

EXHIBIT E

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# EXHIBIT 1



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TABLE OF CONTEBTS

WITNESSES:

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None

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None

Detroit Michigan

TuesdayJ April 25, 2000 - at 9:07 a.m.

P R O C E E D I N G S

THE COURT: Good morning. You may be seated.

MS. ALFARO-LOPEZ: Thank you.

THE CLERK: Docket 99-939-273-CH; Edward H.  
McNamaraJ et al., versus Henry Rupert.

THE COURT: Appearances, please.

MR. DUGGAN: Your Honor, Michael Duggan and  
Maria Alfaro-Lopez on behalf of the County of Wayne and  
the other Plaintiffs.

THE COURT: Mr. Duggan, why don't *you* go ahead  
on your motion for default judgments.

MR. DUGGAN: Your Honor, we are proceeding  
today -- we had initially noticed up five cases, but  
I'm glad to say that the house at 8026 Conger has been  
demolished in the last two weeks which is one more sign,  
of progress in this case. So we only have the four  
remaining cases.

If ■ could take a few minutes --

THE COURT: Did we put them all on the Record?

THE CLERK: No. Did you want to -- ?

THE COURT: Yes, let's put them all on the  
Record.

THE CLERK: Right.

1 THE COURT: Let's do that now.

2 THE CLERK: Okay.

3 Also docket 99-939-374-CH; Edward H.  
4 McNamara, et al., versus Lendel Johnson, et al.

5 Docket 99-939-505-CH; Edward H. McNamara, et  
6 al., versus Barbara H. Thomas.

7 99-939-528-CH; Edward H. McNamara, et al.,  
8 versus Sally Wynn.

9 99-939-537-CH; Edward H. McNamara, et al.,  
10 versus Tommie Holder, et al.

11 THE COURT: All right also motions for  
12 summary disposition-- r•m sorry, for default judgment  
13 in each of these instances. Again, same attorneys.

14 Has anybody from the other side in any of  
15 these cases appeared today?

16 MR. DUGGAN: No, Your Honor, ■ don't believe  
17 so.

18 THE COURT: Okay. Go ahead.

19 MR. DUGGAN: The Rupert case is the one in  
20 which we are not proceeding because they have been good  
21 enough to demolish the house.

22 THE COURT: Yes.

23 MR. DUGGAN: But the other four cases -- we  
24 are asking the Court today to enter an order of default  
25 judgment. If I could take a few minutes and give the

Court a sense of the thoroughness of our process.

2                   What we have done is here is step forward and  
3                   say to the community, 'If you believe that the current  
4                   process is for protecting your families by knocking  
5                   abandoned houses are not sufficient, please contact us,  
6                   fill out a form that lays out the address, give us a  
7                   picture of the property and describe the conditions'.  
8                   That initiates -- essentially, a county file. We have  
9                   today between 1,500 and 2,000 properties in the City of  
10                  Detroit that somebody in the community has been  
11                  frustrated enough with to have taken the time to have  
12                  obtained the form, taken the picture and gotten it in  
13                  to us. Several members of the community are here today  
14                  and are prepared to testify if this Court has any  
15                  doubts about the impact of an abandoned building on the  
16                  communities in these neighborhoods.

17                  Of those 1,500 to 2,000 cases half have been  
18                  obtained by principles. In many cases the principles  
19                  themselves are walking the neighborhoods surrounding  
20                  their schools and giving us the addresses of properties  
21                  they believe are a danger to their school children.  
22                  All four cases before Your Honor today are cases  
23                  provided to us by principles because they felt they  
24                  were a danger to their children. Interestingly the  
25                  principles initiated this process before the first

1       attack on a school girl in this community, but their  
2       concerns have unfortunately turned out to be prophetic.

3               Once a form is received by the county we then  
4       go forward and determine who the owner is. In some  
5       cases that's quite apparent and the registrar of deeds  
6       have been highly cooperative. In other cases the title  
7       may be somewhat clouded, in which case we have  
8       contracts with title companies that do the title work  
9       for us. In addition we send out our own photographer  
10      with his digital cameras to verify that the condition  
11      of the property is that which has been submitted to us  
12      by the community group.

13             In many cases in this community the address.  
14      which happens to be nailed onto the house doesn't  
15      always match the registrar roles on the warden item  
16      number. We have identified a process through our  
17      global information system where -- with essentially  
18      satellite pictures, we can match the picture of the  
19      block with the plats from the days of the Beaubien Farm  
20      and count down the lot numbers. We have solved the  
21      problem of figuring out -- when the addresses don't  
22      match, who is the actual owner of the property.

23             Once we have done that we have to find the  
24      owner because obviously they don't live at the  
25      abandoned house. We start with the tax records and we

start by attempting to serve them at the address at  
which we're sending the tax bills. In the cases in  
front of Your Honor today that has worked. In other  
cases when we can't find them based on the tax bills,  
we've got three different teams of private  
investigators who -- through public record searches and  
a whole assortment of searches, run down the property  
owners and serve them either by certified mail or by  
personal service in necessary. That is what is  
involved in getting us to this point.

When we serve them with the complaint -- we  
have a process within our corporation counsel's office  
to log in each phone call. The one thing we know for  
sure is that the county doesn't want to own the  
property if we can avoid it. We don't want to be in  
the property management business any more than any  
other government entity does. So when a property owner  
calls we offer them at that point three choices. One  
is to come in and sign a consent judgment with us that  
says that they will initiate a process to get the house  
demolished in the next 30 days, requires them to  
promptly get a permit from the City of Detroit and have  
a contractor to knock the property down. Or it allow  
them -- if they would like, to rehab the property which  
is the best of all worlds and it again has a fixed time

1 line. Within a very short period of time they need to  
2 obtain a contractor, get a building permit to repair it  
3 and -- within 180 days, receive a certificate of  
4 occupancy.

5 Or -- if we are convince they have no  
6 financial means, we offer a third option which is that  
7 they can simply deed the property to the county and  
8 we'll deal with it. We are recognizing the futility of  
9 chasing people who don't have money and trying to get a  
10 whole series of judgments against them. What we have  
11 done in this and we have now settled close to 60  
12 cases in this manner, is we have short-circuited a  
13 process that has devastated this community.

14 By and large what occurs today is that --  
15 there is a tax delinquency process but from the time  
16 you stop paying your taxes to the time that the city  
17 actually get the property generally is three years. By  
18 the time they act on it it's generally four or five  
19 years. As John George points out in his affidavit, 'By  
20 that point the blight has spread down the block'.

21 What we have done is gone to- the community  
22 groups and said is, 'There is a common law right of  
23 nuisance that we can use. It does not require the  
24 cumbersome tax abatement process that has been used  
25 historically and that is what is before Your Honor

1  
2 today. This -- these cases today are basically the  
3 only hopb these community groups have of getting their  
4 neighborhoods cleaned up in any kind of reasonable  
5 pe-riod of time.

6 We have documented, I think exhaustively,  
7 that an abandoned building is a nuisance. Going back  
8 to 1989 with the case of a rape of a two year old girl  
9 in an abandoned building that had been complained about  
10 by neighbors for some time, into the early '90's when  
11 Coleman Young knocked down 10,000 properties saying  
12 that he was *going* to solve the problem -- and still the  
13 attacks continued, until this year when we've had a  
14 number of other schoolgirl rapes in abandoned  
15 buildings. That does not begin to account for what is  
16 cited in the affidavits, the Law Review articles and  
17 in the newspaper articles which includes drug dealing,  
18 which includes illicit sexual activity and which  
19 includes a just basic danger to kids playing in these  
20 houses on a daily basis. So hopefully there won't be  
21 much dispute that an abandoned building in this  
22 community constitutes a nuisance.

23 Once we get to that point the question  
24 becomes what do we do about it? Again it is beyond  
25 dispite that when a government demolishes a building it  
is entitled to be reimbursed by the property owner.

2 That is -- when the government abates a nuisance the  
3 person who created the nuisance or allowed it to exist,  
4 is the person responsible for paying for it. We cite  
5 in our complaint a number of cases-- and I'll be glad  
6 to talk about them in detail, but the C eboygan case  
7 where the Court of Appeals -- that was the case of the  
8 vacant supermarket where the county came in, knocked  
9 down the supermarket and billed the property owner the  
\$4,600.00 expense to do it.

10 THE COURT: Mr. Duggan, I don't think *you* need  
11 to do that in this instance. I think what I need from  
12 you is what remedy do you seek. The same remedy in all  
13 four of these cases today, or different remedies?

14 MR. DUGGAN: We want the same remedy in all  
15 four cases, Your Honor. The remedy that we are asking  
16 four is this. We started out on this thinking that we  
17 could get orders to demolish properties. One of the  
18 things that we have learned -- and we've grown up alot  
19 in the last six months, is that a vacant lot is nearly  
20 as much a nuisance as an abandoned building. That's  
21 documented in both the irus (phonetic) and the George  
22 affidavits as well as the case where the gentleman was  
23 beaten and lit on fire in one of the overgrown vacant  
24 lots in this community.

25 One of the things that was made clear to us

is it is not enough to do what has been done in the  
past; which is go in, knock down the building and leave  
the lot to be neglected by the same property owner who  
did not maintain the building. What we are asking the  
Court for is the same order in all the cases. We are  
asking now with these Defendants -- who did not respond  
to an initial complaint, did not respond to a notice of  
default, did not respond to the motion for entry of  
default judgment today and clearly have not responded  
to the obligations of their neighbors, to offer them  
three choices.

The first choice again -- and we're asking  
that this choice be made within 15 days. First choice  
is enter into a contract to rehabilitate the property  
and give us notice of that within 15 days. Get a  
building permit in 20 days and get a certificate of  
occupancy in 180 days. Those are all very reasonable  
time tables for anybody to fix up their building.  
Obviously we would prefer if every Defenant exercised  
that option.

The second option is that tknock the  
building down themselves. That they take -- that they  
get a contractor in five days and have it demolished  
within 30 days.

Failing that if somebody says, 'You know

1 what, I don't know anything about contractors or  
2 anything like that, but I really do care about my  
3 property', we are saying, 'Deposit with the county  
4 \$10,000.00 and we will let the work to one of our  
5 contractors'. We will reimburse to the property owner  
6 anything that is left and we can do it -- in most  
7 cases, cheaper than \$10,000.00. But again, that would  
8 show some interest.

9 We are asking the Court to do the most  
10 critical thing-- as far as I'm concerned, probably the  
11 neighborhoods in this city will have ever seen. Which  
12 is on the 16th day -- if by now these property owners  
13 still don't act, we are asking that the property be  
14 deeded to the county and at that point we will go in,  
15 we will knock it down and we will provide afterwards  
16 either for it to be transferred to a community group  
17 that wants to maintain the lot, to be transferred to  
18 the neighbor next door who wants to maintain the lot or  
19 we will landscape it ourselves and maintain the lot.  
20 But one way or the other we will provide -- not only to  
21 remove the immediate danger of the house, but to also  
22 prevent the ongoing danger of a vacant lot.

23 That I think is the gist of the action today.  
24 I think there's substantial authority for it and  
25 Your Honor, I'd be glad to answer any questions you

1           might have in that regard.

2                       THE COURT: No, I don't have any questions.

3           I'm ready to proceed.

"4                       . This comment is a bit gratuitous, but

5           oftentimes the media gets involved in cases by way of

6           reporting. Sometimes the Attorneys, the Court and the

7           participants are not comfortable with that. This is

8           one of those instances that I wish the media were here

9           because the importance of this kind of case -- or these

10          kinds of cases to the community is apparent and

11          overwhelming.

12                       Having said that let me indicate that first,

13          I'm satisfied that sufficient notice has been given in

14          these cases. I'm satisfied that the Plaintiffs have

15          met the requirements of the court rules to proceed with

16          and indeed to grant the respective motions for default

17          judgment.

18                       I've had opportunity to review these motions,

19          to review the affidavit of John George who is -- as I

20          understand it, the President of Motor City Blight

21          Busters. I've had a chance to review the affidavit of

22          James Sirus who, of course, is a realtor in this area

23          -- long familiar to the public I think. I've also had

24          a chance to review Exhibit "I" in each of these

25          motions which was a powerful addition to the motion and

1 supporting briefs in this case -- recounting the  
2 history of some of these properties and ultimately what  
3 has happened to them. I think the Plaintiffs in this  
4 case have met a criminal standard of proof. I'm  
5 satisfied that you have been able to demonstrate beyond  
6 really a reasonable doubt that the properties addressed  
7 here are indeed nuisances as defined by law and that  
a they should be abated.

9 I want to compliment the Plaintiffs in this  
10 case for a presentation that makes the result in this  
11 case pretty easy. All of the relief requested by Mr.  
12 Duggan ■ think is reasonable and appropriate under the  
13 circumstances. I'm going to grant the motions as  
14 indicated.

15 Mr. Duggan, ■ would ask you and your people  
16 to draft an order which is consistent with the remedies  
17 you requested on the Record today. If you do so ■  
will  
18 sign it and you may proceed accordingly.

19 MR. DUGGAN: Your Honor, the orders will be  
20 here today and -- if ■ may take one more moment, Miss  
21 Lopez has an additional request that would be helpful  
22 to us relative to judicial notice. If that's okay,  
23 Your Honor?

24 THE COURT: Sure.

25 MS. ALFARO-LOPEZ: Your Honor, these are four

-- the four first cases that we've brought. We will be bringing a number of other cases. Some will be contested, others will continue to be in this status and that is in taking -- entering a default judgment.

What we're asking at this point -- in light of the Court's ruling, is that we fashion a way of streamlining -- further streamlining the process. We're asking the Court to take judicial notice and by that give an evidentiary ruling of the widespread existence and notoriety of the dangers and injuries that are caused by abandoned housing in the City of Detroit; that they've reached such a level that judicial notice of the harm and the threat of harm can be taken. We have cited in later cases and in later complaints the complaints we've developed since the first filings, we have noticed or entered in one of the paragraphs a reference to the transcript or opinion by Judge -- **by** a Michigan Court of Claims Judge in the case of Michigan *Basic* Property Insurance Company versus State of Michigan, Department of Natural Resources in which the judge there took judicial notice of those facts. We'd ask that this Court take judicial notice so that that will again streamline the process in terms of the harm that's presented **by** these abandoned housing.

1 THE COURT: I will do so. I will also add  
2 that there is obviously -- the saying about a picture  
3 being worth 1,000 words. Exhibit "A" in each of these  
4 motions certainly paints a picture of neglect, of  
5 danager, of abandonment. These photographs of these  
6 premises are overwhelming evidence which would justify  
7 the request that you make. So I'll sign the  
8 appropriate orders.

9 MS. ALFARO-LOPEZ: Thank you, Your Honor.

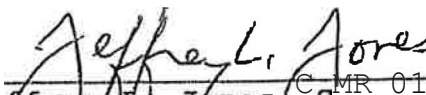
10 MR. DUGGAN: Thank you very much, Your Honor.

11 THE COURT: Thank you.

12 (Proceedings had in the above-entitled causes  
13 are hereby concluded)

14 STATE OF MICHIGAN}  
15 ) ss.  
COUNTY OF WAYNE )

16 I, Jeffrey L. Jones, do hereby certify that this  
17 transcript, as herein before set forth, does constitute  
18 a true, complete and accurate record of the proceedings  
had in the above-entitled causes April 25, 2000.

19  
20 Je  \_\_\_\_\_  
21 ffrey L. Jones, C MR 0109  
Official Court Re porter  
313) 224-5234

# EXHIBIT 4



# 2012 DETROIT STRATEGIC FRAMEWORK PLAN



# DETROIT FUTURE

## RETAIL &amp; SERVICES

**\$1.58** **\$200M**

\$1.53 billion in retail and services expenditures are made outside of the city each year

\$200 million in retail and services expenditures are made outside of the city each year



32% OF DETROITERS' ANNUAL INCOME IS SPENT ON TRANSPORTATION

## COMMUNITY

**DETROIT HAS THE 2ND HIGHEST VIOLENT CRIME RATE IN THE U.S.**

RANKED AMONG THE 100 LARGEST U.S. CITIES WITH OVER 100,000 POPULATION

**33K** **1.6K** **250%** **6601**

33,000 more houses built in Detroit

1,600 more houses built in Detroit

251% increase in violent crime from 2010 to 2011

66% of Detroit's population is under 18

**21%** OF DETROIT'S PARKS ARE IN OPEN CONSTRUCTION  
**DETROIT RANKS LAST**  
IN ACRES OF PARK SPACE PER RESIDENT



## HEALTH &amp; EDUCATION

**29%**

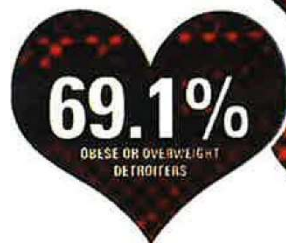
**3x**

29% of Detroiters are obese or overweight

69.1% OF DETROITERS ARE OBESSE OR OVERWEIGHT



**50%**  
HIGHER RISK OF DEATH FROM HEART DISEASE



**21%**  
OVERWEIGHT YOUTH

**82%**

82% of Detroiters have a high school diploma or higher

**32%**

32% of Detroiters are high school seniors

**60% DECLINE**

60% decline in Detroit public schools enrollment from 2001-2010

# REALITIES

Ultimately, each of these conditions further constrains resources by limiting the financial capacity to support important services and systems, while: stretching them to cover vast areas of the city with diminished populations that can no longer sufficiently support them. At the same time, residents within the city are faced with an increasingly poor quality of life, including high rates of violent crime and property crime, remarkably low workforce participation, low educational attainment, and significant health issues. The amenities and services that many residents want are unavailable, leaving some without options for basic necessities, and contributing to over \$1.5B in lost spending each year as residents must seek goods and services outside of the city.

In every way, the challenges facing the Detroit (re)endered in the lives of its residents. The Detroit Strategic Framework recognizes that this reality is unacceptable, and proposes a comprehensive, coordinated approach to improve quality of life in neighborhoods while creating a more sustainable city overall. Business as usual will not work, and important actions can be taken today to lay the groundwork for long-term transformation.

[illegible]

# EXHIBIT 5

**Sec. 37-2-1. - Legislative findings.**

The council finds that:

- (a) Scattered throughout the city are a large number of unoccupied dwellings which are constantly broken into, vandalized, used for unsanitary or immoral purposes and are potential fire hazards.
- (b) There are many unoccupied dwellings in the city which, because of their vacant status, constitute hazards to the health, safety, and welfare of the public.
- (c) Certain vacant dwellings have reached a state of disrepair and deterioration which create a public nuisance or exert a downgrading or blighting influence on the surrounding neighborhood, resulting in discouraging neighbors from making improvements to properties and thus adversely affecting the tax revenue of the city.
- (d) Throughout the city, the number of vacant and deteriorated dwellings constituting public nuisances has become so high that traditional means of abating such nuisances have been ineffectual, and blight and deterioration of emergency proportions have resulted.
- (e) Currently, tax delinquent abandoned dwellings revert to the state and are then deeded to the city through the state tax reversion process. However, this process takes several years, during which time many dwellings are lost through vandalism and deterioration.
- (f) Permitting families and community groups to repair and occupy abandoned homes within the city will preserve the residential housing stock of the city, increase neighborhood stability, and provide needed homes for Detroit families.

(Ord. No. 23-90, § 1(12-11-46.1), 11-21-90)

**Sec. 37-2-2. - Definitions.**

- (a) *Dwelling* means a single family, two family, or multiple family property.
- (b) For the purpose of this program, a dwelling shall be considered abandoned if:
  - (1) That dwelling is vacant, dilapidated and open at the door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; and
  - (2) There are outstanding state, county, or municipal property taxes due on the dwelling.
- (c) For the purposes of the program, an abandoned dwelling shall be considered a nuisance if that dwelling is a dangerous building, as that term is defined in Ordinance Chapter 12-11-28.2 of the 1964 City Code.
- (d) (1) A nuisance abatement contractor is an individual who, under contract with the city enters and resides in an abandoned single family dwelling to abate a nuisance in that building, or is a community group which agrees to repair an abandoned dwelling to abate a nuisance and meets the following criteria:
  - a. It is a nonprofit organization under federal tax law Section 501(c)(3);
  - b. Has an established track record in or a demonstrable capability for home rehabilitation;
  - c. Has distinct geographical boundaries;
  - d. Has a community-based board with at least fifty-one (51) per cent of its membership residing within said geographical boundaries; and
  - e. Has open meetings and maintains records of such meetings and prepares financial reports.
  - f. Has been certified as meeting the requirements of subsections (d)(1)a. through e. of this section by the city planning commission.

