration, inspection and aggressive monitoring of residential properties in the foreclosure process help to stabilize and improve affected neighborhoods and aid in code enforcement efforts, as well as public safety. A mortgagee that does not register, inspect, secure, and maintain, as required in this section, places an undue and inappropriate burden on the taxpayers of the City and poses an increased risk to public health, safety and welfare.

(2) Purpose and Scope. The purpose of this section is to establish a registration program to monitor residential properties pending foreclosure to identify at-risk properties and to regulate the securing and maintenance of abandoned residential properties in foreclosure. This section is intended to reduce and prevent neighborhood blight; to ameliorate conditions that threaten public health, safety and welfare; to promote neighborhood stability and residential occupancy by preserving the condition and appearance of residential properties; and to maintain residential property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that mortgagees initiating foreclosure proceedings against a residential property are required to register with the City of West Allis. This registration process will give City departments the means of contacting those responsible for the foreclosure proceedings and mortgages at issue, those responsible for the inspections required in this section, and those responsible for the securing and maintenance of abandoned property as required in this section. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of residential property from complying with applicable building codes and ordinances. The owner shall at all times comply with applicable building codes and ordinances, and the owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose as provided by state law.

(3) Definitions. In this section:

(a) "Abandoned property" means a residential property that is vacant as a result of the relinquishment of occupancy, possession or control by a mortgagor and those claiming by, through or under the mortgagor, including tenants, whether or not the mortgagor relinquished equity and title. A residential property may be deemed abandoned when there is evidence of conditions, taken separately or as a whole, which would lead a reasonable person to conclude that the property is abandoned, including:

1. Violation of the lawn regulations as set forth in Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
2. Accumulation of newspapers, circulars, flyers, or mail.
3. Past-due utility notices.
4. Accumulation of junk, litter, trash, or debris.
5. Absence of window treatments, such as blinds, curtains, or shutters.
6. Absence of furnishings and personal items.
7. Statements by neighbors, delivery agents, or similarly-situated persons that the property is vacant.
8. Any of the items specified in Sec. 846.102(2), Wis. Stats.
9. Violation of the minimum standards for buildings and structures set forth in Section 13.28(9) of the Revised Municipal Code.
10. Broken or open doors or windows or the exterior of a building's structure otherwise is not secured from the elements or entry by trespassers.
11. Graffiti has not been removed from the buildings, structures, or equipment on the property as required by

Section 18.08 of the Revised Municipal Code.

12. The buildings, structures, or premises are otherwise dilapidated, deteriorated, or create a dangerous condition.

13. Snow and/or ice have been allowed to accumulate and remain on the public sidewalk abutting the property contrary to Section 11.12 of the Revised Municipal Code.

(b) "Accessible structure" means a building that is accessible through a compromised door, wall, window, or similar building feature and that is unsecured in a manner that allows access to interior space by unauthorized persons.

(c) "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage or mortgage loan, the foreclosure proceedings, or the mortgaged property, including the inspection, maintenance and securing duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the foreclosure proceedings in court.

(d) "Department" means the City of West Allis Department of Building Inspection and Neighborhood Services.

(e) "Director" means the Director of the City of West Allis Department of Building Inspection and Neighborhood Services.

(f) "Foreclosure" means the process prescribed by Chapter 846, Wis. Stats. and the process for nonjudicial sale authorized by a power of sale clause in a mortgage.

(g) "Mortgage" means a written instrument creating a lien on real property whereby the property is used as security or collateral for performance of an act or payment of funds. For purposes of this section, mortgage also includes a land contract.

(h) "Mortgagee" means the person or entity that lends money to a borrower for the purpose of purchasing a piece of real property or the person or entity to which the mortgage has been granted or assigned.

(i) "Mortgagor" means the person or entity that obtained a mortgage to purchase or refinance a piece of real property.

(j) "Occupied property" means a residential property with a structure on which any person, including an owner, operator, or tenant, but not a trespasser, lives, sleeps, cooks, or otherwise maintains actual possession.

(k) "Person" means any person, firm, organization, or corporation.

(l) "Residential property" means a property used in whole or in part for residential purposes, including single-family, 2-family, and multi-family dwelling; mixed-use commercial and residential structures, but not residential condominium units.

