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"The Apartment Association of Southeastern Wisconsin is your primary resource for education, mutual support and legislative advocacy for the successful ownership and management of the rental property."

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AASEW OWNER Article/Advertising Guidelines

Would you like to submit an article or ad for publication in the AASEW newsletter? [Click here for the current submission guidelines and advertising rates.](#)

Feedback

Do you have feedback for the AASEW? Contact us at admin@aasew.org or at membership@aasew.org

Changes to the AASEW OWNER



By Dawn Anastasi, Editor and AASEW Board Member

We took feedback from various areas and made improvements to the OWNER! You'll notice various updates appearing in this month's issue.

- The table of contents was moved to the front of the issue. This allows readers to more easily find the content they want to read first.
- We moved the upcoming events up to the third page instead of all the way on the last page. This allows our readers to easily find events to attend.
- We moved the article submission guidelines and the advertising information to the website. These two items were taking up valuable space in the newsletter and did not need to be repeated each month.
- We reduced the length of the newsletter from 20 pages down to 16 pages.

If you're receiving this newsletter as a forward from a friend/colleague and are not a member yet, [join us!](#)

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Upcoming Events

Don't miss these upcoming events!

Lunch and Learn Series -- Facebook Live Stream



*Marcus Auerbach, AASEW Board Member
Investor, Agent, and Founder of Onpoint Realty*

Wednesday, March 15, 2023 12:00pm

- Increasing Rents in 2023

Wednesday, April 19, 2023 12:00pm

- How to Analyze Residential Deals

Wednesday, May 17, 2023 12:00pm

- Tips and Tricks for Advertising Your Rental Property
-

In-Person Educational & Networking Events

Friday, March 17, 2023 11:30am

- March Madness & St. Patrick's Celebration
- Location: Silver Spur Smokehouse BBQ

Saturday, March 18, 2023 8:30am

- AASEW Landlord Boot Camp
- Location: Sonesta Milwaukee West

Monday, April 17, 2023 5:30pm

- AASEW Monthly Membership Meeting
- Location: Sonesta Milwaukee West

Monday, May 15, 2023 5:30pm

- AASEW Monthly Membership Meeting
- Location: Sonesta Milwaukee West

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www.aasew.org/Donate

If you know any rental property owners who are not already a member, please encourage them to join the AASEW.

Membership in AASEW provides networking, education and mentoring. In addition to these immediate benefits AASEW members believe that the greater value of the organization is the strength in numbers it brings.

Our community consists of over 40,000 landlords in Southeast Wisconsin, alone we cannot fight the great strength of the local and state government, but together we can. We encourage you to get active in the Association and help make Wisconsin a better place for landlords to do business.

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Housing Authority Has Waitlist Three Times Larger Than Its Affordable Housing Supply

By PrincessSafiya Byers, Milwaukee Neighborhood News Service

Thousands of Milwaukeeans are struggling to access affordable housing options.

Amy Hall, the communications coordinator and public information officer for the Housing Authority of the City of Milwaukee, said her agency provides subsidized housing for thousands. But that doesn't put a big enough dent in the demand.

Hall said there are just shy of 5,000 units of public housing in the city, but 15,000 people are on a waitlist for it.

There also are thousands of people on a waitlist for project-based housing, which is a government-funded program that provides rental housing to low-income households in privately owned and managed rental units.

And the city has about 6,000 housing-choice vouchers for subsidized Section 8 housing provided by the U.S. Department of Housing and Urban Development, but 8,000 residents are on the waitlist. Section 8 distributes rental payments to private landlords on behalf of low-income residents.

An August 2021 report by the Community Development Alliance, an affiliation of community development funders and practitioners, said Milwaukeeans face a series of barriers when it comes to gaining affordable housing.

Chief among them is that residents simply can't afford non-subsidized housing.

"The most significant root cause impacting housing affordability is low wages — 53.4% of households who rent homes in the City of Milwaukee are rent burdened, spending 30% or more of their income on rent and a significant majority of cost-burdened renters are families making \$7.25 – \$15 per hour," the report said.

Evictions create another barrier.

"At the core of many of these root causes are a legacy of racially discriminatory policies and actions that have created household wealth gaps and other disparities," the report said.



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Hall said all the Housing Authority's waitlists are open and, despite the demand, she still encouraged residents to apply.

"The housing choice vouchers program is a lottery system, so if someone applied today, they would have just as much a chance of receiving that aid as someone who applied last year," she said.