- (2) An applicant for a nuisance abatement contract shall, if the applicant is an individual, agree to reside in the contract property as his or her sole residence for a thirty-six-month period; or, if the applicant is a community group, agree to maintain the property for sale or rental pursuant to the terms of this article.
- (3) A person who is delinquent in taxes to the City of Detroit shall be required to enter into a tax repayment plan with the city before signing a nuisance abatement contract.
- (4) An applicant who, without good cause, has breached or failed to perform a nuisance abatement contract within the past five (5) years shall not be eligible to enter into a nuisance abatement contract.
- (5) A nuisance abatement contractor shall apply to enter a nuisance abatement contract with the city by submitting an application in writing to the department of buildings and safety engineering identifying the dwelling which is sought to be repaired and, if the applicant is a community group, whether the groups intend to maintain the property for sale or rental.
- (6) If more than one applicant applies for a contract to abate a nuisance in the same abandoned dwelling, then the applicant who first applies in writing to the department of buildings and safety engineering for a contract shall be given the first opportunity to enter into a contract for that dwelling. If for any reason a contract is not entered into or is terminated with that applicant, the next applicant who identified that dwelling to the department of buildings and safety engineering shall be given an opportunity to enter into a contract for the dwelling.
- (7)
  - a. No individual applicant may have more than one application pending with the department of buildings and safety engineering at any time; however, if the dwelling identified in an individual's application is not available for a nuisance abatement contract because it is not eligible under this article or because it is the subject of an earlier filed application which has not been rejected, the applicant shall be permitted to file a new application, identifying a different dwelling, and such second or subsequent application shall be processed by the department of buildings and safety engineering on the priority basis of the filing date of the applicant's original application.
  - b. No community group applicant may have more than five applications pending approval with the department of buildings and safety engineering at any time; however, once a property identified in a community group's application has been determined to be eligible or ineligible for a nuisance abatement contract, the community group shall be permitted to file an application for another property, up to the maximum of five. The combined total of applications, nuisance abatement contracts and properties owned by any one community group shall not exceed its demonstrable capability for home rehabilitation and property management.
- (e)
  - (1) A nuisance abatement contract is a contract between a nuisance abatement contractor and the City of Detroit through which the contractor enters and repairs an abandoned dwelling that is a nuisance. The procedures relating to the nuisance abatement contractor are more fully set out in section 37-2-5.
  - (2) The contract shall constitute a temporary occupancy permit allowing an individual contractor and his or her family to occupy the subject property as a residence. No portion of any dwelling subject to a contract shall be occupied by a tenant of a contractor until the portion to be rented is completed and is registered with the city under its rental registration program.

- (3) The contract shall constitute a building permit under 12-11-70.0 of the 1964 City Code and shall be deemed to satisfy the building registration requirements of 12-11-30.0 of the 1964 Code.
- (4) Until title in the dwelling passes to the nuisance abatement contractor, all rents collected from the tenant of a dwelling shall be deposited in an interest bearing escrow account. The escrow account shall be maintained by the City of Detroit. Once title passes to the nuisance abatement contractor, all monies and interest in the escrow account shall be paid out to the nuisance abatement contractor, except one (1) per cent of the account which may be used to defray the cost of quieting title of properties under this article.
- (f) The city council may waive any provision of this section upon request of the contractor or the department of buildings and safety engineering when, in the opinion of the council, the waiver will further the purposes of this article.

(Ord. No. 23-90, § 1(12-11-46.2), 11-21-90)

Sec. 37-2-3.- Application complaint procedures.

- (a) It shall be unlawful for any owner or agent thereof to keep or maintain any dwelling which shall be (1) vacant and open to trespass and (2) dilapidated or deteriorated or in a dangerous condition.
- (b) If an individual or a community group identifies a dwelling believed to be vacant and a nuisance, that individual or group may apply to the department of buildings and safety engineering for a contract to abate that nuisance. The department of buildings and safety engineering is authorized to process a proposed contract to abate a nuisance in an abandoned dwelling with the first eligible applicant. The contract shall be to correct the conditions resulting in a public nuisance. The cost of correcting the nuisance shall be charged to the owner of the abandoned property and collected by lien.
- (c) Upon receiving an application for a nuisance abatement contract for a dwelling, the department of buildings and safety engineering shall, within twenty (20) days, inspect the dwelling to determine:
  - (1) Whether the building is vacant and dangerous;
  - (2) Whether the building is feasible of rehabilitation;
  - (3) The assessed or current market value of the property, whichever is lower, in an unrepaired, "as is" condition;
  - (4) Those repairs which must be undertaken to abate the nuisance on the premises, and an estimate of the value of each of those repairs, including both materials and labor.
- (d) A dwelling shall be considered capable of rehabilitation unless significant structural defects are found which would preclude successful rehabilitation.
- (e) If the department of buildings and safety engineering determines that the dwelling is not vacant or is not a nuisance, the department shall so notify the owner through the procedures set out in section 37-2-4 and the applicant by first class mail.
- (f) If the department of buildings and safety engineering determines that the dwelling is abandoned and is a nuisance, the department shall issue a notice specifying the time and place of a hearing on the condition of such dwelling and directing the owner or owners of record to appear at such a hearing before a hearing officer who shall be appointed by the department and show cause why the nuisance shall not be abated or the dwelling demolished. A copy of this notice shall be mailed to the applicant. This hearing shall be held within thirty (30) days of the date of inspection.
- (g) At this hearing, the hearing officer shall take the testimony of the building inspector, the city appraiser, the owner, the applicant and any interested party. The hearing officer shall then render

his decision either closing the proceedings, recommending the nuisance to be abated by contract or otherwise, or recommending that the dwelling be demolished. A copy of the findings and recommendation shall be served on the owner in the manner prescribed in section 37-2-4 and on the applicant by first class mail.

- (h) When it is determined that at the hearing that the dwelling is a nuisance which should be abated through contract or through demolition of the dwelling, and the owner has failed to appear, or thereafter neglects or refuses to act within twenty (20) days of the date of hearing, the hearing officer shall forthwith file a report of his findings with city council and recommend that the dwelling be the subject of a nuisance abatement contract or that it be demolished.
- (i) Within thirty (30) days of receipt of the hearing officer's recommendation, the city council shall hold a hearing where it will either approve, disapprove, or modify the recommendation for a contract or for demolition. In reaching its decision, the city council shall consider any evidence of the historic significance of the dwelling and its qualification for designation as an historic landmark or for inclusion in an historic district, as provided in Chapter 25, Article II of the City Code. The owners of record shall be notified, as provided in section 37-2-4, of the date and place of the hearing before city council where they shall be given the opportunity to show cause why their dwelling should not be the subject of a nuisance abatement contract or demolished.
- (j) If the city council determines that a dwelling is a nuisance and should be abated by contract or should be demolished, and the owner fails to appear or has refused to act within the time specified, a nuisance abatement contract may be entered into with the applicant or the dwelling may be demolished by the city. A copy of the city council's order to enter into a nuisance abatement contract concerning a dwelling or to demolish a dwelling shall be served on the owner and the applicant as provided in section 37-2-4. The city shall not enter into a nuisance abatement contract or demolish a dwelling until twenty (20) days after the city council's order. However, the city shall enter into a contract with a nuisance abatement contract applicant as soon as possible after that twenty (20) day period has run.
- (k) The cost of demolition, administrative costs, and/or the value of the materials and labor for tasks performed under the nuisance abatement contract shall be charged to the owner as liens against the real property and shall be reported to the board of assessors who shall assess the costs against the property in question. The lien shall be enforced in the manner prescribed in the Charter or City Code for the enforcement of special assessment liens or tax liens.

(Ord. No. 23-90, § 1(12-11-46.3), 11-21-90)

Sec. 37-2-4.- Notice to the owner.

- (a) The record owner or owners of any dwelling which is the subject of a complaint under this chapter shall receive written notice:
  - (1) That a complaint/applclicant(s) has been filed.
  - (2) That the dwelling has been determined, through an inspection, abandoned and a public nuisance, and that a hearing shall be held concerning the dwelling.
  - (3) That a demolition or nuisance abatement order has been issued concerning the dwelling.
  - (4) That the department of buildings and safety engineering has requested an order from city council to abate the nuisance or demolish the dwelling and that a hearing shall be held concerning the request.
  - (5) That the city council has entered a demolition or abatement order concerning the dwelling. If the city enters into a nuisance abatement contract, a copy of that contract shall be provided to

the owner.

(b) Each notice sent to the owner shall contain:

- (1) Notice that, if the city determines that the subject property constitutes a nuisance, the city may take appropriate action to abate the nuisance, including demolishing the dwelling or contracting to have one or more persons reside in and repair the dwelling.
- (2) Notice of the city's gift property program. For any property deeded to the city under the procedures set forth in this section, it will be conclusively presumed that the grantee intended the city to abate any nuisance at the property through the nuisance abatement contractor program.
- (3) Notice that the city may seize the title to any abandoned nuisance dwelling through a quiet title action.

(c) Notices required by this article shall be served on the owner by:

- (1) Handing the notice personally to the owner, to the owner's authorized agent, to an adult member of the owner's family at the owner's home or to an adult in charge of the owner's place of business within the city; or
- (2) Registered or certified mail, return receipt requested, and first class mail to the owner's home or place of business.
- (3) If the whereabouts of the owner is unknown, the notice shall be sent by registered or certified mail and by first class mail to the last known address of the owner.
- (4) In addition to the personal or mail service set forth in section 37-2-4(c)(1)-(3), a copy of the notice shall be posted on the premises in violation.
- (5) The failure of an owner to receive notice properly served under this section shall not affect, in any manner, the validity of any proceedings against the property under this article.

(Ord. No. 23-90, § 1(12-11-46.4), 11-21-90)

Sec. 37-2-5.- The nuisance abatement contract.

- (a) If the city council approves a contract with any applicant to abate a nuisance in a dwelling, the applicant shall enter and legally occupy an abandoned dwelling for the purpose of abating the public nuisance in accordance with the terms of an abatement contract between the city and the applicant.
- (b) The nuisance abatement contract shall include: A statement of the assessed value or the agreed current market value of the subject premises in its unrepaired, "as is" condition, whichever is lower; a statement of the nature and extent of repairs necessary to abate the public nuisance resulting from the conditions on the subject premises; if the building is a multiple family dwelling, a statement of the agreement between the department of buildings and safety engineering and the contractor as to whether it shall be maintained as the same number of units or converted to a lesser or greater number of units; an estimate of the reasonable monetary value of the labor of the applicant and his or her agents which will be required to carry out the abatement plan and of the materials and services which will be required to carry out the abatement plan; a reasonable timetable for completing the abatement plan; a statement that the contractor shall abate any dangerous conditions in the dwelling before occupying the property under the contract, however, this provision shall not prevent the contractor from occupying the property to secure the property or prevent vandalism; a statement that the contractor shall, as a condition of the contract, occupy the premises as soon as it is practicable after the contract is signed and essential preoccupancy repairs are

completed and, if the contractor is a natural person, maintain the premises as his or her residence during the term of the contract; a stipulation to hold the City of Detroit harmless for any injuries to person or to property that may be suffered by the contractor, his or her family, or their guests associated with the premises; a provision that the contractor agrees to secure liability insurance for damages arising from the repair and occupancy of the premises, up to a premium amount of one hundred dollars (\$100.00) per year; if the contractor is a community group, it shall obtain minimum available liability insurance for the contract period. If the contractor is a community group which agrees to repair the nuisance abatement dwelling for rental, a statement that the community group shall lease the property for residential purposes only, and shall make available not fewer than fifty (50) per cent of the units it rehabilitates under this article at rents charged to the lessee which do not exceed the maximum shelter allowance permitted by the Michigan Department of Social Services for the family size occupying the property with the amenities offered by the community group; no portion of any dwelling subject to a contract shall be occupied by a tenant of a contractor until the portion to be rented is completed and is registered with the city under its rental registration program. If the contractor is a community group which agrees to repair the nuisance abatement dwelling for sale, a provision that the dwelling shall be sold in accordance with all city and state laws, including but not limited to section 26-3-1, et seq., of the Detroit City Code, and a statement that the dwelling shall be sold for the amount of the purchase price from the city plus the amount of the liens for repairs under the contract, the reasonable cost of other repairs, and an allowance for reasonable overhead for tasks performed under the contract.

- (c) A contractor under this program shall be eligible to apply for assistance under any loan or grant program that is or may be administered or funded by the city. The monies set aside for homesteading rehabilitation shall be made available to contractors under this program.
- (d) The department of buildings and safety engineering shall periodically inspect, according to procedures set forth by the department, the dwelling to assure compliance with the contract and completion of the listed repairs. As repairs are completed by the contractor the value of the repairs as stated in the contract or modified by agreement of the city and the contractor and verified by inspections by the city shall be assessed as a lien against the property. The contractor may request an inspection at any time to verify the completion of repairs.
- (e) The department of buildings and safety engineering shall designate nuisance abatement contract inspectors who shall have the authority to conduct the assessments, estimates, and inspections required by this section.
- (f) The city shall, directly or through a services contract, provide technical assistance to nuisance **abatement contractors in effecting safe and low cost repairs on the contract premises.**
- (g) In consideration for the services of the nuisance abatement contractor, the city shall:
  - (1) Upon completion of the abatement contract, deliver the deed to the contractor when the city has the capacity to transfer fee simple title, if the city obtains title. The city shall deed title to the contractor for a sum of money equal to the agreed value of the property at the time the contract is signed less the value of all liens on the property resulting from the repair work under the contract, however, under no circumstances shall the sales price of the property be reduced below one dollar. The city shall credit the contractor with the value of non-lien repairs where those repairs remedy code violations and may credit the contractor with the value of other non-lien repairs which otherwise upgrade the value of the property.
  - (2) Compensate the contractor in the amount determined due by lien under the contract for all completed contract repairs, if the city does not obtain title, or if the owner of the abandoned

property exercises the right to redeem it within statutory time limits. The monies paid by the city to the contractor shall be paid for the redemption monies paid by the owner or owners to redeem the property. The city shall require full payment of all contractor liens before permitting an owner to redeem his property.

- (h) The normal term of the contract shall be thirty-six (36) months from the signing of the contract to conveyance by the city. If the city obtains title before thirty-six (36) months have passed, the city shall conditionally convey title to the contractor pending completion of the contract repairs. Full title shall then be conveyed upon completion of the contract period, unless the contractor, breaches the contract by abandoning the property. If the city obtains title later than thirty-six (36) months after the contract is signed, the conveyance shall be effected as soon as possible after the city obtains title. All abatement shall be completed before title passes.
- (i) No taxes shall be due on the property from the contractor during the thirty-six-month contract period. At the beginning of the thirty-seventh (37th) month after the contract is signed, if the contract is completed and the city is able to convey the property to the contractor, then the city shall convey to the contractor and the contractor shall be responsible for future taxes. If, at the beginning of the thirty-seventh (37th) month after contract is signed, the city is unable to convey the property, the contractor shall begin to make payments in the amount of fifty dollars (\$50.00) per month per unit to the city for administrative costs connected with the contractor's continued use of the property.
- U) The city shall institute foreclosure proceedings against any tax delinquent property which is the subject of an abatement contract wherever the institution of the foreclosure process by the city will be expected to shorten the time necessary to secure title in the city without increasing costs to the city.
- (k) (1) The city may terminate a nuisance abatement contract if:
  - a. There is a willful, material breach of the contract by the contractor.
  - b. There is a failure to commence work to abate the nuisance within 60 days after occupancy; or
  - c. The record owner of the property redeems the property.
- (2) Before terminating a contract under this section, the city shall provide the contractor ten (10) days written notice of what actions may be taken to cure the breach.
- (3) If a contract is terminated after liens have attached, those liens remain in effect against the property and in favor of the contractor until the title to the property reverts to the city.

(Ord. No. 23-90, § 1(12-11-46.5), 11-21-90)

#### Sec. 37-2-6. - Quiet title.

- (a) The title to any dwelling which is vacant and dangerous may be seized by the city through an action in circuit court to quiet title. If an owner leaves his or her property in a vacant and dangerous condition and is delinquent in taxes on that property, it shall be presumed that the owner intended that the title to the property revert to the city.
- (b) The city shall seek title to any abandoned dwelling subject to this section whenever it is determined that the quiet title action will expedite the acquisition of title by the city.
- (c) If the department of buildings and safety engineering and city council determine that an action to quiet title is appropriate, council shall so order and corporation counsel shall institute the action.
- (d) Whenever title is obtained by the city pursuant to this section, conditional title shall be passed to

the nuisance abatement contractor. This title shall be conditioned on full performance of the contract. After the nuisance abatement contractor is granted conditional title, the contractor shall be required to obtain insurance on the contract property.

- (e) Nuisance abatement contractors also may seek title to any abandoned dwelling subject to this article by an action to quiet title.

(Ord. No. 23-90, § 1(12-11-46.6), 11-21-90)

**Sec. 37-2-7.- Redemption.**

- (a) The record owner may redeem his or her property at any time before title vests in the city upon payment of all liens against the property, including taxes, special assessments, and the contractor liens.
- (b) If a record owner comes forward and expresses an intent to redeem his or her property, the city shall inform the nuisance abatement contractor of the owner's interest in the property within five (5) days of the owner's contact with the city.
- (c) Before the record owner may redeem the property:
  - (1) The city shall perform a closeout inspection of the property to affix the value of all repairs under the contract.
  - (2) The owner shall deposit a sum sufficient to pay the liens, assessments, and taxes with the city. The city shall require, at a minimum, a deposit of all nuisance abatement liens before permitting redemption.
  - (3) The city shall pay to the contractor from monies deposited by the owner an amount equal to the value of all nuisance abatement liens, and shall give the contractor notice that the contract is being terminated.
- (d) If an owner redeems the property before the nuisance conditions have been abated at that property, any prior order to secure the property or to abate the dangerous condition at the property remains in effect.

(Ord. No. 23-90, § 1(12-11-46.7), 11-21-90)

**Sec. 37-2-8. -Appeals.**

Any person aggrieved by a decision of any city agency as pertains to this article may request a hearing with the director of that agency of his or her designee; the agency receiving such a request shall conduct a hearing and issue a written report and decision on any matter to be heard.

(Ord. No. 23-90, § 1(12-11-46.8), 11-21-90)

**Sec. 37-2-9.- Savings clauses.**

- (a) This act shall not be deemed to limit in any way the city's right under any existing law or ordinance to correct any public nuisance, to correct any dangerous condition in any building, or to permit or encourage occupancy of abandoned buildings.
- (b) This act shall not be deemed to limit a contractor's right to undertake repairs or improvements to a dwelling beyond those nuisance abatement repairs listed in the contract, or to seek equitable compensation for those repairs from a dwelling owner.
- (c) The provisions of this act shall be deemed severable, and, if any part of this ordinance is to be held to contravene any statutory or constitutional provision, the rest of the act shall remain in force and effect.

(Ord. No. 23-90, § 1(12-11-46.9), 11-21-90)

# EXHIBIT 6

# The Detroit News

## Detroit pays high price for arson onslaught

SUSPICIOUS BLAZES CLAIM LIVES, SPREAD BLIGHT,  
PROVE EXPENSIVE

Joel Kurth The Detroit News

*Detroit*-Arson is a raging epidemic in Detroit, destroying neighborhoods and lives as the city tries to emerge from bankruptcy.

Even amid a historic demolition blitz, buildings burn faster than Detroit can raze them. Last year, the city had 3,839 suspicious fires and demolished 3,500 buildings, according to city records analyzed by The Detroit News.

Burned homes scar neighborhoods for years: Two-thirds of those that caught fire from 2010-13 are still standing, records show.

"Nothing burns like Detroit," said Lt. Joe Crandall, a Detroit Fire Department arson investigator, referring to the city's high rate of arson.

The Detroit News researched arson for more than three months and found that it remains a huge obstacle to renewal efforts following bankruptcy. The News reviewed records of more than 9,000 suspicious fires from 2010 to mid-2013 and found that arson has decimated the northeast, southwest and far west sides of Detroit.

Few neighborhoods were untouched by arson and the entire city bears its costs. Homeowner insurance in Detroit is at least double the state average because of arson, while the city last year spent \$3.5 million to demolish at least 247 homes that have caught fire since 2010. Its human toll is unmeasurable: Last year, 17 people died from intentionally set fires, and half of all suspicious fires were in occupied homes.

"People don't realize arson is a felony. They think it's just a crime against the insurance company," said Lori Conarton, a spokeswoman for the Insurance Institute of Michigan, an industry group that funds anti-arson efforts. "It's a crime against all your neighbors."

*"People don't realize arson is a felony. They think it's just a crime against the insurance company. It's a crime against all your neighbors."*

LORI CONARTON, INSURANCE INSTITUTE OF MICHIGAN

Aides to Mayor Mike Duggan, who has made fighting blight the cornerstone of his administration, declined comment on The News' findings or his strategy for reducing arson.

Arson Chief Charles Simms said the city is making progress in its long struggle with arson. Removing vacant houses will eliminate targets for arsonists, he said, and the city's bankruptcy plan frees money for blight efforts and re-staffing an arson squad that was hit by budget cuts.

This year, the squad expects to hire four investigators, bringing its total to 14. Detroit has the nation's highest arson rate, but the number of suspicious fires declined 14 percent last year, records show. The majority of suspicious fires are believed to be intentional, Simms said.

"I am optimistic we're making big changes," said Simms, who took office last year.

# 'Arson is like a cancer'

MAJORITY OF BURNED HOMES HAVE YET TO BE DEMOLISHED; ARSON  
ARREST RATE STILL LOW

The News constructed a database listing the locations, cause and other details about suspicious fires from 2010-2013. It created maps of fire hotspots in Detroit and compared the addresses with results from a Detroit Blight Removal Task Force study that cataloged the condition of all homes in the city.

The News found:

The vast majority of homes that burned from 2010 to 2013, at least 66 percent, have yet to be demolished.