(m) "Servicing company" means a person or entity that provides services to the mortgagee or to an agent of a mortgagee, including debt servicing, collection of payments, administration of escrow and agent of a mortgagee, including debt servicing, collecting payments, administering escrow and insurance accounts, managing loss mitigation, foreclosing, and securing and managing properties on behalf of the mortgagee or the

mortgagee's agent.

(4) Registration Required.

(a) Within 5 working days of filing with the court of the foreclosure proceedings against a residential property, the mortgagee or agent shall register the property in the name of the mortgagee with the Department on a form or by an electronic process prescribed by the Director. This form shall include all of the following:

1. Information identifying the property by address and tax key number.
2. The mortgagor of record and the mortgagee of record.
3. The register of deeds recording document number for the mortgage being foreclosed and the date of recording.
4. The current owner of the note or instrument secured by the mortgage, and the registered agent and registered office for that owner.
5. The date of recording of the lis pendens for commencement of the foreclosure proceedings.
6. The case number of the foreclosure action and the plaintiff in the foreclosure action.
7. The servicing company or other agent acting on behalf of the mortgagee, and the registered agent and registered office for that servicing company or agent.
8. Contact information for a person with the mortgagee or agent who will be responsible for inspecting, securing, and maintaining the property as required under this section.

(b) A mortgagee or agent for a residential property in foreclosure proceedings for whom the proceedings were initiated prior to the effective date of this section and who remains subject to the foreclosure proceedings shall register with the City within 30 days of the effective date of this section. The mortgagee or agent shall be subject to the requirements of this section, except for the initial inspection under subsection (7)(a).

(5) Amendment. Within 20 days of a change in information for the registration of a property, including a change in ownership of the mortgage or a change in agent, servicing company or contact person, the mortgagee or the mortgagee's agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.

(6) Termination of Registration.

(a) To terminate a registration, the mortgagee or the mortgagee's agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within 10 days of either of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:

1. A court-confirmed sale of the property in foreclosure with the deed having been issued in the foreclosure proceedings and the deed or evidence of the deed having been recorded in the register of deeds office.
2. A court order dismissing the foreclosure proceedings and a discharge of the lis pendens having been recorded in the register of deeds office.

(b) The mortgagee or agent shall provide in the termination filing the register of deeds recording information for one of the following:

1. The deed or the evidence of the deed, as provided in subsection (6)(a)(1).
2. The lis pendens discharge, as provided in subsection (6)(a)(2).

(c) If the court dismisses the foreclosure proceedings due to a discharge or satisfaction of the mortgage, the mortgagee or agent shall also provide with the termination filing the register of deeds recording information for the discharge or satisfaction of the mortgage.

(7) Inspection of Residential Property.

(a) Initial Inspection. Whenever a mortgagee or agent initiates foreclosure proceedings against a residential property, the mortgagee or agent shall cause a physical inspection to be made of the property not later than 30 days from the date of filing of the foreclosure proceedings. One or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

(b) Periodic Inspections. The mortgagee or agent shall perform a re-inspection of the property subject to the foreclosure proceedings at least once every 30 days following the initial inspection until a registration termination is filed. One or more photographs shall be taken at each re-inspection and shall be dated and preserved.

(c) Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or re-inspection required by this section, and, in the case of abandoned property, records of actions taken under subsection (9). Written records and photographs of inspection and re-inspection shall be made available to the Department upon request.

(8) Notification of Abandoned Residential Property. If inspection of the residential property required under subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within 5 business days on a form or by an electronic process prescribed by the Director that includes a description of the external condition of the property and whether there is an accessible structure on the property. The notification filing shall identify the person authorized by the mortgagee to enter upon the property and to conduct repairs or maintenance and secure access, as required in subsection (9).

(9) Duty to Secure, Maintain, and Post Abandoned Property.

(a) The property maintenance duties of a mortgagee or agent with an abandoned residential property shall be limited to the following:

1. Ensuring that there are no accessible structures on the premises.
2. Ensuring that there are no conditions upon the property presenting an immediate risk to public health, safety, or welfare, including:
  - a. Removing or abating fire hazards.