Neither project-based housing nor more traditional public housing is on a lottery system, but it is important for anyone who has applied to keep their contact information up to date.

"If we can't get ahold of you, we will give your spot to the next person in line," she said.

She said the Housing Authority will be partnering with affordablehousing.com soon and is hopeful that the website will be a helpful tool for Milwaukeeans in need. Affordablehousing.com is a resource that lists affordable apartments, condos, houses and townhouses.

Besides that, Hall said, all one can do is wait for a spot to open up.

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*All data as of 12/31/2021. \$11B represents PGIM Real Estate's U.S. multifamily production.

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I Think That My Tenant Has Vacated the Rental Unit, What Do I Do Now?



by *Tristan R. Pettit, Esq.*

In an ideal world, the tenant would return their keys, remove all personal property (including trash), and leave the rental unit spotless.

Then it would be clear that the tenant has surrendered the rental unit and, as there wouldn't be any personal property remaining, there would be nothing to debate its abandonment. Unfortunately, that rarely happens.

In this situation, there are generally two main issues: (1) Has the tenant surrendered the rental unit (i.e. vacated and has no need to come back to clean, pick up personal property, or for any other reason); and (2) Has the tenant abandoned any remaining personal property. In this post we will discuss the first issue: Has the tenant surrendered the rental unit?

Surrender of the Rental Unit

The gold standard to confirm that a tenant has surrendered a rental unit is for the tenant to return the keys to the rental unit to the landlord.

If the tenant has returned the keys to the landlord, he or she can't get back into the unit and thus they are not planning to come back and clean or remove more personal property.

So, if it looks like a tenant may have left but not returned the keys, you should try and contact the tenant and get him or her to return the keys.

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If that isn't an option, the next best scenario is to talk with the tenant and have him or her tell you that he or she has surrendered the rental unit and then follow that conversation up with a letter to the tenant confirming the date and time you spoke with him/her and that he or she told you they had surrendered the rental unit.

If the tenant does not respond to any of your attempts to contact him or her, then you have to make a decision. Should you:

1. Play it safe and serve a notice for failure to pay rent, file an eviction, and have the Sheriff execute the writ. This is the safest way to proceed, but also the most time-consuming and costly; or
2. Assume that the tenant has surrendered the rental unit and change the locks.

I have had to defend landlords who have chosen Option #2 and been sued by the tenant who claims the landlord engaged in an illegal self-help eviction by changing the locks without going through the judicial eviction process.

So such lawsuits do happen and it often takes quite a bit of money to resolve such lawsuits depending on the amount and quality of the personal property that was disposed of by the landlord.

Most of my clients are more risk averse and always elect to follow option #1. But, I do have other client that are willing to take the risk and go for option #2.

If the landlord wants to pursue option #2, then I recommend that the landlord document the file with any and all attempts made to determine or confirm that the tenant has surrendered the rental unit. Examples would include:

- Memos to the file noting all the attempts the landlord made to contact the tenant to confirm he or she has vacated;
- Memo to file of all telephone calls to the tenant's emergency contact or other known family members who confirmed that tenant has vacated;
- Interview neighbors and document the last time they saw the tenant (sometimes the next door neighbor will tell you that they saw the tenant pull up in a moving van the day before and load it up and then the tenant waived good-bye to them);
- You could run a CCAP search on the tenant to see if the tenant has been arrested and is in jail (in which case you will definitely need to proceed with the eviction process) or got a recent speeding ticket and gave a new address;
- Take pictures of the rental unit showing what, if any, personal property the tenant left behind (ideally it will be trash or items that aren't necessary for day-to-day living like toiletries, mail with old dates and addresses on it, expired food, etc.).

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Continued from page 9

The goal is to document the file so that if you opt to change the locks, and the tenant later sues you for performing an illegal eviction, you would be able to prove to a court that you did investigate and try to determine if the tenant had surrendered the rental unit and; further, that based on all the information you obtained, a reasonable person would have determined that the tenant had surrendered the rental unit as well. Unfortunately, there is not a bright line test to determine whether or not a landlord is “safe” in changing the locks on the rental unit or if the landlord should instead go through with the eviction process. That is why the decision often hinges on the landlord’s aversion to risk.