That includes a fire-scarred hull of a home on Chalmers near Chandler Park that's vexed Calvin McGhee or years.

"If you are in the right part of the city, things are getting better," he said. "If you're in the wrong part, it's not getting better at all."

Duggan's demolition blitz targets six wide areas of the city. It's funded by \$52 million in federal funds that expire this year. The city's bankruptcy settlement set aside \$440 million for blight removal, but a city report last year found Detroit may need \$850 million to complete its demolitions.

- More than 1,000 blocks in Detroit had two or more suspicious fires in 2010-2013. In all, property damage from arson cost the city and Wayne County about \$248 million in 2013, according to estimates from the Michigan Arson Prevention Committee, a nonprofit funded by insurance companies to discourage arson.

Most torched homes, 52 percent, were occupied, while 23 percent were vacant from 2010-2013. There was a similar ratio last year, according to Fire Department records.

"Arson is like a cancer," said Louisa Papalas, the only Wayne County assistant prosecutor assigned to handle arson cases.

"Once one home is set on fire, if it's left to stand, it spreads from one house to the next. Pretty soon, there are one to two viable homes on the block."

- Staffing levels in the arson squad only allow one-third of suspicious fires to be investigated. Last year, warrants were issued against 142 in Detroit for arson. That's up from 115 in 2013. It still represents a fraction of all suspicious fires.

"You can get away with it because it's not going to be investigated," said Robert Trenkle, a retired Detroit arson investigator and owner of Certified Investigations International, a Redford-based firm that investigates about 800 Detroit fires a year for insurance companies.

- Along with burglary, arson has pushed rates for homeowner insurance to the highest in the state.

The average policy in Detroit is at least \$1,700 per year, said Eric Huffman, who owns a State Farm agency in New Center. The average policy in Michigan was \$774 in 2011, the last year figures are available, according to the Insurance Institute of Michigan.

Huffman said rates are highest in three ZIP codes with the most suspicious fires: 48209 in southwest Detroit and Delray, 48205 in northeast Detroit and 48203 in north Detroit near McNichols and Woodward.

"It affects everyone. No doubt about it. We're all paying for it," Huffman said.

- Detroit's arson rate is at least five times higher than cities such as Dearborn, Warren, Southfield and Clinton Township, according to FBI statistics.

Among their mistakes: They pulled photos out of albums before setting the fire, according to evidence at their trial.

## **ABOUT THIS SERIES**

The Detroit News spent more than three months investigating the toll of arson on Detroit. Investigations chief Joel Kurth used the Freedom of Information Act to obtain spreadsheets containing detailed records of more than 9,000 suspicious fires in Detroit from 2010 to mid-2013. The records were combined with Fire Department records as well as an inventory of all city parcels by The Detroit Blight Task Force to create detailed databases.

The series was reported by Kurth and business reporter Louis Aguilar. Photos and video were taken by Elizabeth Conley and Max Ortiz. Maps, graphics and online search tools were created by investigative reporter Christine MacDonald, digital innovation editor Tom Gromak and graphics editor Tim Summers.

# 'Not much left to burn'

ONE NEIGHBORHOOD HAD 89 SUSPICIOUS FIRES FROM 2010-2013, THE  
LAST ACT IN A CYCLE OF ABANDONMENT

Like few other neighborhoods, arson has decimated Delray in southwest Detroit.

Francis Newsome keeps a neat house with lawn decorations behind a metal fence. Next door is the charred shell of a home that has burned twice in the past five years. On her block of Lyon Street, eight homes have burned since 2010. Within two blocks, another 20 have caught fire.

Her neighborhood has the highest per-capita rate of suspicious fires in Detroit. There were 89 from 2010-13. Only about 680 residents remain in the neighborhood squeezed on the west by the Marathon refinery and on the east by a planned second bridge to Canada.



Charred items rest curb-side at the scene of a suspected arson fire on Roselawn Street in Detroit. About half of all fires in the city are considered suspicious.

*(Photo: Max Ortiz, The Detroit News)*

"It's dying down a little bit," said Newsome, a lifetime resident of the neighborhood.

"There's just not much left to burn anymore."

In Brightmoor, Riet Schumack and other homeowners board up about 40-50 abandoned and burned homes a year. In three years, 385 homes burned in her ZIP code, 48223, which has about 26,000 residents.

"It's our experience that if a house is empty more than 24 hours, it will get scrapped. And then there is a 50 percent chance it will burn," said Schumack of the Neighbors Building Brightmoor group.

Houses are boarded with wood painted by children. That seems to discourage arsonists, she said, adding that fires are worse on blocks not covered by the group.

Charlotte Beatty has tried three years to rebuild her life after an arsonist torched her apartment complex near Mack and Conner on Detroit's east side. She lost everything, now lives with her daughter in Hamtramck and is trying to find a job.

She hurt her shoulder jumping to escape the flames and still has nightmares. A man was convicted of setting the 2011 fire because he was upset that a tenant he met in prison quit the Nation of Islam.

"It had nothing to do with me," said Beatty, 51. "We still hurt. Our family hurts."

## **A five-year plan**

**ARSON SQUAD CHIEF WANTS TO CUT SUSPICIOUS FIRES IN HALF,  
INVESTIGATE MORE FIRES BY 2019**

Simms, the new arson chief, said he has a plan to cut suspicious fires in half and to investigate 80 percent to 100 percent of all fires by 2019.

His first year was aided by an increase in demolitions and the arrest of three serial arsonists suspected in hundreds of fires.

"My goal is that we will be the city that, as far as fires are concerned, turned it completely around," Simms said. "We'll be the standard for the country. I know that sounds optimistic, but I think it is obtainable."

Simms' plan relies on increasing public outreach, filling vacancies in the arson unit and changing its priorities. He's divided the city into quadrants, assigned investigators to each one and ordered them to focus on making arrests in solvable cases with witnesses.

"We're seeing things stabilize," said Fire Commissioner Edsel Jenkins, who oversees the Detroit Fire Department. "People are taking care of the properties they have."

Simms is up against the tide of history. For years, Detroit has been known as the nation's arson capital. It is the leader among big cities in FBI data, which only tracks confirmed arson cases, not fires that were never investigated.

Another agency, the U.S. Fire Administration National Fire Data Center, counts every fire. Its most recent national numbers are from 2012 and show Detroit is second to New York City in intentional fires or those with unknown causes.

New York had 9,168 fires and 100 fire investigators. Detroit had 5,510 and as few as seven investigators from 2010-13. Ten are now on board in Detroit, with plans to hire another four.

Simms said the city is doing its best with its resources. He pointed to a June report from the National Insurance Crime Bureau that found the number of fire insurance claims in Detroit fell 23 percent in 2013 to 1,078 from 1,306.

Those claims were against homeowner insurance policies. Huffman, the insurance agent, said property values have fallen so far in Detroit that many residents frequently opt against buying homeowner insurance. The average Detroit home sold for \$16,000 in October, down from \$75,000 in 2005, according to RealtyTrac, a California-based real estate data firm.

"Every day, I give a quote to someone who doesn't have any coverage on their home anymore," Huffman said.

"It's just, 'Hey, I can't afford it.'"

## Renter insurance scams

### FIRES FREQUENTLY SET BY DEBT-RIDDEN RESIDENTS WHO TAKE OUT BIG POLICIES

Trenkle said more arson schemes today involve renter insurance that can be purchased online and often requires no inspection of properties.

"The housing market crashed, and it does induce people to set fires to their properties," said Trenkle, who retired from the Detroit arson squad in 1991.

"Now, they play games with renter insurance. It's a lot less expensive. People change roles. One day, you are the tenant. The next, you are the homeowner."

Most policies require tenants to list landlords. So many schemes involve transferring property to relatives or falsely listing them as landlords, Trenkle said.

Alceda White faces trial in March on claims she did just that to escape big debts at her home on Rossini near Hayes.

She once owned the house but transferred the deed to her daughter and then bought a \$50,000 renter policy, said Lt. James Hill-Harris, an arson investigator. She is accused of rolling up paper into a wick, dousing it with gasoline and striking the match that burned the home.



Lt. Omar Davidson works with ATF-trained arson dog Colby at the arson section offices at Detroit Public Safety Headquarters in Detroit.

*(Photo: Max Ortiz, The Detroit News)*

"She was up to her eyeballs in debt. She kept applying for more credit. Denied. Denied. Denied. She was getting more desperate," Hill-Harris said.

White made mistakes, prosecutors allege. There were no dirty clothes in the house. Or food in the refrigerator. Most telling: An urn containing the ashes of a relative was missing after the fire, Hill-Harris said.

In May, an east side family was sent to prison for a renter insurance scam. Two months after buying a policy in April 2013 for a home on Devonshire near Interstate 94, they called police to report someone breaking into their home.

Then they set a fire and went to the movies. They returned to find the fire didn't do enough damage, according to trial testimony.

So they set another one, called the police again and returned to the Ford-Wyoming drive-in until about 4 a.m. to ensure the fire stuck, police said.

Prosecutors suspect the ~~trio~~—Rita Johnson, her daughter, Olivia Floyd, and son-in-law, Darryl Floyd —set fires and collected insurance at other rental properties before they were caught, Papalas said.

# EXHIBIT 7



CITY OF DETROIT  
FIRE DEPARTMENT  
DETROIT PUBLIC SAFETY HEADQUARTERS

1301 THIRD STREET  
DETROIT, MICHIGAN 48226  
PHONE 313•596•2900 TTY:711  
FAX 313•596•2888  
WWW.DETROITMI.GOV

**AFFIDAVIT IN SUPPORT OF  
COMPLAINT FILED FOR NUISANCE ABATEMENT**

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF WAYNE     )

Eric Jones, being duly sworn, states:

1. I am the Executive Fire Commissioner of the Detroit Fire Department.
2. In 2015, The Detroit Fire Department responded to approximately 17,000 fire calls, with 3,852 of those occurring in structures.
3. On average 60% of the fires in Detroit are in vacant structures.
4. The City of Detroit had approximately 11 structure fires per day in 2015.
5. Over 60% of the structural fires the DFD faces are caused by arson, which is substantially higher than the national average for arson-related fires.
6. About 60% of the arson fires that occur daily in Detroit occur in vacant homes.
7. Each call for a structure fire requires 3 engines, 1 truck, 1 squad, 1 battalion chief on scene, taking up valuable resources that can be used to provide service to occupied dwellings.
8. In November 2008, a member of the Detroit Fire Department was fatally wounded during fire suppression operations at a vacant dwelling.
9. In 2015, 90 fire fighters were injured during fire suppression operations at vacant dwellings.
10. To date, in 2016, there have been 28 fire fighters injured during fire suppression operations at vacant dwellings.
11. It is my professional opinion that the vacant dilapidated dwellings throughout the City of Detroit have an extremely detrimental impact upon the public's health, safety, welfare and constitute a public nuisance.



CITY OF DETROIT  
FIRE DEPARTMENT  
DETROIT PUBLIC SAFETY HEADQUARTERS

1301 THIRD STREET  
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FAX 313•596•2888  
WWW.DETROITMI.GOV

If called as a witness, I am competent to testify as to the facts and circumstances averred to herein. Further, the affiant sayeth not.

*Eric Jones*

Eric Jones, Executive Fire Commissioner  
Detroit Fire Department  
1301 Third Street  
Detroit, MI 48226  
(313) 596-2901

Dated: 05/24/16

Subscribed and sworn to before me this

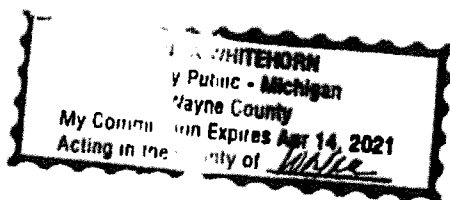
24th day of MAY, 2016

*Spencer Shethor*

NOTARY PUBLIC

Wayne County, Michigan

My commission Expires: 4/14/2021



# EXHIBIT 8

## For many kids in Detroit, school zones are danger zones

Apr. 16

freep.com



*Shantinique Skinner, 18 a senior at Denby Technical & Preparatory High School. walks past an abandoned home on her way to school during in Detroit, on Tuesday, Nov., 22, 2011.*

Shantinique Skinner, 18 a senior at Denby Technical & Preparatory High School, walks past an abandoned home on her way to school during in Detroit, on Tuesday, Nov., 22, 2011.



*Shantinique Skinner, 18 a senior at Denby High School walks past abandoned homes on her way to school during in Detroit, on Tuesday, Nov., 22, 2011.*

Purchase  
Image Zoom

Shantinique  
Skinner, 18  
a senior at  
Denby High  
School  
walks past  
abandoned  
homes on  
her way to

school during in Detroit, on Tuesday, Nov., 22, 2011. / ANDREJ.JACKSON/Detroit Free Press  
Detroit

### *First of two parts | Part 2*

In the dim early morning, Shantinique Skinner slips out the side door of her house and heads to school before the sun rises.

The 18-year-old walks past a stretch of bungalows and colonials on her block, only three vacant homes stand between her house and the corner.

- Photos: DANGER ZONE: Detroit students' dangerous journeys to school
- Interactive map: 33,000 dangerous buildings threatening Detroit schoolchildren's safety

The next block has 11 abandoned houses. The blocks after that even more.

Shantinique walks 1.7 miles to Denby high school on Detroit's east side alone. Often in the dark.

She passes at least 88 vacant homes on her way there. And dozens of abandoned lots. She walks on blocks where the streetlights are busted or don't work. And she does it in a ZIP code that the U.S. Attorney's Office called one of Detroit's most deadly last year.

Shantinique walks briskly, her pink messenger schoolbag bobbing at her side with each step. She wears a baseball cap, shading her brown-skinned baby face and eyes. She constantly scans the sidewalks ahead of her.

She eyes one particular vacant lot behind an abandoned house on Hayes Street near East Outer Drive. The lot reeks of the soggy carpets and trash bags dumped there. The dingy white house with peeling paint has no windows. Someone left liquor bottles in the yard near a darkened opening that used to be a back door.

A scurrying rabbit or squirrel in the rubble behind the house startles her. But she doesn't cross the street to avoid the property.

That's because far more vacant and crumbling houses -- row upon row of them -- litter the other side of Hayes.

"You never know what's inside of these houses," Shantinique says.

Last year, a rapist on the east side was in one just like these -- assaulting a woman in an abandoned house two blocks from Denby. In this area, the rate of assaults and sex crimes against young victims surpassed the city average last year. More than 1,000 people 24 or younger were assaulted in this area in 2011; 71 were victims of sexual assaults; almost 200 were robbed, and at least eight were victims of homicide.

"They," Shantinique says, referring to the city, "need to do something about these abandoned buildings."

The city's crisis is mammoth. More than 3,000 structures in the Denby area alone are considered so dangerous, they need to be torn down. Last year, the city targeted the area around Denby and two other high schools for increased demolitions and patrols: Osborn, adjacent to Denby on the east side, and Cody, on the west side. More than 5,500 homes need to be demolished in the Cody area and more than 2,700 near Osborn.

Last fall, the city stepped up police patrols around the three school zones and brought together volunteer patrols to help. But although the extra patrols have helped reduce some crime, the cash-strapped city's pledge to tear down dangerous structures in school zones remains unfulfilled.

Shantinique used to walk to school with a big group of friends and neighbors when she attended nearby Osborn. But that was two years ago. Now she attends Denby and lives on a different block, one with mostly older residents.

Shantinique says she's cautious, but she tries not to be too afraid. Too much fear stops people from living. And she has a life to get to: a tangerine Cinderella dress for prom next month, a graduation in June and community college in the fall.

But she gets apprehensive when men approach her on dark, early mornings.

They drive in cars and follow alongside her sometimes. "Can I take you home?" "Can I get your number?"

"I might get called a couple names because I won't respond," she says.

That's why she keeps a cell phone in the pocket of her waist-length leather jacket. She uses it to pretend to be in a conversation to avoid confrontation or interaction.

Shantinique knows how to use a knife-- she cuts fish at a fish and chips restaurant after school. So it would help if school policy allowed her to carry a pocket knife -- or pepper spray -- for self-defense, she says.

She tries not to think about the "what-ifs."

What if someone came out of one of the abandoned houses and attacked her? What if someone approached her with a weapon and forced her inside? What if no one heard her scream? Would she be able to get away?

While the city looks for money to address the problem, Shantinique depends on something else to keep her safe.

"God will protect me," she says.

### **Thousands of kids living in fearevery day**

Over the course of two months, the Free Press rode the bus and walked to and from school with several students chosen at random from among the three schools targeted last year by the city's Safe Routes program.

Girls said they fear creepy men and abandoned buildings.

Boys said they fear being attacked by gangs.

All said their fears increase in the dark hours of the early morning or evening.

More than 20,000 Detroit Public Schools students walk to bus stops to ride city or school buses each morning. Thousands more walk directly to school. For six months out of the year, it's dark when they navigate around thousands of vacant structures.

And they do so in a city where more than 26,000 streetlights don't work.

The darkness triggers fear.

It turns something as basic to childhood as a stroll to school into a power walk. It turns a harmless passerby into a predator. It makes places that appear mundane by day seem threatening in dim light.

"We got to applaud Detroit Public Schools students," said Calvin Colbert, coordinator for Brothers on Patrol, a volunteer group that secures the Cody high area. "They come in the dark, on the bus system, in the rain, cold, by abandoned properties, through violence. All of that, just to go to school.

"That wakes me up in the morning."

Shantinique walks to school because the bus service is unreliable, she says. She has to take two buses to get to school-- and with cuts in bus service--and long waits at bus stops, she says it's quicker to walk-,than to wait.

Her mom, Emma Skinner, 40, is a nurse's assistant who sometimes has to work mornings. She drives

Shantinique to school some days. In failing to address the blight, the city is failing its residents and endangering her child, she said.

„Just look around," said Skinner. "Our tax money is not going to good use."

The neighborhoods around Denby, Osborn and Cody high schools were chosen as pilot areas for Detroit's Safe Routes program because of high numbers of youth arrests and high numbers of EMS calls involving young victims.

Eight months after the effort kicked off at the beginning of the school year, police and volunteer patrols are still visible on the streets around the schools, but the city is still scraping for money to demolish dangerous buildings near schools.

Abandoned houses around the three pilot schools have been the scenes of high-profile crimes.

Last year, Raynard Coleman, dubbed the eastside rapist, lived in the Denby area. Coleman, accused of raping as many as seven women, was convicted of a 10-day crime rampage after he drove up to young women, abducted them at gunpoint and sexually assaulted them in vacant buildings.

In 2009, the body of 21-year-old Chesterfield Township resident Matthew Landry, who was kidnapped from a Quiznos in Eastpointe, was found shot in the head in a vacant house near Denby. Landry's murder drew attention to the problem of abandoned homes, and a year after his death, the city demolished the house where his body was found.

In January, Jane Bashara, an active Grosse Pointe booster and mother, was found strangled to death in her car in an alley behind a vacant house two blocks from Osborn.

And in 2006, four people were found shot to death inside a vacant house that was a known drug den in the Cody area.

Within a mile of these three schools, there are about 3,200 buildings that the city has marked for demolition, but there isn't enough funding. There are 1,010 targeted for demolition by 2013, and 515 have been demolished since January 2010 -- when Mayor Dave Bing's current term began -- and February 2012, a Free Press analysis shows. The city's priority is demolishing dangerous buildings within 400 yards of a school, but it has expanded that to 1,760 yards -- 1 mile -- in the three pilot areas, even though money remains scarce.

A Free Press survey showed abandonment on the doorsteps of the schools: 37 vacant and abandoned properties sit within a two-block radius of Denby; 62 are on streets that lead from city bus stops to Cody, and 83 are within a two-block radius of Osborn.

The vacant structures are in varying conditions, but most fit the city's definition of a dangerous building: vacant and not boarded-up, some fire-damaged, others just falling apart or with gaping dark holes where doors and windows once stood.

On Kelly Road, where Denby stands behind an 8-foot wrought iron fence with a huge lock on it, Shantinique passes vacant businesses that used to make the neighborhood a vibrant place: a dry cleaners, a movie theater and a community resource center among them.

The closer she gets to school, the more students appear on the sidewalks from side streets and city buses. The added patrols by police and citizen volunteers have made the immediate vicinity of the schools safer-- but the patrols are there only two hours in the morning and two hours in the evening.

The last house Shantinique passes before stepping onto campus is a boarded-up colonial.

She has made it to school.

Somehow, she never doubted she would. She has learned to cope with her walk and the blight.

"It's nothing I can do about it. I have to go to school," she says.

### **'Seems like I see fights every other day'**

Dominic McCormick minds his own business.

He's a good kid -- a square, as his principal puts it.

He and his twin sister live with their mom, a city bus driver, and his dad, a trucker.

Dominic bothers no one.

But in November, someone bothered him. Dominic, 15, was at a crowded bus stop on Morang and Kelly Road, blocks from Denby high, when he was attacked.

The sophomore remembers standing at the bus stop after school let out. He said hello to a friend, then put on his earphones. He was listening to a song by a rapper named the Game when it happened.

Friends tell Dominic that a young man in a red hoodie walked up to him and just punched him in the face.

Dominic never saw it coming. The lanky, 133-pound baseball player fell like a tree, hitting the cement face first.

