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For months, Milwaukee officials knew people could be living at contaminated affordable housing site

Yash Roy and Sophia Vento Milwaukee Journal Sentinel

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Over the course of three months, a growing number of employees in Milwaukee's inspection and permitting department became aware that people gained permission to live in an affordable housing development potentially contaminated with a cancer-causing chemical but didn't tell partner agencies that could have acted.

The possibility of people living in the complex was not shared with other departments in the city and state, including when a Department of Neighborhood Services employee took part in a January meeting about environmental concerns and occupancy at the former industrial site.

After requesting comment from Mayor Cavalier Johnson on the situation, the Journal Sentinel spoke with a dozen city employees from the DNS and Health Department, including DNS Commissioner Erica Roberts and Deputy Health Commissioner Tyler Weber, during which the agencies did not claim responsibility for the situation that led to the eventual evacuation of 150 lower-income residents.

Roberts pointed specifically at developers as the party responsible for ensuring that the site was safe for its residents. A class action filed by a displaced resident, which has now been signed on by 20 other residents, alleges that the developer failed to disclose and misrepresented the contamination at the site.

While Roberts acknowledged that the department can better communicate with partner agencies, that realization comes too late for displaced tenants who are now scrambling to find a new home, after losing temporary accommodations from the developers on Friday.

It wasn't until March that more than 150 residents were abruptly evacuated from Community within the Corridor East Block, 2748 N. 32nd St., over dangerous levels of trichloroethylene.

By that time, many had spent months living in the building.

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The project is led by developer Que El-Amin's development firm, Scott Crawford Inc. It worked with local investors Mikal Wesley, president of Urbane Communities LLC, and Rayhainio "Ray Nitti" Boynes, who operates The Creative Corridor Inc. The local developers in 2017 also partnered with Minneapolis-based apartment development firm Roers Cos.



The questions about the lack of information sharing come after the city for months insisted it did not know there were environmental concerns or people living at the site until days before the March 25 evacuation. City officials say they are reviewing their own policies and procedures even as they cast blame on the developer for withholding information from city officials about ongoing environmental concerns and occupancy of their newly opened apartments.

"DNS did the best they could with the information they had. All city departments and health agencies were working together very well," Department of Neighborhood Services Commissioner Erica Roberts said. "As a result of this, we've all learned that more regular communication is probably better for everyone."

'Everyone was told explicitly no one was living there... or should live there'

In March, Mayor Johnson's spokesperson Jeff Fleming told the Journal Sentinel that "there was no actionable information shared with the city at the January meeting."

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However, emails obtained from the Department of Neighborhood Services through an open records request show at least one department employee had been informed in December of the developer's plans to move residents in by Dec. 19 — and personally issued a temporary occupancy permit for the East Block.

That employee did not share the residency information in a Jan. 12 meeting with the city's Health Department and state departments of health and natural resources. The meeting had been called specifically to discuss environmental concerns and occupancy at Community within the Corridor.

“Everyone was told explicitly that no one was living there and that no one should live there... that was the crux of the meeting and the end of the meeting,” Milwaukee Health Department Emergency Preparedness Environmental Health Director Nick Tomaro said. “Anybody who knows me, if we had any inclination people were in that building, we would have gone there.”

Jason Golec, the employee responsible for permitting occupancy at CWC, was one of the city's DNS employees at the Jan. 12 meeting. He had issued an extension on a temporary occupancy permit for the East Block on Dec. 19.



On Thursday, Golec told the Journal Sentinel that when he was asked by the other agencies on Jan. 12 if people were living at the site he “was unable to answer the question.”

However, Roberts, who was also present at a Journal Sentinel interview with about a dozen city officials on Thursday, stepped in and said, “I was not at the meeting, but I do not know if that question was raised explicitly.”

After Roberts said that she did not believe the question was raised, Golec told the Journal Sentinel that he could no longer “recall” if the question had been raised.

The mayor, Golec and Roberts told the Journal Sentinel that a temporary occupancy permit does not mean people had moved in, insisting that the city did not know whether people were actually living at East Block.

“We don't know, because those are business decisions being made by the developer,” Roberts said. “We wouldn't have been able to say with certainty at any meeting, whether or not those units were occupied.”

“I was not aware if any tenants had been placed in the building yet,” Golec said about his knowledge in January.

Records do show that Golec made multiple requests from developers for “tenant rolls” that would lay out exactly where people were living. CWC did not provide clear information on residency until February.

However, in the occupancy permit application made by developers on Dec. 16, Golec was informed by property developers that CWC intended to fill “all 130 residential units on the East Block by” Dec. 19. Four other city employees were also copied on this email.

On Feb. 16, a second DNS employee, Jezamil Arroyo-Vega, sent an email to three department officials, including Golec, that also referenced people being in the building.

Arroyo-Vega wrote, “I am not sure if both (the state health and natural resources departments) are aware some units are both occupied.”

According to Roberts, Environmental Code Supervisor Anthony Goodman was responsible for informing the DNR and health agencies about occupancy in the East Block.



Goodman left the DNS in early February. His replacement did not start until March, according to a department spokesperson.

Goodman’s eventual replacement, Melissa O’Neill, did follow up with department officials on Feb. 16 about the January meeting, but there are no records of any communications with other city and state departments until days before the March evacuation.

State officials and the Milwaukee Health Department were informed of residency at the apartments on March 22. One day later, they also received new data that showed some parts of the building had 60 times the legal limit of TCE. Two days later an evacuation order was issued.

Tomaro, the city’s health department official monitoring the situation since January, told the Journal Sentinel on Thursday that if he had been told that residents were living at the apartments in January he would have “100%” taken action.

At a minimum, Weber, who served as the interim commissioner of the city health department at the time of the evacuation, said the department would have notified residents of possible exposure to a known carcinogen.

Health Department, DNS insist that they followed state statutes

While it remains unclear why DNS did not inform other departments about at least the potential for the building to be occupied, Roberts told the Journal Sentinel that her department was “not under any statutory obligation” to inform relevant health or environmental agencies about occupancy in the building.

“What did you want us to do,?” Roberts said when asked by the Journal Sentinel why her department took no action after knowing about occupancy. “Evict them?”

Weber said the Health Department would not have been able to issue orders of evacuation even if they had been told people were living in the apartments in January.

The department's authority is linked to a state statute that relies on evaluating vapor levels, he said.

When asked by the Journal Sentinel if the health department can evacuate people if they have been moved in before testing had been completed, Weber said that they "do not have the statutory ability" to do so.



Roberts also argued that throughout the process it was the developer's responsibility to ensure the safety of residents in East Block.

"We rely on the developer to do the right thing," Roberts said, underscoring that "in 99% of all cases they do."

When asked what changes the Health Department and DNS plan on making, Roberts told the Journal Sentinel that the department is studying ways for developers to share environmental remediation efforts early in the permitting process.

Both the Health Department and DNS also said they plan on enhancing communication.

While the city and state continue to discuss changes to their protocols, displaced residents have been stuck in the middle of what officials call an "unprecedented situation."

Forced to move between temporary accommodations multiple times, they were informed that their leases would be terminated by the end of June in mid-June. After requests from residents to extend the move-out period, residents were given a two-week extension to find new housing. This housing ended on Friday.

Some of them will now be homeless.

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