Abandoned Personal Property

Ideally the owner will have language in the rental agreement (or the rules in case of Section 8 site-based housing) that states that the landlord will not store any personal property that has been abandoned by the tenant. If such language is included in the rental agreement, and it has been determined that the tenant has surrendered the rental unit, then you can immediately dispose of the abandoned personal property (unless it is a medical device or prescription or a titled vehicle, which have additional requirements).

Even if the rental unit has been surrendered and the tenant has returned the keys, it doesn’t hurt to reach out to the tenant and confirm that any personal property that was left behind has been abandoned and may be disposed of immediately. While not legally required, it doesn’t take much time for the landlord to make this call and is the safest thing to do. If possible, I try to get the tenant to put in writing that they have abandoned any remaining personal property, or if they tell me this on the phone, I follow it up with a confirming letter to the tenant along with a memo to the file confirming the attempts I made to contact the tenant and/or the details of the conversation I had with the tenant.

If, for some reason, the language does not have the above-noted language in the rental agreement regarding not storing any personal property left behind by the tenant, then the landlord is using an outdated rental agreement, and will be required to follow the “old law” which requires him/her to send the tenant written notice summarizing the personal property left behind and advising the tenant that the landlord intends to dispose of the abandoned personal property after 30 days. It should be noted that none of the above is necessary if you go through with the eviction process, file the writ with the Sheriff, and have the tenant’s personal property removed by a moving company accompanying the Sheriff.

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Rental Housing News from Around the Country

Compiled by Dawn Anastasi, AASEW Board Member

Montgomery County, Maryland -- Montgomery County Councilmembers introduced a bill called "Landlord-Tenant Relations – Anti Rent Gouging Protections".

The bill would require the Department of Housing and Community Affairs to publish a "rent increase allowance" that would consist of eight percent of existing rent, plus the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Area, which is published by the U.S. Bureau of Labor Statistics. Annual rent increases would be limited to the "rent increase allowance," with exceptions for certain rental units.

A second bill was introduced titled, "Landlord-Tenant Relations – Rent Stabilization (The HOME Act)".

Bill 16-23 limits rent-stabilized units to annual rent increases matching the Voluntary Rent Guidelines (VRG) or three percent, whichever is lower. The increase could only occur once in a 12-month period and the landlord must provide at least a 90-day notice before increasing the rent.

[Read more on ABC7 News Website](#)

Continued on page 12




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Albany, NY -- The City of Albany's "good cause eviction" law was struck down once again by a state Appellate Court on Thursday, ruling that the local law illegally infringed on state law. The city had appealed a court ruling from June 2022 also overturning the law, which was enacted in 2021.

The law would make it so landlords would only be able to evict tenants if the tenant violated the lease agreement, while also placing limits on yearly rent increases. Property owners say enacting the law at the state level would lead to higher rents, and would lead to less affordable housing.

"Albany property owners applaud the Appellate Court for making the right decision," Leanne Politi, spokesperson for Homeowners For an Affordable New York, says. "But passing good cause eviction on the state level will be detrimental and will do nothing to address the housing supply shortage or rising cost of living. In fact, it would make finding an apartment more difficult and more expensive for new renters. Good cause eviction is another unrealistic concept that will cripple our communities and drive more people out of the state."

[Read more on CBS6 Albany's Website](#)


Prince George's County, MD -- The Prince George's County Council has passed by a 9-1 vote a rent stabilization/rent control bill which caps rent increases at 3% per year. The bill sunsets in 1 year but proponents will be pushing to make it permanent in some form based on recommendations of a work group.

One of the landlords who spoke out against the measure was representing Southern Management with 11,000 rental units in Prince George's. "There are four major, well documented unintended consequences of rent control: Housing disinvestment, tax revenue loss, housing deterioration, and gentrification," the speaker said.

[Read the full story on ABC 7 News's Website](#)

Alameda County, CA -- Exasperated by Alameda County's nearly three-year eviction moratorium, landlord groups are ramping up pressure on supervisors to lift the pandemic tenant protections they contend are ruining the livelihoods of many mom-and-pop rental owners.

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Jingyu Wu, an owner of a triplex in San Leandro, planned to go on a hunger strike Sunday morning outside the Alameda County Administration Building in Oakland to protest the eviction restrictions, which he said have left him teetering on the edge of bankruptcy.

Just before the pandemic hit, Wu agreed to rent one of the units to a woman with young children who was in desperate need of a home. Since then, the family has accumulated over \$120,000 in rent debt as the moratorium has continued, he said.

Across Alameda County, an estimated 32,900 households owe a combined \$125 million in unpaid rent, according to researchers with the National Equity Atlas.