The fall knocked him out cold. A bloody lump the size of a golf ball rose on his forehead, the swelling partially closing his left eye.

A friend called Dominic's mother, who got there within minutes and took him to the hospital.

All Dominic remembers is waking up with blurry vision, a crowd of people around him and blood running down the left side of his face.

His left eyebrow no longer grows in the spot where he was hurt.

Dominic thinks it was a freak occurrence, a sneak attack from someone trying to appear tough.

"Some dude was just trying to pick on somebody, trying to prove a point," he said.

'(enyetta Wilbourn, Denby's principal, thinks differently. She said the randomness of the attack on Dominic sounds like a gang initiation.

The area has its share of patrols looking to deter violence. DPS and city police, along with a fledgling citizen patrol, surround Denby after school every day. On any given day, three to four police cars can be spotted circling the area or parked at the Family Dollar store or gas station near the bus stop where Dominic was injured --two blocks from the school.

But none was around that day.

Dominic says he hasn't let the attack hurt his spirit or aspirations.

"I'm all right," he says with a smile.

He wants to graduate and join the Air Force or U.S. Marines-- or maybe own a trucking business one day.

Though he was injured on the way home in the afternoon, he says his morning commute is more worrisome.

A member of Denby's Junior Reserve Officer Training Corps, Dominic has to arrive at school before 7 a.m.-- before daybreak. He no longer takes the bus. "It takes too long," he says.

Since the attack, he and three friends also in the ROTC walk together to and from school. Sometimes they walk in a group in the street to avoid the abandoned houses on his block -- only four of the homes on his block are occupied, he says.

"You all right in a group," he says.

The gangs of youths infesting the neighborhoods around Detroit schools today are not the drug gangs of the 1980s and '90s, but rather street thugs -- a smattering of "crews" that are loosely established according to neighborhoods, the city said in a report last year to the U.S. Justice Department.

The gangs form and dissolve often. Some gang members even attend the schools in their neighborhoods. A few might be spinoffs from the hard-core drug gangs, police say. But most are just youths looking to dominate a neighborhood through threats of violence and steal whatever they can grab off their victims.

While school officials can only guess that gang violence might have played a role in Dominic's assault, boys at Cody are sure that multiple gang members target the bus stop at Faust Street and Chicago Boulevard, where students have been jumped.

The gangs, whose leaders are called "CEOs," rob victims of money and cell phones if they can, said Taylor Ford, a junior at Cody.

"After school, you don't feel safe because you don't know what (weapon) they have on them or what they're trying to do," Taylor said.

Taylor, along with Charles Bell and Christian Fleming, all juniors, were among four boys jumped at the bus stop in May by what they say, seemed like 40 gang members.

Outnumbered and afraid, the boys fought.

And fought.

Until police arrived.

"After school, I have to decide on a route to avoid the gangs," Charles said. "Seems like I see fights every other day."

DPS Police Chief Roderick Grimes is familiar with the bus stop -- it's a hot spot. The gangs attack the stops blocks away from schools because the campuses are crawling with cops and patrols, especially after school, Grimes said.

The hot spots get extra attention, which pushes the gang fights to another area, creating a new hot spot.

"You don't see a lot of fighting on school property anymore because our campus police officers and (private security) lock it down," Grimes said.

"Kids realize it and take the fight a few blocks away from the school. That's where the citizen patrols come in and make a difference."

### **How did this ever become acceptable?**

Even those who don't walk to school often face danger. Thousands wait for long stretches at bus stops near abandoned homes because of slow bus service. Budget cuts to the Detroit Department of Transportation have left bus service with a 50% on-time rate, according to a 2011 survey by Transportation Riders United, an advocacy group.

It all raises a question for kids, parents and educators: Where is the outrage?

For Wilbourn, Denby's principal, a more pressing question needs to be answered.

"What's it going to take? Do one of these children have to die to get some basic needs met?" she says from her office where a window overlooks three blocks of blight.

Wilbourn is a short and outspoken administrator who used to carry a bat in Denby before she purged the school of some of its worst gang members by kicking out troublemakers.

She drives around the school sometimes to make sure her students are safe. Once, she had to duck down when she heard gunfire blasting in her direction. The former member of the U.S. Army Reserves knows discipline.

And she is inflamed about the blight squeezing Denby.

Wanting to expose the dangers in the unsecured abandoned houses one day, she walks through the 8-foot wrought iron fence that separates Denby from vacant homes. She bounds across the street in her red-bottomed designer high heels and into a tattered duplex.

Inside, a dirty couch sits among weather-beaten liquor bottles, garbage and cast-off clothes. Wilbourn sees something else.

"I see a community that has forgotten and a government that has forgotten about its people," she says.

One of her students-- male or female-- could be pulled inside and assaulted, she fears.

"Anything can happen," Wilbourn says with a hint of frustration in her voice. "In this one house, you've got Vaseline and pornography and a nasty sofa."

On the three blocks directly across the street from Denby, students board and exit the city bus a few feet from a dozen vacant housing units, most of which are in wretched condition, a Free Press survey found. There are no poles for streetlights on that side of the road.

Wilbourn said it took two years of complaints and letter-writing to get the city to install lights directly along the curb on the side of Kelly Road where Denby sits.

Teachers and principals have adapted to the threats students face.

Extracurricular activities often are scheduled around bus schedules and nightfall. Denby night-school students are allowed to leave an hour early -- about 7:20 p.m. in the winter-- so students can make it to buses and avoid long, late-night waits at bus stops, said Tracie McKissic, night-school assistant principal.

At Osborn, cheerleaders are told to be off campus after school by 5 p.m. in the winter to avoid the dark.

"Some of us walk and it gets extra dark.... On my block by the bus stop, it's no streetlights and a lot of guys outside. I can't wait to go away to college," said cheerleader Ashonte Jackson, a senior. "I don't think about what could happen to me because that's when things happen to you."

### **City can't make 3 schools safe, what about others?**

Shantinique's mom graduated from Denby in 1990, when nearly all of the homes around it were occupied. When she works the afternoon shift, she gets home from her job as a nursing assistant around midnight and sometimes is able to drive Shantinique to school in the morning.

When money is tight, she has to figure out whether she has enough gas for the drive to work and to Denby.

"I feel real bad if I don't have gas to take her to school," Skinner said. "It's a real hard decision to make."

She said it's one she wouldn't have to make if the city would live up to its promises to remove dangerous buildings around schools and stabilize neighborhoods.

"They have all these commercials about come back to Detroit," Skinner said. "For what? I plan on leaving."

The current problem with abandoned buildings near schools takes Verna Brocks back to the rapes of female students more than 10 years ago.

During the 1998-99 school year, 10 female students were raped, sparking a panic that led to the formation of volunteer patrols and police patrols near schools. Most of the rapes happened on the city's east side, behind vacant buildings, garages or in alleys. Most of the victims had been walking alone.

Brocks, president of the citywide parent-teachers association in Detroit Public Schools, said schoolchildren face more danger en route to school today than they did then because the city has so much more abandonment.

The city needs to focus on more than the three pilot areas-- and soon, she said.

"It's every child, and every school."

*Contact Chastity Pratt Dawsey: 313-223-4537 or [cpratt@freepress.com](mailto:cpratt@freepress.com). Staff Writer Kristi Tanner contributed to this report.*

### **More Details: Violence still serious issue among youths**

Denby, Cody and Osborn high schools were chosen as pilot schools for the city's Safe Routes program because of the high rates of youth violence near them.

Violence remains a serious issue citywide. In 2010, those 24 or younger accounted for 31% of all EMS calls in Detroit and 106 homicides citywide. The Detroit Police Department made 12,414 youth arrests.

Crime increases in areas of high abandonment, police officials say.

# EXHIBIT 9

Abandoned homes affect your health. But here's what can help.

<http://stateofopportunity.michiganradio.org/post/abandoned-homes-affect-your-health-heres-what-can-help>

By JENNIFER GUERRA • JUL 20, 2016

Brightmoor resident Bill Hickey started to feel at home in his neighborhood when neighbors came to help him on his garden.

JENNIFER GUERRA/ MICHIGAN RADIO

When you're in your house, what do you see when you look out your front window? Maybe a big maple tree, a mailbox, your neighbor's house across the street and the house next to them.

Cindy Dorman wishes that's what she saw when she looked out her front window. But instead she sees a whole lot of blight. "Twenty-one abandoned houses" within a one-block radius of her house, to be exact.

Dorman lives in Detroit's Brightmoor neighborhood, one of the most blighted areas in the city. She grew up in Brightmoor and says, back in the 1960s, it was "a clean, 'Leave it to Beaver'-type neighborhood [where] the houses were well-maintained, everybody knew everybody." But then white flight hit, and most of her neighbors left for the suburbs. What was left of the neighborhood was pretty much decimated by the crack cocaine epidemic that hit Brightmoor a decade or so later.

Now, things are getting better in Brightmoor, but it's a slow process. The latest data show more than half of the houses there are abandoned.

When Bill Hickey moved in seven years ago with his wife, Billie, he had second thoughts about living there. "When I first came to the neighborhood and saw a lot of the burned-out houses and open and vacant homes, I felt very much afraid," says Hickey. "I felt like this was not the place for me."

Turns out there was something to that gut feeling he had.

Allison Aiello is an epidemiologist, and she says there are a number of studies that show how abandoned buildings and vacant lots can harm your health. She says people can experience "loss of community control over a neighborhood, fear of crime and financial strain."

Aiello herself has done research in this area. She's currently a professor at the University of North Carolina, Chapel Hill, but before that she was at the University of Michigan where she helped lead the Detroit Neighborhood Health Study. She and her team wanted to know how neighborhoods with high rates of abandonment affect your health.

They surveyed 1,547 residents from 54 Detroit neighborhoods from 2008- 2013, and drew blood samples from nearly 300 of those residents during that time. They used the blood samples to test for a number of different biomarkers, but for the purposes of our story, let's focus on one: the thymus. It's the organ responsible for creating new T cells in the body, which help fight off infection. Aiello calls it "a good barometer of the integrity of your immune system."

What she found was that "for every 10 percent increase in the prevalence of abandoned homes, there was a decrease in thymic function that was basically equal to having a thymus that was one year older than an individual with 10 percent fewer abandoned homes in their neighborhood."

In other words, living in a neighborhood like Brightmoor, with its high volume of abandoned houses and lots, can age your immune system.

But there is a mitigating factor: your neighbors.

If you know and trust and help your neighbors, if you feel a sense of community and share common values with your neighbors, there's a term for that. It's called "social cohesion," and Allison Aiello's research shows strong social cohesion can help "protect against" the negative health effects of abandoned houses, like decreased thymic function.

Aiello says she wasn't necessarily surprised to find social cohesion's protective feature of the immune system; social cohesion's been associated with other positive health outcomes in previous studies. But she does see the creation of strong community ties as "one potential lever"-- in addition to improving policies that address foreclosures early on-- that could be pulled to "influence health and improve immune function or other health functions if these relationships pan out to be causal and are replicated in other studies and not just in cross-sectional data as we examined here." Aiello says she's in talks with Detroit's new public health director, Abdul El-Sayed, about using data from the Detroit Neighborhood Health Study to promote "new public health efforts" in the city.

Today, Bill Hickey knows almost everybody in his neighborhood by name, and they sometimes stop by to grab some veggies out of his garden. He helped start a youth garden in the lot behind his house, and he's an active member of the Neighbors Building Brightmoor community group. But when he moved in seven years ago, he didn't know anyone. And remember, he was scared; he didn't want to be there.

But he and his wife went to work immediately on their garden. It was just an abandoned lot covered with weeds and bricks and pieces of concrete. They spent two days out there clearing and weeding and digging.

On the third day, the guys who lived across the street came over to introduce themselves, and offered to help. Soon enough other neighbors stopped by, introduced themselves, and offered to help. And Hickey says that feeling of fear he had started to slip away.

"I think what people would find if they came and lived here is just a real sense of community purpose," says Hickey, "a real sense of caring for one another, and that's, I don't know, what more you can ask?"

So, does he think that knowing his neighbor affects him physically? He chuckles and says, "Well, I'm 71 and I'm still helping with this garden and other things. You know, I'd be happy to chalk that up to having good neighbors."

And now, there's some research to back that up.

Findings from the Detroit Neighborhood Health Study will be published later this year in RSF: The Russell Sage Foundation Journal of the Social Sciences.

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TAGS: #BRIGHTMOOR #BLIGHT #DETROITNEIGHBORHOODS

**EXHIBIT :**



US

Vacant Detroit becomes dumping ground for the dead

Published August 02, 2012

Associated Press



July 31, 2012: A trashed strewn street is seen in east Detroit. Abandoned lots, alleys and neglected parks in Detroit used to be a favorite destination for discarded tires and trash.AP

DETROIT- From the street, the two decomposing bodies were nearly invisible, concealed in an overgrown lot alongside worn-out car tires and a moldy sofa. The teenagers had been shot, stripped to their underwear and left on a deserted block.

They were just the latest victims of foul play whose remains went undiscovered for days after being hidden deep inside Detroit's vast urban wilderness-- a crumbling wasteland rarely visited by outsiders and infrequently patrolled by police.

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Abandoned and neglected parts of the city are quickly becoming dumping grounds for the dead-- at least a dozen bodies in 12 months' time. And authorities acknowledge there's little they can do.

"You can shoot a person, dump a body and it may just go unsolved" because of the time it may take for the corpse to be found, officer John Garner said.

The bodies have been purposely hidden or discarded in alleys, fields, vacant houses, abandoned garages and even a canal. Seven of the victims are believed to have been slain outside Detroit and then dumped within the city.

It's a pattern made possible by more than four decades of urban decay and suburban flight. White residents started moving to burgeoning suburbs in the 1950s, then stepped up their exodus after a deadly 1967 race riot. Detroit's black middle class followed over the next two decades, leaving block after block of empty homes.

Overtime, tens of thousands of houses deteriorated. Some collapsed, others were demolished. Empty lots gave way to block-long fields.

Jacob Kudla and Jourdan Bobbish were found July 27 in a field off Lyford Street, a lonely road that borders an industrial area and a small municipal airport. The teens from suburban Westland, 18 and 17, respectively, had been visiting Kudla's uncle in Detroit when they disappeared July 22.

Their corpses were found by someone walking along the desolate block. The closest house, about 100 yards away, belongs to 74-year-old Ella Dunn.

Over the last 24 years, she has watched nearly all her neighbors move out. Now she constantly hears people dumping tires, furniture and trash.

A nearby parking lot resembles a small landfill for junk-- a coloring book based on Bible characters, a yellow toilet, furniture, shoes and five boats.

"Detroit is a dumping ground for a lot of stuff," said Margaret Dewar, professor of urban and regional planning at the University of Michigan. "There is no one to watch. There is no capacity to enforce laws about dumping. There is a perception you can dump and no one will report it."

In mid-July, the decapitated bodies of a couple were pulled from the Detroit River and a nearby canal. Authorities say they were shot and dismembered in their home in suburban Allen Park, then driven to a little-used Detroit park and dumped in the water. A man who lived with them is charged in the slayings.

The bodies of two Hamtramck women were discovered in March buried in a neglected Detroit park. Five men are accused in the murders.

Back in December, the bodies of two women were found in a car parked near a vacant house. Six days later, the badly burned remains of two other women turned up in a car trunk. Police believe all were killed elsewhere and dumped in Detroit. A man from suburban Sterling Heights has been charged.

Detroit has more than 30,000 vacant houses, and the deficit-strangled city has no resources of its own to level them. Mayor Dave Bing is promoting a plan to tear down as many as possible using federal money. The state is also contributing to the effort.

But it's hard to keep up. About a quarter-million people moved out of Detroit between 2000 and 2010, leaving just over 700,000 residents in a city built for 2 million.

Census figures from two years ago show 793 people living on Lyford and the other 20 or so streets near the Coleman A. Young airport. Two decades earlier, about 2,900 people lived there.

Dunn's modest home is one of only three on the block that are still occupied.

"I couldn't move if I wanted to," she said. "They don't want to give you any money for your house."

On Tuesday, a patrol car slowly rolled by. Officers are more visible after the teens' bodies were found, Dunn added.

A larger police presence is needed across the city, but Detroit can't afford to hire more. The city recently cut police pay by 10 percent.

When he joined the department 13 years ago, Garner patrolled a 3.6-square-mile area in the tough 3rd Precinct, bumping into another officer every 20 minutes. Now he covers 22 square miles and crosses paths with other officers "maybe once every two hours."

"If we know this, the criminals know this," Garner said.

Sparse patrols and slow response times make it less likely that someone will be seen dumping a body.

"Years back, people would go to rural areas" to dump bodies, said Daniel Kennedy, a Michigan-based forensic criminologist. "Now we have rural areas in urban areas."

Detroit's reputation as a violent city with one of the highest crime rates in the country also works against it.

The body of a woman from wealthy Grosse Pointe Park was found in January in her vehicle in a Detroit alley. The marketing executive was apparently killed in the garage of her upscale suburban home, but left in the city. A family handyman has been charged.

If a body shows up in Grosse Pointe, Kennedy said, "those officers are sitting around waiting for something to happen, and they are all over it."

**EXHIBIT ;**



## Woman's body found in vacant house on Detroit's west side

Victim found on Log Cabin Street, cause of death still pending

Published On: Feb 05 2013 11:28:53 AM EST Updated On: Feb 05 2013 06:48:47 PM EST



Detroit police are investigating the death of a woman whose body was found Tuesday morning on the city's west side.

Police said the body was found by a city worker just before 10 a.m. in a vacant house on Log Cabin Street.

Police said they can't yet say if the woman's death is suspicious or from a natural medical condition.

Family members of a missing woman named Dynasty Myles arrived at the location hoping it was not Myles. However, their conversation with police lead them to think it is.

**Read more:** [Police search for Detroit woman last seen New Year's Day](#)

Myles, 23, was last seen on Jan. 31 at 11 p.m. Her Chrysler 200 was parked outside the Benihana restaurant near Fairlane Mall in Dearborn. She had left her 6-year-old daughter with family members in Southfield.

A security camera showed a woman believed to be Myles outside the restaurant that night. She was getting into a late model, silver or gray Dodge Durango.

Myles' relatives say it was very unusual for her to be gone without checking in with them.

The body on Log Cabin Street was found by a city worker who was driving a salt truck. It's not clear what caused him to go by the abandoned house.

Detectives from Detroit and Dearborn police searched for clues. The cold weather made it difficult to determine how long the body had been there. Police will not comment on how the woman may have died.

A large quantity of what appears to be food is on the vacant house's kitchen floor.



-- Dynasty Myles

# EXHIBIT 12

## Man's beaten and burned body found inside vacant Detroit house

Posred; Feb 14, 2013 7:00 PM ESTUpdated: Feb 14, 2013 7:28PM EST

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/ 111

Austin

DETROIT (WJBK) -

A broken off piece of crime scene tape is the only hint of trouble outside a boarded up house on the 5000 block of Ivanhoe on Detroit's west side. Police and firefighters found the body of 53-year-old Calvin Austin burned beyond recognition in the doorway after responding to reports of a fire on February 5.

"They beat him up and set him on fire," a woman told me.

She said she has known Austin for years and that he just celebrated his birthday in January. He leaves behind a 20-year-old son.

"They stripped him out of his clothes, took everything he had and it's a shame," the woman said.

Family and friends want to know who would do this. They say Austin was burned over his entire body. They also want to see abandoned houses like the one where the body was found torn down.

Mayor Dave Bing just unveiled a new plan to more quickly and aggressively demolish vacant homes under a Detroit blight authority.

"They shouldn't be having these houses still up here. They should condemn them all. All the abandoned ones, condemn them," the woman said.

Right now police do not have much to go on. They believe Austin was assaulted in another location before he ended up at that vacant house.

If you have any information to help solve this disturbing case call Detroit police.

# EXHIBIT 31

# Woman's body found burned behind home on Detroit's west side

POSTED: Mar 22, 2014

UPDATED: 26 days ago

DETROIT (WXYZ) -

Body found behind house on west side  
WXYZ

DETROIT (WXYZ) - A woman's body was found burned in the backyard of a home on Detroit's west side.

The woman had no identification on her and police are asking the public for help in order to find out who she is and what actually happened to her.

The woman was found in the backyard of a home on Kentucky near Puritan, and suffered at the hands of the person or persons who killed her.

"That could have been my daughter or anyone's daughter! It's sad. It hurt me. I came in here and cried," said the woman who lives across the street. She did not want to be identified.

Another neighbor found the body this morning. Police say someone bound the woman, lit her on fire and then dumped her in the backyard of the home.

"My God, I said, what are they going to do next around here? Why don't they do something like clean up the streets?" said the woman.

Kentucky and Puritan streets are a rough neighborhood says the woman who lives across the street.

"Drug addicts. Nothing but drugs," said the woman.

Police are waiting for the medical examiner to determine a cause of death.

If you have any information on who the woman is or what happened, please call Detroit police.