- b. Removing or containing potentially toxic materials and explosives.
  - c. Securing the perimeters of swimming pools, ponds, or other bodies of water.
  - d. Maintaining public walkways and thoroughfares free from ice, snow, mud, and other debris consistent with the requirements of Section 11.12 of the Revised Municipal Code.
  - e. Mowing grass and eliminating weeds and other plant growth consistent with the requirements of Section 13.28(10)(b) of the Revised Municipal Code or the weed regulations set forth in Sec. 66.0407 of the Wisconsin Statutes.
- (b) A mortgagee or agent shall include a statement in the abandonment notification identifying action taken or planned to be taken to comply with the requirements of subsection (9)(a).
- (c) Upon filing notification of the abandoned property or at the time that notification is required to be made, and until there has been a registration termination filed regarding the abandoned property, the Director may make a finding that the condition of the property constitutes an immediate threat to public health, safety and welfare and, upon such finding, may issue a written order to the mortgagee or agent, or both, to abate the condition. Upon failure to comply with the Director's order within 10 days, the mortgagee or agent, or both, shall be responsible and shall be subject to a penalty in the same manner and to the same extent as the owner of the property under any of the following Revised Municipal Code sections:
- 1. Sections 7.05 and 7.051, refuse and recycling collection; littering of premises.
  - 2. Sections 11.07(7) and 11.12, sidewalks to be kept clean and unobstructed.
  - 3. Section 6.015, abandoned vehicles.
  - 4. Section 18.03, public nuisances.
  - 5. Section 7.035, noise control.
  - 6. Section 7.06, noxious chemicals.
  - 7. Section 13.35, swimming pools.
  - 8. Section 18.08, graffiti abatement.
  - 9. Sections 13.28(9) and 13.28(10), maintenance of premises.
  - 10. Section 7.14(3), rat harborages.
  - 11. Section 13.18, condemnation of unsafe structures.
- (d) The minimum requirements of a mortgagee or agent for preservation and protection of residential property, absent a specific order of the Director to abate a condition of the premises, shall be consistent with 24 CFR 203.377 and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the U.S. Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee

letters or otherwise, and as applied by the FHA to the state of Wisconsin, including guidelines related to winterization and heating systems. The Director may issue a written order to the mortgagee or agent, or both jointly and severally, to abate the condition. The mortgagee or agent, or both, shall be held liable for failure to abate and for repayment to the City of the reasonable costs incurred by the City related to abatement of conditions that are subject to FHA guidelines specified in this paragraph, or which are subject to an order under subsection (9)(c) and which threaten public health, safety, and welfare.

(e) A mortgagee or agent, upon receiving information or determining that the residential property is abandoned, and until the property is no longer abandoned, shall post and maintain signs affixed or adjacent to all entrances to the building indicating:

1. The name, address and telephone number of the agent authorized by the mortgagee to be responsible for maintenance and management of the property, as specified under subsection (8).
2. That no trespassing is allowed upon the premises without consent of the agent.

(10) Fees.

(a) The fee for registration of residential property pending foreclosure shall be \$300.00 and shall be due upon registration.

(b) If the registration form is filed more than 5 business days after initiation of the foreclosure proceedings, a late fee of \$25.00 shall be charged and shall be due upon registration.

(c) The registration form and fee may be transmitted electronically or by any other means to be determined by the Director. The registration shall be valid from the date the registration form is completed and filed with the Department and the registration fee, including any late fee, is received by the Department.

(d) There shall be no fee for filing an amended registration or for filing a registration termination.

(11) Penalties.

(a) Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under subsection (4), fails to file an amendment as required under subsection (5), or fails to file a termination as required under subsection (6), shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than \$500 nor more than \$2,000, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(b) Failure to Inspect. Any mortgagee or agent that fails to inspect or re-inspect a property as required under subsection (7) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than \$250 nor more than \$1,000, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(c) Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification of an abandoned property as required under subsection (8), shall be jointly and severally responsible, and, upon

conviction, shall forfeit not less than \$500 nor more than \$2,000, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(d) Failure to Secure and Maintain Abandoned Property. Any mortgagee or agent having a duty to register abandoned property that fails its duty to secure and maintain the property as required under subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than \$800 nor more than \$2,500, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(e) Failure to Maintain Records or to Post. Any mortgagee or agent that fails to maintain or provide records required in subsection (7), or to post signage as required in subsection (9) shall be jointly and severally responsible, and, upon conviction, shall forfeit not less than \$100 nor more than \$500, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

PART II. Section 18.11 of the Revised Municipal Code of the City of West Allis is hereby created to read:

#### 18.11 Registration of Residential Mortgage Loans in Default.

(1) Findings. The Common Council recognizes the findings in Section 18.10(1), and further finds that a significant relationship exists among mortgage loan defaults, blighted properties, and decline and disinvestment in neighborhoods. Residential property owners in default under mortgage loans face financial difficulty, may face foreclosure or collection proceedings, and may struggle to remain in ownership or to maintain or repair their properties, leading to code violations and public health, safety, and welfare concerns. Without the registration requirement of this section, mortgagees and agents might not provide address-specific default information. Registration of properties in mortgage loan default may help connect borrowers to beneficial information, programs, and resources, including those provided by nonprofit organizations and other third-party providers, such as credit counseling and information about foreclosure avoidance, loan modification, forbearance, repayment plans, and refinancing possibilities. Registration may also identify properties at risk of disinvestment and decline, future foreclosure, and possible abandonment.