[Read more on The Mercury News](#)

Utica, NY -- Sunny Side Apartments of Utica Owner Tim Julian says the state's to blame for enacting laws that made it nearly impossible to evict a tenant, even if they stopped paying rent.

"It was just thrown out there. Don't pay the rent, and really when one person started to do it, two people started, it kind of caught fire because everyone said well he's not paying, she's not paying, why do I have to pay?" he said.

Andrew Moraco is a landlord that had a number of his tenants stop paying rent during the pandemic. He's still trying to evict one of the tenants, and his bills keep piling up. "Oh I'm over \$100,000..." That's money Moraco has lost in rent, and has had to pay for damages done to his apartments.

"They got three years of free rent, and then they just trash it and disappear," he said. "So what'd they do? They saved what, \$30,000 out of their pocket? And then cost me \$30,000, plus I still got to pay the mortgage, the taxes, the maintenance, and then whatever it takes to clean it up after they destroy it, and they have nobody to answer to."

Both landlords have reached out to government officials for help, but so far Moraco says he's gotten nowhere. Julian agrees, saying, "No one wants to listen. No one wants to hear about it. It's just like OK you took it on the chin, go home." Julian has had 18 tenants stop paying rent, and Moraco has had 10. Moraco says if the government doesn't do something to help protect landlords, there won't be a place for anyone to go home to.

[Read the full story on WKTV's Website](#)

Milwaukee County moves forward with funding affordable housing projects in suburban neighborhoods

By: Tajma Hall, CBS 58

Milwaukee County Executive David Crowley has signed a resolution clearing the way for funding to be provided to expand affordable housing options in suburban neighborhoods. Tuesday morning, March 7, Crowley signed the resolution near downtown South Milwaukee. The project is nearly a \$10 million investment and focuses on Wauwatosa, Brown Deer, and South Milwaukee.

"When I think about my own upbringing when I faced different types of evictions, housing insecurity, having to move all the time. This is the reason this is one of those priorities for me," said Crowley.

Right now, there are about 70,000 families earning \$15 an hour or less across Milwaukee County, according to county officials. For these families, housing costs eat up more than 30-percent of their income each month. Officials say this investment hopes to close that gap.

The investment is made possible by federal funds through the American Rescue Plan Act (ARPA). Crowley says the focus is on suburban neighborhoods because he wants to diversify the county and make way for lower income families to have more options.

"This is a winning streak for affordable housing in Milwaukee County," said Shawn Rolland, Milwaukee County Board Supervisor and co-chair of the ARPA task force. Rolland says safe and affordable housing is part of public health. "When your housing is affordable, everything in life becomes easier and you have more dollars that you can invest back into yourself, back into your family, and back into your community," Rolland said.

The newly-signed resolution will provide funding for nearly 60 affordable rental units in Brown Deer, more than 70 in Wauwatosa, and more than 80 in the city of South Milwaukee. While the effort is making strides to address the problem of housing insecurity, officials say they know there's still much work to be done.

"It will take decades and decades to build enough housing to meet our need, so this project is certainly a sliver of that," said James Mathy, Milwaukee County housing administrator. In addition to the suburban investments, the county is also funding the development of more 100 affordable housing units in Milwaukee's King Park neighborhood. This will be the largest housing investment in that neighborhood in generations.

AASEW Legislative Update



By Heiner Giese, AASEW Legal Counsel

Local News

Your AASEW Executive Board and I will have another meeting in early April with a team from the Medical College of Wisconsin on the topic of lead-safe housing.

A lot of financial resources are being dedicated to this topic so we want to give advice on how to spend the money effectively.

At the February membership meeting I gave an alert that WE Energies appeared to be improperly charging sales tax on residential gas and electric bills during the winter months. If you are paying for heat, hot water or lights for a residential unit or for an entire building check your billing since November.

Governor Evers' Budget Proposals on Housing

Governor Evers announced a number of housing provisions in his state budget bill.

The Governor wants to eliminate landlord/tenant measures which were enacted since 2011, which the Republican leadership in the Assembly and Senate is bound to reject.

Other highlights of his program affecting rental properties are as follows:

Five million dollars to create a Housing Safety Grant Pilot Program for Milwaukee to support improvement of rental housing safety, including:

- A central, searchable database for renters that discloses the history of rental properties;
- More robust property inspection programs; and
- Funding to allow municipalities to help landlords remedy minor violations following inspections. *[now that one is not so bad!]*

There is \$100 million in funding proposed for homeowners and for municipalities to rehab blighted properties. It's unclear if rental owners would have access to those funds.