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# EXHIBIT 14

## More Than just An Eyesore: Local Insights And Solutions on Vacant Land And Urban Health

Eugenia Garvin, Charles Branas, Shimrit Keddem,  
Jeffrey Sellman, and Carolyn Cannuscio

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**ABSTRACT** *Vacant land is a significant economic problem for many cities, but also may affect the health and safety of residents. In order for community-based solutions to vacant land to be accepted by target populations, community members should be engaged in identifying local health impacts and generating solutions. We conducted 50 in-depth semi-structured interviews with people living in Philadelphia, Pennsylvania, a city with high vacancy, about the impact of vacant land on community and individual health and safety, as well as ideas for solutions to vacant land. Participants described a neighborhood physical environment dominated by decaying abandoned homes and overgrown vacant lots which affected community well-being, physical health, and mental health. Vacant land was thought to affect community well-being by overshadowing positive aspects of the community, contributing to fractures between neighbors, attracting crime, and making residents fearful. Vacant land was described as impacting physical health through injury, the buildup of trash, and attraction of rodents, as well as mental health through anxiety and stigma. Participants had several ideas for solutions to vacant land in their community, including transformation of vacant lots into small park spaces for the elderly and playgrounds for youth, and the use of abandoned homes for subsidized housing and homeless shelters. A few participants took pride in maintaining vacant lots on their block, and others expressed interest in performing maintenance but lacked the resources to do so. Public health researchers and practitioners, and urban planners should engage local residents in the design and implementation of vacant land strategies. Furthermore, municipalities should ensure that the health and safety impact of vacant land helps drive policy decisions around vacant land.*

**KEYWORDS** *Vacant land, Neighborhood conditions, Public health, Safety, Local perspective, Qualitative research, Urban blight, Urban renewal*

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### INTRODUCTION

Neighborhood conditions such as the design of roads and pedestrian walkways, the availability of nutritious food, and the number of alcohol outlets, are increasingly recognized as influencing health outcomes.<sup>1-5</sup> Poor neighborhood conditions are

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thought to lead to negative health outcomes, as well as to contribute to persistent racial and income-based health disparities.<sup>6</sup>

Vacant land is a ubiquitous neighborhood condition in many US cities that were once thriving manufacturing hubs. The last 50 years have brought plant closures, job loss, and significant population reductions? As a result, urban neighborhoods in these cities have declined, leaving once active residential and commercial properties abandoned.<sup>8-10</sup> Philadelphia, for example, has over 40,000 vacant land parcels that are often concentrated in low-income neighborhoods.<sup>11</sup> This vacant land represents lost economic opportunity and erosion of the city's tax base.

Understanding the impact of vacant land on health is important to policy makers and urban planners who seek to deal with high vacancy rates in their cities; however, only a handful of studies have looked at this relationship. A study of 107 US cities showed boarded-up housing to be associated with poor health, including outcomes as divergent as gonorrhea rates, pre-mature mortality, diabetes, and suicide, even after controlling for confounding by sociodemographic factors.<sup>12</sup> The presence of vacant homes has also been associated with higher levels of crime and illegal activity such as prostitution, drug sales, and drug use by adolescents.<sup>12,15</sup> Vacant land has also been linked to elevated risk of fire injury.<sup>16,17</sup>

The relevance of vacant land to health can be further understood through the lens of physical disorder. Physical disorder is described as visible cues in the environment that indicate lack of control over neighborhood conditions. Physical disorder has been associated with crime, fear, and further disorder.<sup>18-23</sup> The "broken windows" theory offers a framework for understanding these links and holds that visible signs of neglect signal that an area is uncared for and residents are unwilling or unable to maintain control of neighborhood conditions and activity.<sup>24</sup> In this model, an area marked by disorder is vulnerable to criminal activity, and fearful residents may withdraw from neighborhood life. Social isolation and fear are thought to impede the development of collective efficacy, or the "linkage of mutual trust and shared expectations for intervening on behalf of the common good," perpetuating a cycle of physical and social decline.<sup>18,25</sup>

Physical disorder has been linked to a range of poor health outcomes including cardiovascular disease (e.g., hypertension and myocardial infarction) and mental illness (e.g., depression, post traumatic stress disorder, and substance abuse).<sup>26-39</sup> Physical disorder is theorized to lead to negative health outcomes by promoting chronic stress and attendant maladaptive physiologic responses, encouraging risky behavior, and eroding resident social interaction.<sup>12,30,40-43</sup> Fear may be accompa-

nied by unhealthy behavior change such as reducing physical activity, increasing drug use, and minimizing neighbor interactions, all of which may contribute to poor health.<sup>30,44</sup> Social ties, collective efficacy, and social capital, which are all associated with positive health outcomes, may be jeopardized in neighborhoods marked by a high degree of disorder.<sup>25,45,46</sup>

As researchers and policy makers learn more about the connections between neighborhood conditions like vacant land and health, new interventions to address the impact of poor conditions will be developed and tested. In order for community-based solutions to be sustainable and accepted by target populations, community members must be engaged in both identifying local health problems and generating solutions.<sup>47,48</sup> Community residents' perceptions of neighborhood conditions may

be as important as the conditions themselves in determining both health outcomes and the solvency of interventions.<sup>49-52</sup>

Earlier qualitative work has demonstrated that residents identify neighborhood conditions such as physical disorder as having a negative impact on their health.<sup>53 54</sup> We conducted in-depth interviews with residents in Philadelphia, a city with a significant amount of vacant land, in order to understand their "street level etiologies" or understandings of how vacant land influences their health.<sup>55</sup> We posit that these lay perspectives are an essential foundation to the planning and implementation of neighborhood-based interventions to improve health.<sup>52</sup> Without information about neighborhood residents' priorities and concerns, municipalities risk investment in interventions that may have low resident uptake.<sup>56</sup> While lay epidemiologic perspectives may not always correspond to scientific understanding of "causes" or "risks," it is important to document where lay and scientific perspectives converge and diverge.<sup>57</sup> This information may help researchers and program planners to anticipate the challenges and increase the likelihood of success of neighborhood-based interventions to improve health. This manuscript builds a foundation for community-based interventions by presenting residents' perceptions of the impact of vacant land on health as well as resident-generated solutions to this common urban problem.

## METHODS

This manuscript reports on findings from 50 in-depth interviews with 29 participants conducted as part of a community-based intervention study to improve environmental conditions, health, and safety through vacant lot greening. Two neighborhoods in one section of Philadelphia, Pennsylvania were randomly selected to participate (there are a total of five geographic sections in the city). We used administrative data from the city of Philadelphia to randomly select two vacant land parcels, one in each of the neighborhoods. One resident per household in the 2 to 3 blocks surrounding the randomly selected land parcel were eligible to participate if they were between the ages of 18 and 65. Participants were excluded if they were unable to walk without assistance, as another part of this study involved a walking interview around the neighborhood. Additional methodological detail is available elsewhere.<sup>58</sup> This study was approved by the University of Pennsylvania Institutional Review Board.

## DATA COLLECTION

Participants were recruited through door-to-door outreach by two trained community-based interviewers. After obtaining informed consent, we collected demographic information and conducted 29 individual interviews in 2 neighborhoods. Approximately 3 months later, following the intervention, we conducted follow-up interviews with 21 participants. Results from both sets of interviews are pooled in this analysis. The qualitative interviews were not meant to evaluate pre- and post-intervention change, but to provide answers to complementary questions on neighborhood conditions and their perceived health influence. Interviews took place between April and August 2011 and were audio recorded. Participants received \$20 and \$30 for completion of the initial and follow-up interviews.

We used a semi-structured interview guide to conduct all interviews. We began by asking broad, open-ended questions, in order to allow residents to spontaneously raise the issues that were most concerning to them. Such questions included "What's it like to live here?" and "Pretend I had never been here before - tell me what your

neighborhood looks like." We later asked more specific questions to identify residents' specific concerns regarding vacancy, health, and safety.

## DATA ANALYSIS

We used a modified grounded-theory approach to analyze the interviews.<sup>59</sup> De-identified transcripts were entered into QSR NVivo 9.0. We created an initial codebook based on line-by-line review of the content of the first two completed interviews and then tested this coding scheme against subsequent interviews to refine the codebook. Subsequent interviews revealed several additional codes that were added to the codebook until no new codes emerged from further interviews. When no new codes or themes were derived from interviews, we were satisfied that theoretical saturation had been reached. Interviews were coded in real time as data were collected and were reviewed by the first author, who used this information to make modest changes to the interview script. Following completion of the baseline interviews, the interview guide was further modified, with clarifying questions added to gather additional information regarding perceived environmental influences on health.

Two trained research assistants double coded 10 interviews to test reliability (90.7 %) of coding. Disagreements in coding were resolved by consensus. Following coding of all 50 interviews, 3 members of the research team independently reviewed "node reports" containing interview data classified under each of the major codes related to vacant land (physical condition of neighborhood, possible solutions). That information was then summarized in "node reports" that succinctly described major issues raised within each code. These summaries, and relevant interview segments, were then discussed in several rounds of team meetings, in order to identify broad and recurrent themes. This iterative process informed the framework through which we report residents' perceptions of vacant land, health, and safety.

## RESULTS

Of the 29 study participants, 17 were men and 12 were women. Participants' average age was 42 and ranged from 20 to 65. All but 1 participant, who declined to answer, self-identified their race as African American. Annual household income was low, with 31 % of participants reporting less than \$15,000, 35 % reporting between \$15,000 and \$35,000, and 24 % of participants declining to answer (Table 1). The study population was similar to the general neighborhood population according to corresponding census tract data, which shows 97 % African American population in both neighborhoods, median incomes of \$15,417 and \$17,743.<sup>60</sup>

Before being prompted by the interviewer about vacant land, nearly two-thirds of participants described their neighborhood as a decaying physical environment marked by abandoned homes and vacant lots. This paralleled the door-to-door assessment performed by our study team during recruitment in which we found 33 % and 17% of land parcels in the two neighborhoods to be vacant (either vacant lots or abandoned homes; see Figure 1). Participants described the hallmark of vacant land as poor maintenance, indicated by significant overgrowth on vacant lots and dilapidated, abandoned houses.

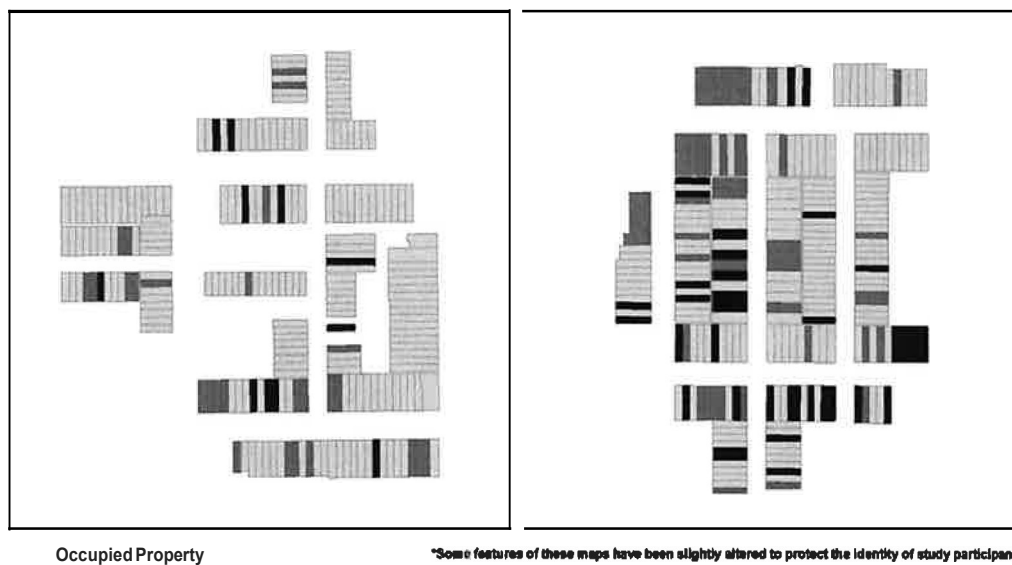
Based on interview data, an overarching theme related to vacant land was ambivalence about the neighborhood. Participants often began their interview responses by describing the positive aspects of neighborhood life, but later described

TABLE 1 Description of study participants (n=29)

Characteristics	%or mean
Gender	
Male	59.0%
Age (years, range)	42 (2 65)
Race	
Black	100.0 %*
Marital status	
Never married	59.0%
Married	10.0%
Divorced	17.0%
Widowed	4.0 %
Separated	10.0%
Highest Education	
Grades 9-12, no diploma	28.0%
HS diploma or GED	41.0%
College 1-3 years, technical	21.0%
Bachelors degree	10.0%
Income	
<\$15 K	31.0%
\$15-\$35 K	35.0%
>\$35 K	10.0%
Refused	24.0%

\*n=28 (1 participant refused)

negative, and often conflicting, views. One participant first noted, "I like my neighborhood. It's clean. There's only like one abandoned house that I know of," but later described the neighborhood as "the ghetto" with "abandoned houses, crack-heads, people drinking" and vacant lots which make "the neighborhood look



V.cantloC

—Abandoned HOUS

FIGURE 1. Vacant land status at study sites.

nasty." Other participants expressed ambivalence and a degree of detachment by hesitating to speak positively about the neighborhood: "How I view my neighborhood. I don't know. I can't say it's really all that good, because you see a lot of abandoned houses that mess up a lot of views."

Our analysis revealed that when prompted to talk about vacant land, participants emphasized the impact of vacant land on community well-being, as well as on individual physical and mental health. Participants also proposed a range of ideas regarding how to deal with vacant land in order to improve community well-being. Themes from each of these domains are discussed below and outlined in Table 2.

## COMMUNITY WELL-BEING

Vacant land was perceived to influence community well-being by decreasing residents' control over neighborhood life, fracturing ties among neighbors, raising concerns about crime and safety, and exerting a negative financial strain on the community.

Participants described the presence of any vacant land as overshadowing positive aspects of neighborhood life and undermining attempts to improve the image or overall success of the community. One participant noted: "It really looks bad, [but] this neighborhood is not a bad neighborhood and the majority of the homes are not that old and most people do paint and cut [the] grass, wash their windows, clean their porches. But the blight of the abandoned homes really makes everything overall look bad."

Efforts to maintain the neighborhood were perceived as futile, contributing to a sense of helplessness and a perceived lack of community cohesion. Participants described

**TABLE 2 Themes for the impact of vacant land on three health domains and community-generated solutions**

Domain	Themes
Health Domains	
Community well-being	Overshadows positive neighborhood characteristics loss of community control over neighborhood Fracturing of community members ties Crime and safety Fear of crime Financial strain
Physical health	Injury Trash build-up Rodents and other animals
Mental health	Negative emotions (sadness, depression, anxiety) Stigma
Community-generated solutions	
Vacant land	Playground Community garden Park space for elderly Regular cleaning and maintenance
Abandoned homes	Homeless shelter Subsidized housing Make homes look occupied even when boarded up
General	Provide residents with resources to do the work Provide authority to residents to do the work

fractures among neighbors when discussing homes becoming dilapidated and abandoned. Participants suggested that homeowners are dedicated to keeping their residences and neighborhood in good condition, while renters, who may be transient, are less invested. One participant noted of renters, "They looking for a place to stay, not to live. So they not gonna really respect the whole clean my side of the property today, I clean yours tomorrow. Everybody out for themselves on that note."

Some participants felt that residents' with jobs were more responsible. Participants described being able to tell who was not working based on how they took care of their properties. One participant explained: "Mostly everybody on the block working people and those that do work take care of their property and those that don't work don't really take care of their property." A few participants also described how homes inherited from the older generation fall into disrepair in the hands of the younger generation, due to a lack of motivation or money.

Vacant land was also perceived to impact community well-being by raising concerns about crime. Participants felt vacant land attracted illegal activity because decaying structures and overgrown lots provided cover for people engaging in illicit behaviors. Participants reported drug dealers using vacant land to conduct sales and addicts using abandoned homes as "chill spots," or for prostitution and gambling.

Participants described fear stemming from criminal activity taking place on vacant land because it exposes people living in homes abutting vacant property to risks. Participants cited specific fears about potential gun violence, especially in relation to drug activity: "Because you got the drug boys there, you got the crack heads there . . . maybe one day a crack head might not have the drug dealer money, there might be a shooting. And there's little kids around here. Bullets ain't got no names." Another participant described fear of walking past vacant lots: "You got to watch yourself walking past the lots because you don't know who's out there. So you got to just watch yourself and watch your kids . . . And walking out there at night it's not safe at all."

Lastly, vacant land was perceived to impact community well-being by undermining the local economy. Participants felt that the property value of their home was significantly decreased when next to or near vacant land. Some participants noted that vacant land prevented new economic investments in the neighborhood and increased home owners' insurance costs.

## PHYSICAL HEALTH

Participants reported that vacant land undermined physical health through unsanitary conditions and the potential for injury. Participants discussed as a threat to health the dumping of litter and large objects such as tires and appliances on rarely-maintained vacant land. One participant noted: "They're using abandoned buildings now for dumpsters, you know. . . . Every time I look through the door I see somebody throwing trash next door to the abandoned buildings."

Trash build-up, along with vegetation overgrowth and vacancy, was described as contributing to the unwelcome and ubiquitous presence of animals. Participants were almost uniformly (83 % of participants) concerned about rodents, possums, and other animals, and the health hazards associated with them: "They got a lot of animals that runs around here, possums, raccoons, cats. It's unsanitary. It's not the cleanest place. . . . We got abandoned houses. Sometimes we may think there's more cats on the block than there is people. . . . And that scares me, because I don't like four legged animals. . . ." Participants spontaneously raised these concerns about

animals in the neighborhood; there was not a specific interview question that prompted these concerns.

Participants felt abandoned homes posed an injury risk citing fires started by addicts and dilapidated conditions. One participant noted: "And a lot of times it's not safe walking past [the abandoned homes] because the one across from me looks like it's getting ready to cave in." Participants also discussed the injury risks of hypodermic needles, debris, and other sharp objects that may be hidden in the vacant lots, expressing concern that children could fall on such objects when playing in the lots.

## NEGATIVE EMOTIONS AND MENTAL HEALTH

Vacant land evoked a wide range of negative emotions from participants, including sadness and depression, often stemming from the buildup of trash on vacant land. One participant said: "[Vacant lots are] a big downer too, just because of all the trash and rotten smells. It just makes you question where you call home. You like, oh man I gotta come home around this crap again? It's a downer." Others expressed anger and frustration over feeling powerless to change the physical condition of their neighborhood.

Some participants were anxious about the harmful exposure children might experience playing on vacant land: "Falling, might go through a needle or anything, might see crack, violence... They don't need to be seeing that [stuff]. They gonna find out about it, but they don't need to be seeing that [stuff]."

Some participants felt a significant stigma associated with living in a decaying neighborhood and felt unfairly judged by outsiders:

... I think that the neighborhood, like the housing and what's to offer here is not good enough for the people that are here. And maybe the people are looked at as being nasty and loud and disrespectful and they don't care about themselves and they don't care about people around them, from the outside that may be what it is. And so that's what they're treated like... If that's the way that society is viewing them, then this is where they put them. It's kind of like we're in a box... And how [are] people supposed to not feel agitated and mad and angry? So if I could change things I would. There wouldn't be so many vacant lots, so many abandoned houses, so many bars, delis, liquor stores, state stores, whatever you like to call them. There would be some changes.

For this participant, poor mental health outcomes, such as agitation and anger, were consequences of a powerful stigma and unfair treatment stemming from factors in the built environment, including vacancy and abandonment.

A small number of people expressed indifference about vacant land in their neighborhood. One participant said: "It doesn't really make me feel no way about it, because I can't do nothing about it. I see it all the time, so I'm pretty much use to it, so I don't feel bad or different." Although this participant did not feel vacant land affected him personally, he also expressed a sense of defeat. Others felt their neighborhood was an improvement from the location of previous homes.

## COMMUNITY-GENERATED SOLUTIONS

Participants had many suggestions for ways to transform the vacant land to benefit health in their neighborhoods. Participants felt children lacked safe outside space in

which to play and proposed turning vacant lots into neighborhood playgrounds. They also suggested vacant lots be transformed to community gardens and park space for the elderly. Participants proposed that abandoned homes could be rehabbed into homeless shelters and subsidized housing. If that was not possible, they also thought all abandoned homes should be boarded up, and that the boards could be painted to make the home look more lived in.

Many participants felt the city held primary responsibility for dealing with the problem of vacant land in their neighborhood. They recognized current efforts to clean and maintain the lots, but felt the efforts took too long and did not involve enough lots or properties. Some participants felt that the city was unable or unwilling to invest resources to address the problem of vacant land and thought neighborhood residents should take responsibility to maintain vacant lots on their street: "If left un-kept, [vacant lots] really bring down the neighborhood. But that's why the people that live around there have to be responsible and go out there and not so much wait for the city. If people start putting a tire there, then somebody else will start throwing another tire. So you just got to police it . . . Pick up after yourself. Make sure you do something. Because just left un-kept it looks outrageous."

Cleaning and maintaining vacant land on their own appeared to be a source of pride and community mobilization for some participants. People spoke about gathering their neighbors to work on a project together and spoke with admiration for those who already did so. One participant stated: "Once I finish school I actually want to see if I can gather up a few people on the block and we can go in that lot and we can clean it up ourselves, because it looks like the city's not gonna do it . . . There's one lot that's further down the street. And the guy who lives next to it actually does his lot . . . And it looks beautiful." Some participants thought this would reflect positively on their neighborhood and even attract investment by the city. Others expressed desire to do such work, but lacked the proper resources and were unsure if they had the authority to do so.