(2) Purpose and Scope. The purpose of this section is to establish a registration program to identify residential properties and owners at risk for foreclosure, risk of being non-code-compliant, or risk of or in abandonment; to identify properties experiencing disinvestment or lack of maintenance and repair; and to provide opportunities for connecting owners to beneficial information, programs, and resources. This section is intended to promote and retain home ownership and occupancy, to reduce blight and disinvestment, and to maintain residential property values and assessments. It is declared a matter of public policy and an exercise of the City's police power that a mortgagee who has sent a notice of default to a mortgagor regarding a mortgage loan against a residential property is required to register with the City of West Allis, periodically inspect the property, and report abandonment. The purpose of the registration fee is to partially recover administrative costs associated with this registry. Nothing in this section shall be construed as waiving, relieving, or otherwise excusing an owner of residential property from complying with applicable building code or other code provisions, and the



owner shall at all times remain responsible and liable therefor. Nothing in this section is intended to affect the right to foreclose on a property as provided by state law or the duty of a mortgagee or agent to preserve and protect property under 24 CFR 203.377, and the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the U.S. Department of Housing and Urban Development for the preservation and protection of single-family residential properties secured by FHA loans, as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the state of Wisconsin, including guidelines related to winterization and heating systems.

(3) Definitions. In this section:

(a) "Abandoned property" has the definition provided in Section 18.10(3)(a).

(b) "Accessible structure" has the definition provided in Section 18.10(3)(b).

(c) "Agent" means a person or entity, including a servicing company, acting on behalf of the mortgagee regarding the mortgage, the mortgage loan in default, or the mortgaged property, including acting to perform the inspection and other duties required in this section, except that an attorney shall not be deemed to be an agent if the attorney is retained solely to represent the mortgagee or agent in connection with the default or enforcement of remedies regarding the default.

(d) "Default" means a default by the mortgagor to the mortgagee or owner of the note of loan payments or other covenants that caused the mortgagee or agent or servicing company to send a notice of default to the mortgagor; the sending of which will permit foreclosure against the residential property if the default is not cured.

(e) "Department" has the definition provided in Section 18.10(3)(d).

(f) "Director" has the definition provided in Section 18.10(3)(e).

(g) "Foreclosure" has the definition provided in Section 18.10(3)(f).

(h) "Loan" means the debt, repayment of which is secured by the mortgage.

(i) "Mortgage" has the definition provided in Section 18.10(3)(g).

(j) "Mortgagee" has the definition provided in Section 18.10(3)(h).

(k) "Mortgagor" has the definition provided in Section 18.10(3)(i).

(l) "Occupied property" has the definition provided in Section 18.10(3)(j).

(m) "Person" has the definition provided in Section 18.10(3)(k).

(n) "Residential property" has the definition provided in Section 18.10(3)(l).

(o) "Servicing company" has the definition provided in Section 18.10(3)(m).

(4) Registration Required. Within 5 working days after the mortgagee or agent sends a notice of default to the mortgagor regarding a residential mortgage loan, the mortgagee or agent shall register the property in the name

of the mortgagee with the Department on a form or by an electronic process prescribed by the Director that includes:

- (a) Information identifying the property by address and tax key number.
  - (b) The mortgagor of record and mortgagee of record.
  - (c) The register of deeds recording document number for the mortgage and the date of recording.
  - (d) The current owner of the note or instrument secured by the mortgage and the registered agent and registered office for that owner.
  - (e) The date the notice of default was sent to the mortgagor.
  - (f) The servicing company or other agent acting on behalf of the mortgagee and the registered agent and registered office for that servicing company or agent.
  - (g) Contact information for a person with the mortgagee or agent responsible for inspections required under this section.
  - (h) Contact information for a person with the mortgagee or agent who can provide an itemization of amounts needed to cure the default and information regarding foreclosure avoidance or loss mitigation programs or options offered by the mortgagee or agent.
  - (i) Whether the mortgagee or agent collects money in escrow for payment of property taxes or insurance against the property.
- (5) Amendment. Within 20 days of a change in information in the registration, including a change in the ownership of the mortgage or a change in agent, servicing company, or contact person, the mortgagee or agent shall file an amended registration with the Department on a form or by an electronic process prescribed by the Director.
- (6) Termination. The mortgagee or agent shall file a registration termination with the Department on a form or by an electronic process prescribed by the Director within 10 days of any of the following, whereupon the duties of the mortgagee or the agent under this section shall cease:
- (a) A cure or satisfaction of the default, by means other than a deed to the mortgagee or agent, whether by payment, loan modification, loan refinancing, repayment plan, or short sale with a recorded satisfaction of the subject mortgage and a recorded deed or evidence of a deed to a person other than the mortgagee or the mortgagee's agent.
  - (b) If there has been a recorded deed from the mortgagor to the mortgagee or agent, upon the recording of a subsequent deed in the register of deeds office from the mortgagee or agent to a third party.
  - (c) A recorded mortgage satisfaction concerning the mortgage loan in default.
  - (d) Registration under Section 18.10 due to initiation of proceedings to foreclose the mortgage.
- (7) Inspection of Residential Property.

(a) Initial Inspection. Whenever a mortgagee or agent registers a loan in default under this section, the mortgagee or agent shall cause a physical inspection to be made of the residential property not later than 30 days from the date of registration. One or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.

(b) Periodic Inspections. The mortgagee or agent shall perform a re-inspection of the residential property subject to the default at least once every 60 days following the initial inspection until such time as a registration termination is filed. One or more photographs shall be taken at each reinspection and shall be dated and preserved.

(c) Records. A mortgagee or agent shall maintain written records, including photographs, of any inspection or re-inspection required by this section, including records relating to subsection (6). Written records and photographs of inspection and re-inspection shall be made available to the Department upon request.

(8) Notification of Abandoned Residential Property. If inspection of the residential property required under subsection (7) shows the property is abandoned, or if the mortgagee or agent otherwise becomes aware of abandonment, the mortgagee or agent shall file notification of the abandoned property within 5 business days on a form with the Department or by an electronic process prescribed by the Director that includes a description of the external condition of the property, whether there is an accessible structure on the property, and the contact information for a person with the mortgagee or agent responsible for inspection and securing of the residential property. If there is an accessible structure, the mortgagee or agent shall secure it so there are no accessible structures.

(9) Fees.

(a) The fee for registration of residential property with a mortgage loan in default shall be \$50.00 and shall be due upon registration.

(b) If the registration is filed more than 5 working days after the notice of default is sent, a late fee of \$25.00 shall be charged and shall be due upon registration.

(c) The registration form and fee may be transmitted electronically or by any other means to be determined by the Director. The registration shall be valid from the date the registration form is completed and filed with the Department, and the registration fee, including any late fee, is received by the Department.

(d) There shall be no fee for filing an amended registration or for filing a registration termination.

(10) Penalties.

(a) Failure to Register or to File Amendment. Any mortgagee or agent that fails to register as required under subsection (4), fails to file an amendment as required under subsection (5), or fails to file a termination as required under subsection (6), shall be jointly and severally responsible, and, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(b) Failure to Inspect. Any mortgagee or agent that fails to inspect or re-inspect a property as required under subsection (7) shall be jointly and severally responsible, and, upon conviction, forfeit not less than \$250 nor

more than \$1,000, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(c) Failure to Notify about Abandoned Property. Any mortgagee or agent that fails to file notification about abandoned property as required under subsection (8) shall be jointly and severally responsible, and, upon conviction, forfeit not less than \$800 nor more than \$2,500, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(d) Failure to Secure Accessible Abandoned Property. Any mortgagee or agent having a duty to file notification of abandoned property that fails its duty to secure the property as required under subsection (8) shall be jointly and severally responsible, and, upon conviction, forfeit not less than \$800 nor more than \$2,500, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

(e) Failure to Maintain Records. Any mortgagee or agent that fails to maintain records required in subsection (7) shall be jointly and severally responsible, and, upon conviction, forfeit not less than \$100 nor more than \$500, together with the cost of the prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(1)(b)1 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

L:\ATTO-Create S 18.10&18.11 PropRegForeclosures