It's proposed that localities could impose their own moratorium on evictions *[with no mention of paying owners for their lost rent]*.

Another new law would require landlords to disclose serious building code violations "regardless of whether the landlord has actual knowledge of the violation." *[Of course landlords should disclose serious defects but if they haven't seen them how can they be disclosed?]*

Most concerning to us is the proposal to spend "\$60 million over the biennium to create a new civil legal assistance program for low-income individuals, focusing on establishing a statewide right to counsel for evictions." *[So lawyers would earn millions in fees. Couldn't that money be better spent providing rent relief for the over 90% of tenants in eviction cases who have fallen behind on their rent?]*

Better Regulation of Storm Water Utility Charges

You are all familiar with the storm water utility fee which shows up on your quarterly water/sewer bills. Those fees vary widely between municipalities and are sometimes unfair.

For example, Wauwatosa charges duplex owners twice as much as the owner of a single family lot while in the city of Milwaukee the charge is the same for duplexes and singles because the lot size is usually the same.

Tell your State Senator and State Representative to support a change in the law (LRB 1576) which would let the Public Service Commission regulate the often extravagant storm water charges.

Links:

- [WI State Senators by District](#)
- [WI State Representatives by District](#)

AASEW Business Member Directory

ATTORNEYS

Attorney Tristan R. Pettit
Petrie & Pettit
250 E Wisconsin Ave #1000
Milwaukee, WI 53202
tpettit@petriepettit.com
t: (414) 276-2850
www.LandlordTenantLawBlog.com

Roney & Knupp LLC
1031 N. Astor Street
Milwaukee, WI 53202
evan@rkmilwaukee.com
t: (414) 299-3875
f: (414) 271-4424

CERTIFIED PUBLIC ACCOUNTANTS

Vrakas CPAs + Advisors
William A. Bares, CPA
445 S Moorland Rd Ste 400
Brookfield, WI 53005
wbares@vrakascpas.com
t: (262) 797-0400
f: (262) 797-7895
www.vrakascpas.com/

CREDIT REPORTS

Landlord Services
Kathy Haines
1443 Emilie St.,
Green Bay, WI 54301
infoserv99@yahoo.com
t: (920) 436-9855
www.wicreditreports.com

EXTERMINATORS

Humberto Pest Mgmt. Services
Humberto Lagar Cardenas
1248 S 30th St.
Milwaukee, WI 53215
hpestmgmt@gmail.com
t: (414) 595-7378 (PEST)
www.hpestmgmt.com

FINANCING

The Equitable Bank
2290 N Mayfair Rd
Wauwatosa, WI 53226
mike.cottrell@equitablebank.net
t: (414) 777-4183
www.theequitablebank.com

FINANCING

Gain 1031 Exchange Company, LLC
Patrick Harrigan, CES
200 S Executive Dr, Suite 101
Brookfield, WI 53005
Patrick.harrigan@gainexchangecompany.com
t: (262) 402-8072
www.gain1031exchangecompany.com

Insight Investment Advisers LLC
200 South Executive Drive, Suite 101
Brookfield, WI 53005
brandon@investwithinsight.com
t: (414) 322-3237

Kohler Credit Union
Daniel Hanson
5727 Superior Avenue
Sheboygan, WI 53083
dhanson@kohlercu.com
t: (262) 518-1786

PGIM Real Estate
Doug St. Onge
One International Place, Floor 7
Boston, MA 02110
douglas.st.ongepgim.com
t: (414) 731-3440
pgimrealestate.com

Summit Credit Union
Garnet Mcleod
2208 E Moreland Blvd
Waukesha, WI 53186
t: (608) 243-5000 x1344
garnet.mcleod@summitcreditunion.com

Tri City National Bank
Yanni Bambarakos
5555 S 108th Street
Hales Corners, WI 53130
Y.bambarakos@tcnb.com
t: (414) 840-5943
www.tcnb.com

FIRE DAMAGE, FLOOD & RESTORATION

Giertsen Company of Wisconsin
W223 N798 Saratoga Dr
Waukesha, WI 53186
erics@giertsenco.com
t: (262) 522-1918
<https://giertsenco.com/>

Sid Grinker Restoration
Shari Engstrom
Emergency Service 24/7/365
Milwaukee, WI
t: (414) 264-7470