Participants thought vacant lots that were cleaned and maintained by community members were safer because of the increased informal surveillance associated with such activities. One participant noted: "If the community is planting a garden, there's always going to be somebody in the neighborhood that's looking at that garden because usually when you have vacant lots and they plant stuff, it's usually the senior citizens that plant it. So they always gonna be looking. So you got eyes on it most of the time."

## DISCUSSION

We document three domains of health-community well-being, physical health, and mental health-in which participants experience the impact of vacant land in their neighborhoods. We also report a range of community-generated solutions to vacant land. Findings from this paper highlight the importance to urban residents in this study of recognizing vacant land as a public health issue. The issue of vacancy takes on added significance in the wake of the housing crisis, which has left its mark in high vacancy rates across the nation.<sup>61</sup>

In Philadelphia, where high rates of vacancy were documented even before the housing crisis of 2008, residents reported that vacant land impacted community well-being through changes to the social milieu of the neighborhood. Illegal use of vacant land for dumping, prostitution, or drug sales, served to erode respect and

trust between neighbors, and create fractures between people in the neighborhood. Residents also felt that vacant land engendered fear among residents, who described staying in their homes to avoid being attacked. This mirrors prior evidence linking physical disorder to poor health through fear and the erosion of social relationships.<sup>30,41,45</sup>

Residents proposed several solutions for how to change vacant land from a negative to a positive influence in their communities, including transforming vacant lots to playgrounds and turning abandoned homes into subsidized housing. Some participants felt they could take these projects on themselves if given the proper resources by the city. A small number of participants already took informal ownership of vacant lots on their street by maintaining them or turning them into community gardens. They described satisfaction about using this work to exert a degree of social control over the neighborhood. The regular presence of people in a garden made people feel safe and provided what Jane Jacobs called "eyes on the street," an informal surveillance that was thought to discourage illegal activity.<sup>62</sup> These results suggest that urban residents may support vacant land policies that encourage community engagement and cohesion, and that residents see such actions as important to health.

There are several limitations to this study. First, this is a qualitative study which allows for an in-depth understanding of two neighborhoods in one city. The study does not purport to offer findings that are directly generalizable to the experiences of other neighborhoods and cities, but instead points to important questions to be addressed in other locales and with other sampling strategies and methods. Second, although we demonstrated similarity across several sociodemographic factors in the two neighborhoods, variation in the amount and type of vacancy and other aspects of physical disorder may differentially impact resident's subjective experience of vacancy and its effect on health. Finally, this is a qualitative study intended to document the range of residents' perspectives within these neighborhoods; we therefore make no assertions regarding causal associations between vacant land and health or the relative importance of vacant land compared to other neighborhood attributes that impact health. Instead, we emphasize community residents' perceptions, as these perceptions are likely to influence the desirability and acceptance of neighborhood-based interventions.

## POLICY IMPLICATIONS

Strategies for dealing with vacant land fall under the broad rubric of urban planning and revitalization. Public health has a history of successful partnerships in this field, including advocating for improved urban housing conditions and building a significant knowledge base for the role of the built environment on health.<sup>63</sup> However, public health also contributed to the deleterious effects of 1950s and 1960s urban renewal projects through the development of neighborhood blight guidelines, which resulted in the decimation of many thriving low-income communities.<sup>63</sup> As cities seek to address the problem of vacant land and neighborhood blight without repeating the mistakes of the past, we recommend that public health officials, practitioners, and scientists actively partner with individuals, communities, and cities, to create and test new urban revitalization solutions that support health.<sup>64</sup> Notably, in this study, residents did not propose or advocate for policies of "blight eradication" through demolition of vacant homes

and buildings. Rather, residents emphasized filling vacant properties with purpose, people, and active use. This distinction may be critical to the acceptance of neighborhood stabilization programs.<sup>65</sup>

There are several legal tools that cities can use to address dilapidated, vacant land, including building maintenance codes and the tax sale process.<sup>66</sup> Cities can levy fines or liens against property owners who fail to maintain safety and health standards. The mayor of Philadelphia, for example, recently announced a new aggressive policy to fine owners of blighted land \$300 per day for each city code violation.<sup>66</sup> Noncompliant owners will be taken to "blight court," facing seizure of personal assets if they don't fix their property. Another example of a city working to reduce vacancy is Baltimore's "Vacants to Value" initiative started in November 2010.<sup>13,67</sup> The program aims to reduce blighted homes by a variety of measures, including fines, providing forgivable loans to those wishing to buy property, and creating a central database of vacant property. Flint, Michigan has taken a comprehensive approach to managing vacant land with the Genesee County Land Bank.<sup>68</sup> Land banks are used by cities to act as a clearinghouse for the management and disposition of all tax-foreclosed vacant properties, with the goal of developing a coordinated approach community investment and neighborhood revitalization.

The success of the Philadelphia, Baltimore, and Flint policies will depend, in part, on each city's commitment to deploying staff and resources to ensure policy enforcement.<sup>9,10</sup> Additionally, there are several Philadelphia agencies dealing with vacant land, including the Redevelopment Authority, the Public Property Department, and the Philadelphia Housing Authority. A lack of coherent strategy and communication across these agencies can hinder progress.

In addition to leveraging legal tools, cities can partner with local organizations and individuals to empower neighborhood-based maintenance of vacant land. Evidence from this study shows that residents may be eager to clean and maintain vacant land themselves, but may lack the resources to do so. Cities could provide low cost resources, such as large trash bags, protective gloves, and landscaping tools, along with training, to residents who agree to clean and maintain the lots, thereby improving the physical environment while promoting community social interactions and cohesion among residents. Municipalities can also assist organizations like the Mantua Community Improvement Committee (MCIC), which employs local residents to clean trash and weeds from vacant lots.<sup>69</sup>

An innovative example of a city partnering with a nongovernmental organization is the Philadelphia Vacant Land Management program run by the Pennsylvania Horticulture Society (PHS).<sup>70</sup> The program, funded in large part by the City of Philadelphia, has cleaned and greened over 4,500 vacant lots. The city uses maintenance code violations to authorize the greening treatment, which involves clearing trash, planting new grass and trees, and placing a simple wooden fence around the perimeter of the lot. Within the areas surrounding "cleaned and greened" properties, investigators have documented higher property values of surrounding homes, as well as lower rates of gun crime, and stress, and higher levels of physical activity among neighbors compared to areas that did not receive the intervention.<sup>71,72</sup> Findings from this project also suggest that such initiatives are aligned with community residents' concerns and take a step toward addressing community-generated solutions that prioritize restoring vacant land to active use.

## CONCLUSIONS

As public health researchers increasingly seek to understand the impact of neighborhood conditions on health, residents' themselves can provide valuable insights regarding local problems and their solutions. Interventions aimed at reducing the impact of neighborhood conditions on health may maximize their success by incorporating local priorities and concerns into their design. Furthermore, researchers should actively engage policy makers to ensure health and safety are addressed in the management and disposition of vacant land and the implementation of urban renewal policies.

## ACKNOWLEDGMENTS

We would like to thank our community-based interviewers, Denise Heard and Keith Gant, for their wonderful work as well as the two communities that participated in the study.

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# EXHIBIT 15

AFFIDAVIT IN SUPPORT OF COMPLAINT FILED  
FOR NUISANCE ABATEMENT

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF WAYNE     )

James Craig, being duly sworn, says:

1. I am the Chief of Police for the City of Detroit Police Department.
2. I have been a member of the law enforcement community for over 36 years.
3. Prior to my tenure as Chief of the Detroit Police Department, I served as Chief of Police for the cities of Cincinnati, Ohio and Portland, Maine. I also served as Area Commanding Officer, Captain III in Los Angeles, CA. I began my career in law enforcement as a Detroit Police Officer assigned to the 10<sup>th</sup> Precinct.
4. During my 36 years in law enforcement I have witnessed the criminal impact that vacant, abandoned, and dilapidated structures impose upon the community.
5. Vacant and abandoned buildings are havens for illegal gambling which occurs in and on the outer perimeter of the vacant dwellings.
6. Vacant and abandoned dwellings are used by prostitutes to shelter their actions from the elements and conceal them from law enforcement.
7. Vacant and abandoned dwellings are used by drug dealers to conceal narcotics prior to delivering the drugs to vehicles who stop to commit drug transactions.
8. Vacant and abandoned dwellings are being used to commit violent criminal acts:
  - On May 3, 2010, Detroit Police Officer Brian Huff was shot and killed and four other officers were wounded responding to a shots fired call in a vacant and abandoned duplex on Schoenherr near Eight Mile Road.
  - On March 15, 2006, two men and two women were shot to death in a vacant dwelling that was being used as a drug den on Sorrento Street


9. Vacant and abandoned dwellings are being used to conceal criminal acts. It is becoming increasingly common to find bodies in vacant and abandoned dwellings:

- On March 22, 2014, the burned body of a woman who was bound was found in the rear of a vacant dwelling on Kentucky near Puritan.
- On February 5, 2014, the beaten and burned body of a 54 year old man was found in a vacant dwelling on Ivanhoe Street.
- On February 5, 2013, the body of a 23 year old female was found in a vacant dwelling on Log Cabin Street.
- On November 24, 2012 the body of a young man was found in a vacant dwelling on Braile Street on the west side.
- On July 24, 2011, the body of a five year old child who was raped, beaten to death and set on fire was found in a vacant dwelling on Waverly Street.
- On June 21, 2011, the bodies of two missing young women from Flint were found in a vacant dwelling on June 21, 2011 on Canton Street the east side.


10. It is my professional opinion that the vacant and abandoned dwellings throughout the City of Detroit have an extremely detrimental impact upon the public's health, safety and welfare constituting a public nuisance.

If called as a witness, I am competent to testify as to the facts and circumstances averred to herein. Further, the affiant sayeth not.

Dated 3-28-2014

  
James Craig, Chief of Police  
Detroit Police Department  
1301 Third Street,  
Detroit, MI 48226  
(313) 596-2900

Subscribed and sworn to before me this  
28<sup>th</sup> day of MARCH, 2014

  
NOTARY PUBLIC Celia Banks Washington  
Acting Wayne County, Michigan  
My commission Expires: February 2020

Affidavit of Chief of Police  
032414/mh

# EXHIBIT 16

FIRE PREVENTION CODE (EXCERPT)

Act 207 of 1941

29.23 Fire hazard as nuisance; abatement; action; procedure; order or decree; condition; Injunction; jurisdiction; cost and expense of abatement; continuance of hearing.

Sec. 23. The existence of a fire hazard, of any nature, origin, or cause, is a nuisance and the nuisance may be abated, removed, corrected, and its continuance enjoined in the manner provided by law for the abatement of nuisances. If the state fire marshal determines that a fire hazard is imminently dangerous or menacing to human life and the public safety requires its immediate abatement, removal, correction, or discontinuance, the state fire marshal may bring, or cause to be brought, in the circuit court of the county in which the fire hazard is located, an action to abate, remove, correct, or discontinue the fire hazard. Sections 3801 to 3840 of the revised judicature act of 1961, 1961 PA 236, MCL 600.3801 to 600.3840, apply to the action. The court, in addition to the powers conferred by that act, may make any order it determines is necessary or expedient to ensure the safety and security of human life, and may direct that a building described in the complaint be razed and removed and all rubbish and debris removed, or that the building be repaired and in what manner and to what extent. The court may order the removal of occupancies of a building and the discontinuance of any use of the building that constitute a fire hazard or menace to human life, and may order the clearing and improvement of premises described in the complaint. The court may issue an injunction restraining the defendant from continuing the existence of a fire hazard, may include specific directions to the defendant, and may retain jurisdiction to compel complete performance of the order, writ, or other determination of the court. The court may direct that the abatement of the fire hazard be done by the department under the court's instructions, with provision for defraying the cost and expense of the abatement as the court determines equitable and authorized by this act. A continuance of a hearing under this act shall not be granted except upon a clear showing of unavoidable circumstances. Jurisdiction of the court under this act does not depend upon the amount of money, or value of property, involved.

History: 1941, Act 207, Imd. Eff. June 16, 1941;—CL 1948, 29.23;—Am. 1973, Act 199, Iru. Eff. Jan. 11, 1974;—Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978;—Am. 2003, Act 189, Imd. Eff. June 19, 2006.

Compiler's note: For transfer of certain authority, powers, functions, and responsibilities of the state fire marshal and the fire marshal division of the department of state police to the director of the department of labor and economic growth, bureau of construction codes and fire safety, by type transfer, see E.R.O. No. 2003-1, compiled at MCL 44.120 II.

# EXHIBIT 17

AFFIDAVIT IN SUPPORT OF COMPLAINT FILED  
FOR NUISANCE ABATEMENT

STATE OF MICHIGAN     )  
                                      )  
COUNTY OF WAYNE     )

Andrew Arena, being duly sworn, says:

1. I am the Executive Director of the Detroit Crime Cow Tission, a non-profit entity dedicated to focusing on criminal activity and quality of life issues that plague the greater Detroit area.
2. I have an extensive background in law enforcement having served as the Federal Bureau of Investigations (FBI) Special Agent in Charge of overall command of all operations in Michigan from 2007-2012.
3. I was also the FBI's Special Agent in Charge of oversight of criminal investigations in the New York Field Office.
4. During my years in law enforcement I have witnessed the criminal conduct and criminal activity related to the destruction and demise of residential properties and residential neighborhoods.
5. The destruction of vacant dwellings in the City of Detroit has been exacerbated by the virtual dismantling of the buildings infrastructure by the stripping and removal of doors, windows, plumbing, plumbing fixtures, electrical wiring, electrical fixture, furnace and heating units along with any heating ducts almost immediate to the vacancy of the dwelling.
6. On October 17, 2013, a home collapsed on a man who was scrapping for metal leaving him seriously injured. On November 15, 2013 thieves were caught on camera stealing the furnace, hot water heater and doors of a vacant dwelling that was being renovated.
7. The stripping of a vacant dwelling leaves the property open to criminal activity including but not limited to drug sales and use, prostitution, robbery, rape, murder and arson. There is a direct connection between crime and blighted houses.
8. It is my professional opinion that the vacant dilapidated dwellings throughout the City of Detroit has an extremely detrimental impact upon the public's health, safety and welfare constituting a public nuisance.


If called as a witness, I am competent to testify as to the facts and circumstances averred to herein. Further, the affiant sayeth not.

Dated 3-25-14



Andrew Arena  
Detroit Crime Commission  
1001 Woodward Ave., Suite 650  
Detroit, MI 48226  
(313) 394-1600

Subscribed and sworn to before me this  
25<sup>th</sup> day of March, 2014

  
NOTARY PUBLIC  
Wayne County, Michigan  
My commission Expires: 9-28-2019

NEVELA WING  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Sep 28, 2019  
ACTING IN COUNTY OF 9-28-19

# EXHIBIT 18

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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WAYNE COUNTY EXECUTIVE, COUNTY OF  
WAYNE and WAYNE COUNTY  
PROSECUTOR,

UNPUBLISHED  
January 4, 2005

Plaintiffs-Appellees,

v

19159 CARDONI, ACORN INVESTMENT CO.,

No. 248925  
Wayne Circuit Court  
LC No. 01-130498-CH

Defendant-Appellant.

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WAYNE COUNTY EXECUTIVE, COUNTY OF  
WAYNE, MAYOR, CITY OF DETROIT, CITY  
OF DETROIT and WAYNE COUNTY  
PROSECUTOR,

Plaintiffs-Appellees,

v

15708 PARKSIDE, REX CONSTRUCTION CO.

No. 248926  
Wayne Circuit Court  
LC No. 01-142603-CH

Defendant-Appellant.

---

WAYNE COUNTY EXECUTIVE, COUNTY OF  
WAYNE and WAYNE COUNTY  
PROSECUTOR

Plaintiffs-Appellees,

v

19236 HANNA, REX CONSTRUCTION,

No. 248927  
Wayne Circuit Court  
LC No. 02-206625-CH

Defendant-Appellant.

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WAYNE COUNTY EXECUTIVE, COUNTY OF  
WAYNE, MAYOR, CITY OF DETROIT, CITY  
OF DETROIT and WAYNE COUNTY  
PROSECUTOR,

Plaintiffs-Appellees,

v

19180 KEATING, OAK MANAGEMENT CORP.  
and ACORN INVESTMENT,

Defendants-Appellants.

No. 248928  
Wayne Circuit Court  
LC No. 02-206637-CH

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Before: Meter, P.J., Wilder and Schuette, JJ.

PER CURIAM.

In these consolidated appeals, defendants appeal as of right, following a bench trial, from an order mandating the demolishment and razing as nuisances four structures owned by defendants. We affirm.

I.

These nuisance abatement actions initially arose from the December 4, 2000, Detroit City Council order of demolition for the property located at 15708 Parkside (Docket No. 248926).<sup>1</sup> In July 2001, defendants filed a motion for an injunction to defer demolition before Wayne Circuit Court Judge Kaye Tertzag.<sup>2</sup> Subsequent Detroit City Council orders for demolition were issued for property owned by defendants located at 19236 Hanna (Docket No. 248927), 19180 Keating (Docket No. 248928) and 19159 Cardoni (Docket No. 248925) on March 19, 2001, June 20, 2001, and October 24, 2001, respectively.

In September 2001, plaintiffs, Wayne County Executive (county executive), County of Wayne (county), and the Wayne County Prosecutor (prosecutor) on behalf of the People of the State of Michigan, filed a complaint (Docket No. 248925) pursuant to MCL 600.2940,<sup>3</sup> MCL

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<sup>1</sup> It is unclear from the record exactly by which ordinance(s) the Detroit City Council authorized the demolition. The orders of demolition do not provide the exact provisions under which the council acted. Defendants have attached two ordinances to their brief on appeal, Ordinance 290M H, 1984 Detroit City Code, § 12-11-28.0 *et seq.* (pertaining to dangerous buildings) and Detroit City Code, § 37-1-1 (pertaining to public health).

<sup>2</sup> *Rex Construction Co., et al v City of Detroit*, Wayne County Circuit Court, No. 01-125498-CZ.

<sup>3</sup> MC600.2940 provides:

,

(continued...)

600.3801<sup>4</sup>, MCL 333.7521 and MCL 333.7406 against defendant Acorn Investment Co. which alleged, among other things, that defendant Acorn Investment Co. fostered and maintained an

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(...continued)

(1) All claims based on or to abate nuisance may be brought in the circuit court. The circuit court may grant injunctions to stay and prevent nuisance.

(2) When the plaintiff prevails on a claim based on a private nuisance, he may have judgment for damages and may have judgment that the nuisance be abated and removed unless the judge finds that the abatement of the nuisance is unnecessary.

(3) If the judgment is that the nuisance shall be abated, the court may issue a warrant to the proper officer, requiring him to abate and remove the nuisance at the expense of the defendant, in the manner that public nuisances are abated and removed. The court may stay the warrant for as long as 6 months to give the defendant an opportunity to remove the nuisance, upon the defendant giving satisfactory security to do so.

(4) The expense of abating and removing the nuisance pursuant to such warrant, shall be collected by the officer in the same manner as damages and costs are collected upon execution, excepting that the materials of any buildings, fences, or other things that may be removed as a nuisance, may be sold by the officer, in like manner as goods are sold on execution for the payment of debts. The officer may apply the proceeds of such sale to defray the expenses of the removal, and shall pay over the balance thereof, **if** any, to the defendant upon demand. If the proceeds of the sale are not sufficient to defray the said expenses, he shall collect the residue thereof as before provided.

(5) Actions under this section are equitable in nature unless only money damages are claimed.

<sup>4</sup> MCL 600.3801 states:

Any building, vehicle, boat, aircraft, or place used for the purpose of lewdness, assignation or prostitution or gambling, or used by, or kept for the use of prostitutes or other disorderly persons, or used for the unlawful manufacture, transporting, sale, keeping for sale, bartering, or furnishing of any controlled substance as defined in [MCL 333.7104] or of any vinous, malt, brewed, fermented, spirituous, or intoxicating liquors or any mixed liquors or beverages, any part of which is intoxicating, is declared a nuisance, and the furniture, fixtures, and contents of the building, vehicle, boat, aircraft, or place and all intoxicating liquors therein are also declared a nuisance, and all controlled substances and nuisances shall be enjoined and abated as provided in this act and as provided in the court rules. Any person or his or her servant, agent, or

(continued...)

abandoned property that posed a nuisance and an imminent danger to the health, safety and welfare of the community "by permitting a vacant, deteriorated and dangerous (hereinafter "abandoned") dwelling, structure, or building that is open to trespass to exist." Plaintiffs sought equitable relief and/or compensatory and exemplary damages. In plaintiffs' claim for equitable relief, they sought, inter alia, a declaratory judgment declaring the property a nuisance and orders requiring (1) defendant Acorn Investment Co. to submit fully executed contracts evidencing its good faith intention to immediately rehabilitate the subject property and its intended completion date within thirty days of the trial court's order; (2) defendant Acorn Investment Co. to authorize the county to enter and abate the nuisance at defendant Acorn Investment Co.'s expense, (3) a forced sale or demolition of the property; and/or (4) the transfer of title to the property to the county as compensation to defray costs of demolition and removal.

Meanwhile, pursuant to defendants' motion for an injunction to defer demolition, Judge Tertzag issued a temporary restraining order (TRO) which included approximately eighteen additional properties owned by defendants per the parties' stipulation agreement on December 10, 2001.<sup>5</sup> Judge Tertzag held in abeyance defendants' subsequent motion to amend the injunction to add six properties (including 19326 Hanna). Notwithstanding Judge Tertzag's TRO, plaintiffs proceeded with the commencement of circuit court actions against defendants for the properties located at 15708 Parkside (Docket No. 248926), 19236 Hanna (Docket No. 248927), and 19180 Keating (Docket No. 248928) and filed separate complaints on December 17, 2001, and February 25, 2002, respectively. Because the four cases raised identical allegations and requests for relief, they were treated unofficially as consolidated cases and assigned to Wayne Circuit Court Judge Michael Sapala.

On August 27, 2002, plaintiffs filed motions for summary disposition under MCR 2.116(C)(10), arguing no genuine issue of fact existed that the structures were nuisances requiring immediate abatement. Defendants opposed the motion and sought summary disposition in their favor, asserting among other things, that the structures were not nuisances as they were boarded up and secured from trespass and the fact that the structures were vacant is insufficient as a matter of law to justify a nuisance determination. Defendants further argued the trial court lacked subject matter jurisdiction and was barred from using its equitable powers because of the prior disposition of the issue by the Detroit City Council, which limited the trial court's review and prevented defendants from filing original abatement actions in circuit court. Finally, defendants argued Judge Tertzag retained jurisdiction of the matter by virtue of the existing TRO.

On December 13, 2002, the trial court held a hearing on the parties' respective motions and denied the motions, finding that an issue of fact existed on the issues of whether the properties were nuisances, utilized as rental properties or abandoned. After the trial court was informed that the TRO was still in place and that the parties were currently involved in

(...continued)

employee who owns, leases, conducts, or maintains any building, vehicle, or place used for any of the purposes or acts set forth in this section is guilty of a nuisance.

The TRO did not include the property located at 19326 Hanna (Docket No. 248927), but included the three remaining properties at issue in this appeal.

settlement proceedings, the parties agreed that, if a resolution was not reached by settlement, all the cases would proceed to trial. Immediately before evidence was presented at the bench trial, the trial court denied defendants' emergency motion to dismiss, again rejecting their arguments that the trial court lacked jurisdiction. At the close of proofs, the trial court found that the four structures constituted public nuisances. The trial court's May 16, 2003, order provided that title to the lots would remain with defendants; however, they were required, at their own expense, to demolish the structures situated on the properties within thirty days. Following entry of the trial court's order, defendants filed a claim of appeal with this Court on June 3, 2003, and this Court on July 9, 2003, granted the motion to consolidate the cases on appeal.<sup>6</sup>

On JULle 19, 2003, in light of defendants' failure to demolish the structures, plaintiffs filed, in the trial court, a motion for defendants to show cause for failing to comply with the trial court's May 16, 2003, order. At the July 3, 2003, show cause hearing, defendants argued that compliance with the trial court's order would render their appeal mute. Defendants further contended that because an adequate remedy at law existed under MCL 600.2960, the trial court lacked jurisdiction to find them in contempt for failing to demolish the structures. With regard to the trial court's potential finding of contempt against Ernest Karr, who expressed a limited ownership interest in the properties at trial, defendants argued that he could not be found in contempt as an owner because he was never a named defendant in the action. Rejecting defendants' arguments, the trial court denied their motion to stay the proceedings, found Karr in contempt and ordered Karr to report for incarceration on July 10, 2003, unless the properties were demolished or this Court granted a stay of proceedings. On July 9, 2003, this Court denied defendants' emergency motion for a stay of proceedings;<sup>7</sup> vacated the order of contempt against Karr; and remanded the case for the trial court to conduct a second show cause hearing to allow Karr to attend and present a defense. Failing to obtain a stay of proceedings, the structures on the properties were demolished at defendants' expense. Defendants now seek damages and review of the trial court's rulings.

## II.

This Court reviews de novo the issue whether a trial court has subject-matter jurisdiction. *Atchison v Atchison*, 256 Mich App 531, 534; 664 NW2d 249 (2003). Similarly, whether a party has standing to bring an action involves a question of law that is reviewed de novo. *In re KH*, 469 Mich 621, 627-628; 677 NW2d 800 (2004). This Court reviews equitable actions under a de novo standard. *Webb v Smith*, 224 Mich App 203, 210; 568 NW2d 378 (1997). However, we review for clear error the findings of fact supporting the decision. *Id* The trial court's findings will be sustained unless this Court is convinced that it would have reached a contrary result. *Orion Charter Twp v Burnac Cory*, 171 Mich App 450, 459; 431 NW2d 225 (1988).

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<sup>6</sup> *Wayne County Executive v 19159 Cardoni*, unpublished order of the Court of Appeals, entered July 9, 2003 (Docket Nos. 248925, 248926, 248927, 248928).

<sup>7</sup> *Wayne County Executive v 19159 Cardoni*, unpublished order of the Court of Appeals, entered July 9, 2003 (Docket Nos. 248925, 248926, 248927, 248928).

This Court reviews de novo matters of statutory construction, including the interpretation of court rules and ordinances. *Soupal v Shady View, Inc.*, 469 Mich 458, 462; 672 NW2d 171 (2003); *Webb v Holzheuer*, 259 Mich App 389, 391; 674 NW2d 395 (2003). "The primary goal of statutory interpretation is to give effect to the intent of the Legislature. This determination is accomplished by examining the plain language of the statute itself. If the statutory language is unambiguous, appellate courts presume that the Legislature intended the meaning plainly expressed and further judicial construction is neither permitted nor required." *Atchison, supra* at 535 (internal citations omitted). On the other hand, statutory language is deemed ambiguous if reasonable minds could differ with regard to its meaning, i.e., the language is susceptible to more than one interpretation. *In re MCI*, 460 Mich 396, 411; 596 NW2d 164 (1999). Where statutory language is ambiguous, judicial construction is permitted. *Deschaine v St Germain*, 256 Mich App 665, 669; 671 NW2d 79 (2003).

### III.

Defendants first contend that the trial court lacked subject-matter jurisdiction. We disagree. "Jurisdiction involves the two different concepts of subject matter jurisdiction and personal jurisdiction." *People v Eaton*, 184 Mich App 649, 652; 459 NW2d 86 (1990). Subject-matter jurisdiction encompasses those matters upon which the court has power to act, whereas personal jurisdiction deals with the authority of the court to bind the parties to the action. *Omne Fin v Shacks, Inc.*, 226 Mich App 397, 402; 573 NW2d 641 (1997). In this case, the record shows that, defendants, in their answers to each of plaintiffs' complaints, affirmatively agreed that the trial court had jurisdiction. Nonetheless, because lack of subject-matter jurisdiction by the court is not subject to waiver and may be raised by a party at any time, MCR 2.116(0)(3); *Traveler's Ins Co v Detroit Edison Co*, 465 Mich 185, 204; 631 NW2d 733 (2001), defendants' assertion that the trial court lacked subject-matter jurisdiction is properly reviewed on appeal.

MCL 600.2940(1) provides that "all claims based on or to abate nuisance may be brought in the circuit court." Thus, contrary to defendants' contentions that a city council order of demolition precludes a circuit court action, i.e., that the circuit court was limited to exercising superintending control over the city council, MCL 600.2940(1) expressly confers original subject-matter jurisdiction on the trial court. While it is the case that the Michigan Constitution, Const 1963, art 7, § 22, and the Home Rule City Act, MCL 117.1 *et seq.*, provide municipalities the authority to enact any ordinance or charter provision deemed necessary for the public interest, such authority does not extend to permit the municipality to adopt an enactment which is contrary to or preempted by the state constitution or state laws. *Rental Property Owners Ass'n of Kent Co v Grand Rapids*, 455 Mich 246, 270-271; 566 NW2d 514 (1997). In addition, the fact that a home rule city may act as a quasi-judicial body by ordering a structure demolished does not alone negate the circuit court's authority to hear and decide original nuisance and abatement actions. See, *id* at 268-270. Defendants erroneously contend that trial court was limited to a determination whether the city council decision was authorized by law and supported by competent, material and substantial evidence on the record. Const 1963, art 6, § 28; *Rental Property Owners Ass'n, supra* at 269. Had defendants initiated an appeal from the city council's decisions to demolish the structures defendants' contention might have some merit. Instead, this action commenced following plaintiffs' complaints seeking declaratory judgments that the structures were nuisances and requests for equitable relief and/or compensatory and exemplary damages. Because these were matters within the trial court's original jurisdiction, rather than

appellate jurisdiction, MCL 600.2940(1), the trial court was not obligated to apply the limited review accorded appellate proceedings.

We also reject defendants' next assertion that the doctrine of collateral estoppel precluded the circuit court action. Because defendants failed to raise this issue below,<sup>8</sup> it is forfeited and need not be addressed by this Court as it is not decisive to the outcome of the case. *Fast Air, Inc v Knight*, 235 Mich App 541, 549-550; 599 NW2d 489 (1999).<sup>9</sup>

Defendants also claim that the county, the mayor, and the prosecutor each lacked standing to bring suit. We disagree. "As a general rule, a public nuisance gives no right of action to any individual, but must be abated by a proceeding instituted in the name of the State, or at the suit of some proper officer or body as its authorized representative . . . . [and] an individual may bring an action on account of public nuisance when and only when he can show that he has sustained therefrom damage of a special character, distinct and different from the injury suffered by the public generally." *Morse v Liquor Control Com*, 319 Mich 52, 58-59, 29 NW2d 316 (1947), overruled in part on other grounds *Bunda v Walled Lake*, 395 Mich 679, 691-692; 238 NW2d 154 (1976).

MCL 49.153 states in relevant part:

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The prosecuting attorneys shall, in their respective counties, appear for the state or county, and prosecute or defend in all the courts of the county, all prosecutions, suits, applications and motions, whether civil or criminal, in which the state or county may be a party or interested.

It is clear from the plain language of MCL 49.153 that the prosecutor had standing to prosecute and initiate a cause of action to enforce state abatement and nuisance actions. See also Canst 1963, art 7, § 4.

The county also clearly had standing in this matter. In Michigan, "local governments are vested with general constitutional authority to act on all matters of local concern not forbidden by state law." *Wayne Co v Hathcock*, 471 Mich 445, 460; 684 NW2d 765 (2004), citing *Airlines Parking v Wayne Co*, 452 Mich 527, 537 n 18; 550 NW2d 490 (1996). The charter county act, MCL 45.501 *et seq.*, states that county charters may expressly provide for

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<sup>8</sup> Although defendants, in their reply brief, state they preserved the issue in their motion to dismiss, this is an inaccurate statement. Defendants never argued, raised or briefed the issue below.

<sup>9</sup> Moreover, because defendants have not provided this Court with the transcripts of, or records from the prior proceeding, we would conclude that collateral estoppel does not apply to bar the litigation in this case because the basis of the fanner judgment cannot be "clearly, definitely, and unequivocally ascertained." *Ditmore v Michalik*, 244 Mich App 569, 578; 625 NW2d 462 (2001).

the authority to perform at the county level any function or service not prohibited by law, which shall include, by way of enumeration *and not limitation*: Police protection, fire protection, planning, zoning, education, health, welfare, recreation, water, sewer, waste disposal, transportation, abatement of air and water pollution, civil defense, *and any other function or service necessary or beneficial to the public health, safety, and general welfare of the county*. [Powers granted solely by charter may not be exercised by the charter county in a local unit of government which is exercising a similar power without the consent of the local legislative body.] [*Wayne Co, supra* at 460-461, citing MCL 45.515(c) (emphasis added to emphasis in original and next sentence in statute added).]

Here, the county as a party-plaintiff sought to enforce a state law of potential benefit to the public health, safety, and general welfare of the county. MCL 45.515(c); MCL 600.3801; *Morse, supra* at 58-59. Nothing in the plain language of MCL 45.515(c) prohibited the county from joining the instant action, and because the complaints in these nuisance abatement actions were filed to seek enforcement of state law and statutes, defendants' contentions that the county is pre-empted by local law and that MCL 45.515(c) requires the county to obtain the consent of the local legislative body to participate in the instant suit are untenable. See also *In re Certified Question*, 465 Mich 537, 543; 638 NW2d 409 (2002) ("Pursuant to art 7, § 1, the Michigan Legislature at MCL 45.3 has granted each of the state's counties the power to sue and to be sued.")

With regard to defendants' assertion that the mayor lacked standing, we deem the issue abandoned. Defendants have briefed this issue in cursory fashion and failed to cite any relevant authority in support of their argument. A party may not announce a position and leave it to this Court to discover and rationalize the basis for the claim. *Houghton v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003).

Next, we reject, as unsupported by the record, defendants' contention that at the trial court erred because it was obligated to defer from ordering the structures demolished in light of Judge Tertzag's issuance of the TRO. While the record shows that, at the hearing on the parties' respective motions for summary disposition, defendants informed the trial court that the TRO remained in effect and that the action pending before Judge Tertzag was currently in settlement proceedings, the record also shows that the trial court, in part, denied the motions for summary disposition because of the pending case before Judge Tertzag. Significantly, the record also establishes that the case proceeded to trial because defendants acquiesced to the trial court's stated intent to hear the four cases together if the settlement proceedings were unsuccessful. Notably, defendants did not inform the trial court that the action before Judge Tertzag was still pending or raise this issue in their emergency motion to dismiss at the start of trial. Stated differently, defendants placed the properties in issue by failing to raise this claim before the start of trial. An appellant cannot contribute to error by plan or design and then argue error on appeal. *Phinney v Perlmutter*, 222 Mich App 513, 537; 564 NW2d 532 (1997). see also *Fast Air, supra*

at 549 (issue forfeited when not raised before the trial court). Hence, defendants are not entitled to appellate relief on this basis.<sup>10</sup>

Next, defendants contend that the trial court erred in ordering the extreme remedy of demolition when the structures may have been abated by other possible methods, including additional security, and monitoring of the properties. We disagree. Generally, a property owner's right to the unrestricted use of his property is subject to reasonable regulation by the state in the legitimate exercise of its police powers to enact laws protecting health, safety, welfare, and public morals. *Gora v City of Ferndale*, 456 Mich 704, 711; 576 NW2d 141 (1998); see also *Woodland v Michigan Citizens Lobby*, 423 Mich 188, 201; 378 NW2d 337 (1985). Defendants correctly assert that a court sitting in equity has the power to enjoin a nuisance, but, as a matter of policy, will attempt to tailor the remedy to the problem and, where possible, to abate the nuisance without completely destroying the legitimate activity, *Eyde Bros Dev Co v Roscommon Co Bd of Rd Comm'rs*, 161 Mich App 654, 670; 411 NW2d 814 (1987); however, defendants' claim fails because the legal remedy that they seek "cannot be said to give full and ample relief if it is not as effectual as that which equity affords." *Mooahesh v Dept of Treasury*, 195 Mich App 551, 561; 492 NW2d 246; (1992) overruled in part on other grounds in *Silverman v Univ of Michigan Bd of Regents*, 445 Mich 209, 215-217; 516 NW2d 54 (1994).

Specifically, we find no error and we are not persuaded that the demolition order was inappropriate. The trial court heard considerable evidence of the structures' poor and unsafe conditions. In its findings, the trial court found, as credible, the witnesses' accounts of the presence of debris, bulk garbage, rats, drug activity, and repeated drug raids by law enforcement. Photographic evidence further demonstrated the structures' dilapidated conditions. Despite defendants' claims that the conditions creating the nuisance could be corrected with additional security and monitoring and that the structures were merely vacant, Karr testified that the properties were uninhabitable. Karr further testified that once a prospective tenant expresses an interest in renting the house, then and only then, are any efforts made to make the house habitable and improve the property for the tenant's move-in date. On the basis of this evidence, we cannot conclude that the trial court clearly erred in finding a nuisance and ordering the properties demolished while rejecting defendants' claims that the conditions could be remedied when and if the properties were rented, particularly in light of the record evidence establishing defendants' reluctance to make improvements or to prepare the uninhabitable houses for occupancy.

Defendants further contend that a distinction must be made between a public nuisance due to the improper use of a building and a public nuisance due to structural defects. Defendants contend it is illogical to allow a property that is used for criminal activities to be abated by padlocking it for one year under MCL 600.3825(1); but nonetheless require a structure to be demolished for the lesser offenses of trespassing, loitering and excessive debris. We disagree. Assuming we were to make such a distinction, defendants would not necessarily benefit because evidence of structural deficiencies or improper use are not the only conditions to constitute a

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<sup>10</sup> Judge Tertzag entered an order of dismissal in Case No. 01-125498-CZ on June 12, 2003.

nuisance. MCL 600.3801; see also *Ebel v Bd of County Rd Comm'rs*, 386 Mich 598, 606; 194 NW2d 365 (1972) (the term "nuisance" has been variously defined and is so comprehensive that its existence must be determined from facts and circumstances of each case); *Garfield v Young*, 348 Mich 337, 342; 82 NW2d 876 (1957) (a public nuisance constitutes an activity harmful to public health, or creates an interference in the use of a way of travel, or affects public morals). In this case, the structures were declared to constitute nuisances requiring abatement, and MCL 600.2940(3) plainly provided the trial court authority "to abate and remove the nuisance" at defendants' expense. See also 58 Am Jur 2d, Nuisances, § 358, p 949 ("equity may deal with property used in maintaining a nuisance in any way reasonably necessary to suppress the nuisance"). Because the evidence, as discussed previously, supports the trial court's determinations, defendants' claims must fail.

We need not address defendants' remaining claim of error regarding plaintiffs' ability to initiate a civil contempt proceeding in light of this Court's July 9, 2003, order vacating the order of contempt against Karr.

Because the trial court's determination was a valid exercise of jurisdiction in an action to enforce state laws, and the testimony and evidence supported its findings, we conclude that the trial court did not err in determining that the structures constituted nuisances subject to demolition at defendants' expense.

Affirmed.

*/s/* Patrick M. Meter  
*/s/* **Kurtis T. Wilder**  
*/s/* Bill Schuette

# EXHIBIT 19

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

WAYNE COUNTY EXECUTIVE, COUNTY OF  
WAYNE, and WAYNE COUNTY  
PROSECUTO

UNPUBLISHED  
July 19, 2007

Plaintiffs,

and

MAYOR OF DETROIT and CITY OF DETROIT,

Plaintiffs-Appellees,

v

NICHOLAS AGGOR and ROSE ALBA AGGOR,

Defendants-Appellants,

and

238 *MT.* VERNON, NANCY JOHNSON and  
HAWTHORNE MANAGEMENT COMPANY,  
INC.,

Defendants.

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NICHOLAS AGGOR.,

Plaintiff-Appellant,

v

CITY OF DETROIT,

Defendant-Appellee.

No. 266183  
Wayne Circuit Court  
LC No. 03-326976-CH

No. 266184  
Wayne Circuit Court  
LC No. 04-435815-NZ

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Before: Cooper, P.J., and Cavanagh and Meter, JJ.

PER CURIAM.

In Docket No. 266183, defendants Nicholas Aggor and Rose Alba Aggor (the Aggors), appeal by leave granted from an order for abatement of a nuisance on property located at 238 Mt. Vernon in Detroit. In Docket No. 266184, plaintiff Nicholas Aggor appeals by leave granted from an order granting defendant Detroit's motion for summary disposition entered in a negligent[C] action. We affirm in both cases.

Docket No. 266183

The Aggors argue that the circuit court erred by entering a judgment requiring the Aggors to transfer title to 238 Mt. Vernon in order to abate the nuisance. Michigan's courts recognize that a trial court has the inherent power to control the movement of cases on its docket. *Banta v Serban*, 370 Mich 367, 368; 121 NW2d 854 (1963); see also MCL 600.611. This Court will not disturb a trial court's exercise of its inherent power unless a party shows a clear abuse of discretion. *Persichini v Beaumont Hosp*, 238 Mich App 626, 642; 607 NW2d 100 (1999). An abuse of discretion occurs when the trial court's decision falls outside the range of principled outcomes. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).

In *Maldonado*, *supra* at 376, our Supreme Court emphasized the circuit court's inherent power to enforce its orders:

We reiterate that trial courts possess the inherent authority to sanction litigants and their counsel, including the power to dismiss an action. *Banta v Serban*, 370 Mich 367, 368; 121 NW2d 854 (1963); *Persichini*, [supra] at 639-640; *Prince v MacDonald*, 237 Mich App 186, 189; 602 NW2d 834 (1999). This power is not governed so much by rule or statute, but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases. See *Chambers v NAECO, Inc*, 501 US 32, 43; 111 S Ct 2123; 115 LEd 2d 27 (1991).

We further acknowledge that our trial courts also have express authority to direct and control the proceedings before them. MCL 600.611 provides that "[c]ircuit courts have jurisdiction and power to make any order proper to fully effectuate the circuit courts' jurisdiction and judgments."

On November 4, 2004, the Aggors agreed to entry of an order requiring them to abate the nuisance at 238 Mt. Vernon. There is no evidence in the record suggesting that the Aggors abated the nuisance within the time prescribed by the November 4, 2004, stipulated order. Accordingly, on April 18, 2005, the circuit court entered an order requiring them to appear on April 28, 2005, to show cause why it should not enter plaintiffs' proposed judgment setting aside the court order and for the abatement of the nuisance. On August 28, 2005, the circuit court entered judgment for abatement of the nuisance and for costs in favor of plaintiffs. The circuit court found that the Aggors had violated the November 4, 2004, order requiring them to abate the nuisance and ordered that title to the property be transferred to Wayne County so it could be sold at public auction, with a portion of the proceeds paid to plaintiffs for prosecuting this action.

We conclude that the circuit court's judgment against the Aggors was simply the product of its inherent ability to enforce its orders—specifically, the November 4, 2004, stipulated order requiring defendants to abate the nuisance at 238 Mt. Vernon. See *Maldonado, supra* at 376. The circuit court had the power to require the Aggors to abate the nuisance. MCL 600.2940(1). Further, in the case of any nuisance, the circuit court may abate the nuisance at the expense of the property owner. MCL 600.2940(3). The Aggors have failed to demonstrate that the circuit court's judgment constituted an error requiring reversal.

The Aggors alternatively argue that the circuit court erred by dismissing their "counterclaim." The Aggors, however, did not file a counterclaim in this matter. Under MCR 2.111(B)(1), a counterclaim must contain a "statement of the facts, without repetition, on which the pleader relies in stating the cause of action, with specific allegations necessary reasonably to inform the adverse party of the nature of the claims the adverse party is called on to defend . . . ." Here, defendants merely alleged in their answer that "[t]he defendants are demanding damages in the amount of ten million dollars because the police deliberately caused the defendant's historical apartment building to be burnt down AND ALSO, which caused a financial hindrance for the repair and the up keeping of 238 MT. VERNON." This single sentence does not satisfy the pleading requirements of MCR 2.111(B). Rather, this sentence appears to be nothing more than a statement that the Aggors had filed a separate action seeking damages in relation to another property, 92 Alfred, which they did.

The Aggors also suggest that plaintiffs' demolition of 238 Mt. Vernon was an unconstitutional taking in violation of the United States and Michigan constitutions. This argument is without merit. As explained recently by this Court:

The federal and state constitutions both proscribe the taking of private property for public use without just compensation. US Const, Am V; Canst 1963, art 10, § 2; *Adams Outdoor Advertising v City of Lansing (After Remand)*, 463 Mich 17, 23; 614 NW2d 634 (2000); *Oakland Co Bd of Rd Comm'rs v JBD Rochester, LLC*, 271 Mich App 113, 114; 718 NW2d 845 (2006). The Takings Clause of the Fifth Amendment is substantially similar to the Takings Clause of the Michigan Constitution, *Tolksdorf v Giffith*, 464 Mich 1, 2; 626 NW2d 163 (2001), and the two provisions should generally be interpreted coextensively, see *Peterman v Dep't of Natural Resources*, 446 Mich 177, 184 n 10; 521 NW2d 499 (1994). The nuisance exception to the prohibition on unconstitutional takings provides that because no individual has the right to use his or her property so as to create a nuisance, "the [s]tate has not 'taken' anything when it asserts its power to enjoin [a] nuisance-like activity." *Keystone Bituminous Coal Ass'n v DeBenedictis*, 480 US 470, 491 n 20; 107 S Ct 1232; 94 LEd 2d 472 (1987). Indeed, "[c]ourts have consistently held that a [s]tate need not provide compensation when it diminishes or destroys the value of property by stopping illegal activity or abating a public nuisance." *Id.* at 492 n 22. [*Ypsilanti Fire Marshal v Kircher*, 273 Mich App 496, 555 n22; 730 NW2d 481 (2007).]

Here, it cannot seriously be disputed that 238 Mt. Vernon was a nuisance. As discussed, the Aggors conceded as much by stipulating to the circuit court's November 4, 2004, order. Nor is there any evidence in the record that the Aggors sufficiently abated the nuisance before title to

the property was transferred to Wayne County. Accordingly, there was no WIC<stitutional taking. The circuit court did not err by entering judgment in favor of plaintiffs.

Docket No. 266184

Nicholas argues that the circuit court erred by granting Detroit's motion for summary disposition on statute of limitations grounds and by subsequently denying Nicholas's motion for reconsideration.<sup>1</sup> We disagree.

This Court reviews de novo a trial court's decision on a motion for summary disposition. See *Bryant v Oakpointe Villa Nursing Centre, Inc.*, 471 Mich 411, 436; 684 NW2d 864 (2004). The interpretation and application of a statute of limitations presents a question of law that is reviewed de novo. See *Pohutski v City of Allen Park*, 465 Mich 675, 681; 641 NW2d 219 (2002).

Under MCR 2.116(C)(7), a party may move for summary disposition on the ground that a claim is barred by the statute of limitations. In evaluating a motion brought under MCR 2.116(C)(7), a court considers all the documentary evidence submitted by the parties, to the extent that the content or substance would be admissible as evidence, and accepts as true the contents of the complaint unless those contents are contradicted by affidavits or other appropriate documents. *Bryant, supra* at 419; MCR 2.116(G)(6). "If the pleadings demonstrate that a party is entitled to judgment as a matter of law, or if affidavits or other documentary evidence show that there is no genuine issue of material fact, the trial court must render judgment without delay." *Harris v City of Allen Park*, 193 Mich App 103, 106; 483 NW2d 434 (1992).

On November 19, 2004, Nicholas filed a complaint that pleaded counts entitled "negligence" and "Michigan Consumer Protection Act." Although they are not definitively set forth in his complaint, Nicholas later argued that he also pleaded civil rights and constitutional violations against Detroit.

Actions for negligence are subject to the general three-year limitations period prescribed in MCL 600.5805(10). *Ostroth v Warren Regency, GP, LLC*, 474 Mich 36, 41; 709 NW2d 589 (2006). MCL 600.5805 provides that Nicholas's negligence claim must be brought within three years of the date the claim accrued:

(1) A person shall not bring or maintain an action to recover damages for injuries to persons or property unless, after the claim first accrued to the plaintiff or to someone through whom the plaintiff claims, the action is commenced within the periods of time prescribed by this section.

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<sup>1</sup> Nicholas's argument that the court should have granted him a default judgment because a representative for Detroit did not appear for a hearing is without merit; the representative appeared shortly after the start of the hearing.

(10) The period of limitations is 3 years after the time of the death or injury for all other actions to recover damages for the death of a person, or for injury to a person or property.

Furthermore, accrual under the three-year statute of limitations is measured by "the time the wrong upon which the claim is based was done regardless of the time when damage results." MCL 600.5827. Nicholas alleges that the "wrong" occurred when a Sergeant Green refused to prosecute certain trespassers at Nicholas's residence. Although Nicholas fails to plead the specific date that this occurred, he argues that his apartment building suffered fire damage by the trespassers on March 13, 2001. Even assuming that Nicholas's negligence claim accrued on March 13, 2001, he filed his complaint on November 19, 2004, more than three years after his claim accrued. The circuit court, therefore, did not err by finding that Nicholas's negligence claim was barred.

The Michigan Consumer Protection Act's (MCPA) limitations period, MCL 445.911(7), provides:

An action under this section shall not be brought more than 6 years after the occurrence of the method, act, or practice which is the subject of the action nor more than 1 year after the last payment in a transaction involving the method, act, or practice which is the subject of the action, whichever period of time ends at a later date. However, when a person commences an action against another person, the defendant may assert, as a defense or counterclaim, any claim under this act arising out of the transaction on which the action is brought.

The circuit court granted Detroit's motion for summary disposition on statute of limitations grounds. Although Nicholas's MCPA claim was arguably<sup>2</sup> commenced within the six-year limitations period applicable to an MCPA claim, the MCPA is inapplicable to his claim, and this Court will not reverse a trial court's order if the court reached the right result for the wrong reason. *Taylor v Laban*, 241 Mich App 449, 458; 616 NW2d 229 (2000). The MCPA prohibits the use of "[u]nfair, unconscionable, or deceptive methods, acts, or practices in the conduct of trade or commerce . . . ." MCL 445.903(1). "Trade or commerce" is defined as "the conduct of a business providing goods, property, or service primarily for personal, family or household purposes . . . ." MCL 445.902(1)(g). Nicholas's allegations against Detroit stem from Sergeant Green's conduct while serving in his capacity in the Detroit Police Department. There is no legal or empirical basis for concluding that Sergeant Green's actions were "in the conduct of trade or commerce" as required by MCL 445.903(1). The circuit court, therefore, correctly dismissed plaintiff's MCPA claim, albeit for the wrong reason.

To the extent Nicholas argues that he has civil rights or constitutional claims that are not barred by the statute of limitations, we decline to consider this issue because it is insufficiently

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<sup>2</sup> Because plaintiff has failed to set forth the specific date of Sergeant Green's offensive conduct, it is impossible to determine when plaintiff's MCPA claim "accrued" for purposes of determining whether his claim is barred by MCL 445.911(7).

briefed. See *Peterson Novelties, Inc v City of Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003) (where a party gives only cursory treatment to an issue, with little or no citation to supporting authority, this Court may deem the issue abandoned). Nicholas offers no substantive discussion in support of his civil rights or constitutional claims, rendering an appropriate analysis of the issue impossible.

Nicholas also argues that the circuit court erred by denying his motion for reconsideration of the circuit court's order granting Detroit's motion for summary disposition. When reviewing a trial court's decision regarding a motion for reconsideration, this Court reviews the trial court's decision for an abuse of discretion. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). As noted earlier, "[a]n abuse of discretion occurs when the decision results in an outcome falling outside the principled range of outcomes." *Woodard v Custer*, 416 Mich 545, 557; 719 NW2d 842 (2006). In order for the trial court to grant a motion for reconsideration, the moving party "must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error." MCR 2.119(F)(3); see also *Churchman*, *supra* at 233. If the moving party merely presents the same issues ruled on by the court, either expressly or by reasonable implication, the court may decline to grant the motion, MCR 2.119(F)(3); *Churchman*, *supra* at 233. Furthermore, a trial court does not abuse its discretion when it denies a motion for reconsideration on the basis that the motion rests on a legal theory and facts that could have been pled or argued before the trial court's original order. *Charbeneau v Wayne County General Hospital*, 158 Mich App 730, 733; 405 NW2d 151 (1987).

Here, Nicholas filed a motion that asked the court to reconsider its order based primarily on the same facts Nicholas had set forth in his response to Detroit's initial motion. The "new" facts that Nicholas argued, including the fact that 92 Alfred was demolished and that eighteen warrants were issued for his arrest, either have no bearing on the statute of limitations issues or could have been raised in Nicholas's response to Detroit's motion. The circuit court, therefore, did not abuse its discretion in denying Nicholas's motion for reconsideration. See *id.*

Affirmed.


/s/ Jessica R. Cooper  
/s/ Mark J. Cavanagh  
/s/ Patrick M. Meter

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Michigar

# Detroit's most dangerous neighborhoods still struggling during city's comeback

By John Counts [johncounts@mlive.com](mailto:johncounts@mlive.com)

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on February 17, 2016 at 5:30AM, updated February 25, 2016 at 3:17 PM

The glow of downtown's comeback hasn't quite reached the street corner on Detroit's Eastside where 22-year-old James Rogers was walking recently.

While downtown is abuzz with development, the neighborhoods near Kelly Road and Morang Avenue are more recognizably "Detroit:" the ubiquitous liquor store; abandoned homes crumbling along trash-strewn side streets; a murder victim shrine with liquor bottles and stuffed animals piled knee-high around a street sign in sight of a school.

"It's going to take a while to catch on," Rogers said about any revitalization in his beleaguered neighborhood.

Rogers says he was robbed just down Kelly a few months ago. Four guys rooted through his pockets while a fifth held him at gunpoint.

"Even if you don't have anything, it doesn't matter," he said about the zealous robbers in the neighborhood.

Downtown's optimism hasn't emanated to the hundreds of miles of Detroit streets like this where residents still contend with robberies, break-ins, sexual assaults, drugs and murders on a daily basis.

Statistics from the Detroit Police Department bear this out. While crime has been trending downward in the city – and all over Michigan – homicides in Precinct 9, which encompasses Rogers' Eastside neighborhood, have held steady.

In 2015, Precinct 9 had 46 homicides, two more than 44 in 2014. In 2013, there were 43 homicides and 2012 there were 52.

While brutal and bizarre murders generally get the headlines—think Bob Bashara's S&M-fueled murder of his wife, the mother who put her murdered children in a freezer and the teen who killed a 91-year-old man by burning him **alive**—the majority of Detroit's killings are the result of a deeply entrenched cycle of poverty and drugs in the neighborhoods, police say.

Detroit police officials are quick to point out that most homicides aren't random and that the victim generally knows the killer.

"It appears that the majority of the crimes committed in these areas has a narcotic nexus and certainly poverty plays a major role," said Detroit police Sgt. Michael Woody. "Many of the crimes committed are not random and are directed or committed against known victims. We do have carjacking incidents where victims are random, but as it relates to homicides, the victim/perpetrator relationships

are often known."

*About this map: This map features homicides color coded per precinct. It will launch with 2015 homicides, which are still provisional numbers, according to police. To change the years, click on "layers" and choose between 2012, 2013, 2014 and 2015. Roll over the map and click on a dot for more details about the incident. You can also zoom in and out. Map by Scott Levin.*

'Smell of deadness'

The cultural, racial and sociological demarcation in southeast Michigan has historically been between city and suburbs.

The city is generally regarded as poor, black and crime-ridden; the suburbs as affluent, white and safe.

But a new division is emerging inside the city itself between the 7.2 square miles of the greater downtown area and the rest of the roughly 139 total square miles of the city.

Standing on a downtown corner can feel like being in the middle of a vast construction site. For months, Woodward Avenue has been torn up in various sections, making way for the M-1 rail that will connect downtown with the New Center area. Work on the new Red Wings arena and dozens of other projects only adds to the cacophony of construction.

More cops, less blight provide signs of hope for Detroit neighborhoods

On any given night, downtown streets, sidewalks and highways are jammed with sports fans, concertgoers and diners checking out one of Detroit's new restaurants.

If murders are the measure, downtown is relatively safe. In Precinct 1, which covers downtown, there were 8 homicides in 2012, 8 again in 2013 and six in 2014. It's the lowest of any of the city's precincts.

The area is patrolled by police, as well as real-estate investor Dan Gilbert's security force, hired to keep an eye on the various properties his companies have been gobbling up at a rapacious pace over the last several years.

It's a different story out in Brightmoor on the city's far Westside where the streets were mostly empty on a sunny afternoon earlier this month.

Vacant lots filled with trash sit untended beside boarded-up homes tagged with gang graffiti. There were more hopeful touches painted on other empty home fronts: shining suns, inspirational quotes and even a pastoral scene of people picking apples alongside a river.

The houses are small, built in a rush starting in the 1920s when the population was booming due to the rise of the auto industry, residents and job opportunities that have vanished.

"It's going to take a while to catch on:" resident Janies Roers said about revitalization.

Many of the empty lots are reverting back to nature, with bushes, trees and grass taking over. This prompted an enterprising outfit, Idyll Farms, to try and raise goats in the neighborhood, using the tall grass in abandoned fields as feed.

The city quickly mowed down that idea, however.

Brightmoor resident Lynn Adams said while she appreciates efforts to rid her neighborhood of abandoned homes, the empty lots that are left behind do pose a

public health issue.

Adams said the odor of dead rats and the occasional homicide victim found in the tangle of vegetation on vacant lots has the tendency to waft throughout the neighborhood in the warmer months.

"The smell of deadness doesn't even make me want to be here," she said.

She wishes the city would do more maintenance.

"They need to cut the fields," she said.

Even with a depleted population, crime is still a big issue in this neighborhood, which falls in Detroit police Precincts 6 and 8. Both precincts have relatively unchanged homicide rates over the years. In Precinct 6, there were 38 homicides in 2015, 39 in 2014, 32 in 2013 and 35 in 2012. Precinct 8 had 32 homicides in 2015, 30 in 2014, 37 in 2013 and 39 in 2012.

"(Police) don't even care," said Adams' friend, Mark, who didn't want to give his last name. "There's so much going on here. They need more police."

Mayor Mike Duggan's spokesman Dan Austin said they are working on it. About 200 additional police officers are now on the streets and the city plans to hire more. The city has also boosted starting officers' pay from \$31,000 to \$36,000.

The city has also launched several programs to help curb crime in the neighborhoods and give the kids there a better chance, according to Austin.

The city recently installed 65,000 new LED streetlights, had 306 new neighborhood clubs join the 194 created in 2014 and have implemented programs such as Ceasefire Detroit, which works with neighborhood gangs, and Grow Detroit's Young Talent, a program that helps find employment for city kids.

"Every Detroiter deserves a safe place to live, and because strong neighborhoods are safe neighborhoods, much of what we do revolves around helping those neighborhoods," Austin said.

### Girls getting snatched

The story of Detroit crime isn't new. The city has been at the top of various "most-dangerous" lists going farther back than most Detroiters care to remember. In the 1970s, the homicide numbers topped out around 700 per year, but that was when the city had a much more robust population of about 1.5 million.

According to the Federal Bureau of Investigations, the population in 2014, when there were 299 homicides reported by the city, was only 684,694. Detroit moved down to second place for most homicides per 100,000 residents as **St. Louis rose to the top spot.**

While big stats aren't anything new in Detroit, crime is still something people like 31-year-old Mark Richardson have to live with in the real world.

Richardson was walking recently near Denby High School, his alma mater, which has a fortress-like fence surrounding its perimeter.

"It's dangerous for most people," Richardson said about his Eastside neighborhood, citing murders, shootings and drugs as the biggest problems. "Girls are getting snatched up while going to school."

Nearly every resident Mlive.com spoke with for this story talked about this disturbing trend: males or groups of males accosting young girls on their way home from school and sexually assaulting them in abandoned homes.

Woody confirmed that incidents like this do happen and that abandoned houses are breeding grounds for criminal activity, which is one of the reasons why the city is aggressively attacking blight.

About 78,000 structures in Detroit have been identified as needing "intervention," meaning that they are abandoned or on the cusp of being abandoned, according to a 2014 report from the Detroit Blight Removal Task Force.

That's 29 percent of all structures in the city of Detroit.

### Signs of hope

But the city is making progress with both blight and crime. It's a been particular focus for Detroit Police Chief James Craig.

"The overall safety of the public remains our top priority," Craig said. "In order for our citizens to realize true reduction in crime, we must continue to forge community partnerships and seek justice against those criminals who deny us our right to live free from their tyranny."

Since the beginning of 2013, Detroit police report that violent crime has decreased by 11 percent and that property crime is down 21 percent, Craig has said.

Meanwhile, detectives are solving more homicides. In 2013, the department started using geographic homicide squads and clearance rates have jumped to its current 63.5 percent from the low 50s before the switch took place, according to Woody.

"A squad that consistently works in a precinct will get to know those neighborhoods and the people that live there, which can assist in the identification and apprehension of suspects," Woody said.

The city is also vigorously going after blight. Since Duggan took office, more than 7,600 abandoned homes have been torn down across the city, according to Austin.

"Because many homicides and other crimes are tied to drugs, as are abandoned houses, by dealing with one problem, you (make) a dent in another," he said.

This is good news to people like 43-year-old Rudy Ingram, who had lived in Brightmoor for 24 years.

Ingram, who was walking down Fenkell recently with his 7-year-old son Martavious, says he's felt the positive changes in his neighborhood.

"It's going good. They're getting rid of some of these abandoned house," he said, saying the blighted structures are dangerous because they can be used in sexual assaults and targeted for arson. "They're coming to help out the community a lot over here."

One initiative to tear down houses in Detroit is a partnership between public and private entities, including Gilbert. While best known for his downtown investments, **Gilbert is also committed to battling blight** in the neighborhoods, spokeswoman Carolyn Artman said.

"For the city of Detroit succeed and thrive, both downtown and the neighborhoods must be stable and successful," Artman said. "You can't have a successful core without the neighborhoods, nor can you have successful neighborhoods without a successful core."

Residents like Ingram are optimistic about transforming their neighborhoods into even greater successes.

Ingram happily reported community gardens are blossoming in Brightmoor and that some of the produce they yield now for sale on the streets, no small miracle in a neighborhood where liquor stores outnumber grocery stores.

"Eventually, there's going to be a lot of gardens over here," he said with a smile.

*About this database: Use this database to search crimes across the city between 2012-2015. The numbers were pulled straight from the city of **Detroit's data website**. You can filter the data in a variety of ways: by precinct, year, neighborhood and offense. Click on one or in a variety of combinations, then hit search. Database by Scott Levin.*

A few disclaimers about the database. The 2015 statistics are "provisional," meaning they haven't yet been made official. The 2015 stats are also different in how the downtown and Midtown precincts are tallied. While 2012, 2013 and 2014 have different stats for Precinct 1 (downtown) and Precinct 3 (Midtown), in 2015 they are combined so all of Precinct 1 numbers are with Precinct 3. Also, you will notice Precinct "99." These incidents have locations, but were not entered into the proper precincts where they occurred. This is how the data came to us.

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*Scott Levin provided data analysis for this report.*

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