FITNESS

Johnson Commercial Fitness
Ketih Shellberg
7585 Equitable Dr
Eden Prairie, MN 55344
keith.shellberg@johnsonfit.com
t: (262) 328-4566
Commercial.2ndwindexercise.com

FLOORING

Carpetland USA
Jaime Best
1451 S 108th Street
West Allis, WI 53214
jaimeb@carpetlandwi.com
t: (414) 292-3500

FORMS / LEASES

WI Legal Blank
Steve Russell/Rick Russell
749 N 37th St
Milwaukee, WI 53208
info@wilegalblank.com
t: (414) 344-5155
www.wilegalblank.com

HARDWARE

Home Depot
Michael Dwyer
2% Cash Back On All Purchases
Michael_dwyer@homedepot.com

INSURANCE

Glazd, Inc.
Madeline Wall
PO Box 620037
Middleton, WI 53562
madeline@glazd.com
t: (608) 509-3193
www.glazd.com

P&C Insurance
Bob Dummer
405 N Calhoun Rd #203
Brookfield, WI 53005
bdummer@pc-insurance.net
t: (262) 784-0990
www.pc-insurance.net

AASEW Business Member Directory

INSURANCE

American Family Insurance

Jeff Van Dam
13620 W Capitol Dr #F
Brookfield, WI 53005
jvandam@amfam.com

LIGHTING & ENERGY

Energy House LLC

Doug McFee
N52W27222 Elizabeth Dr
Pewaukee, WI 53072
dmcfee@wi.rr.com

WE Energies

Tim Craft
231 W Michigan P488
Milwaukee, WI 53203
Tim.craft@wecenergygroup.com
t: (414) 221-4951
www.we-energies.com

PAINT & PAINTING SUPPLIES

Sherwin Williams

Milwaukee, WI
swrep6301@sherwin.com
t: (262) 549-9007
www.sherwin-williams.com

REAL ESTATE BROKERS

Greg Chadwell RE/MAX Lakeside

1200 E Capitol Dr Ste 200
Milwaukee WI 53211
t: (414) 801-8411
www.414agent.com

Goldman Group at RE/MAX

Graig Goldman
21075 Swenson Dr, Waukesha
WI 53185
t: (414) 788-0449
ggoldman@remax.net

REAL ESTATE CONSULTING

Reviving Homes LLC
Marc Dykes
1660 N Prospect Ave Unit 1910
Milwaukee, WI 53202
t: (414) 877-0222
t: (248) 514-6616
marc@revivinghomesllc.com

TOWING & RECOVERY SERVICES

Always Towing & Recovery, Inc

3700 W Wells St
Milwaukee, WI 53208
melgaglione@icloud.com
t: (414) 933-7666
www.alwaystowingandrecovery.com

UTILITY MANAGEMENT AND BILLING

Utility Services LLC

Dave Mielke
PO Box 5125
Elm Grove WI 53122
dave@utilityservicesllc.com
t: (262) 649-4650
www.utilityservicesllc.com

WATER HEATERS

Reliable Water Services

Dawn Kemple
2400 S 102nd St, Suite 103
Milwaukee, WI 53227
info@reliablewater247.com
t: (800) 356-1444
www.reliablewater247.com

PROPERTY MANAGEMENT

Appleton Rental Homes

Sara Lanaghan
8210 W Appleton Ave
Milwaukee, WI 53218
t: (414) 462-9962
sara@appletonrentalhomes.com

Aspen Crossing Apartments

Layne Hurst
9239 N 75th St #1
Milwaukee, WI 53223
LHurst@wallick.com
t: (614) 552-5647
www.wallick.com

Bartsch Management LLC

Brian Bartsch
PO Box 26915
Milwaukee, WI 53226
info@bartschmanagement.com
t: (414) 763-7160

PROPERTY MANAGEMENT

Berrada Properties Management Incorporated, LLC

Joe Berrada
PO Box 241191
Milwaukee WI 53224
t: (414) 386-8302

Horizon Management

5201 E Terrace Drive
Suite 300
Madison, WI 53718
b.hildebrandt@horizondbm.com
t: (608) 354-0908

Prospect Management Company

t: (414) 540-0004
help@pmcwi.com
www.pmcwi.com

MPI Property Management, LLC

6700 W Fairview Ave
Milwaukee, WI 53213
t: (414) 933-2700
www.mpiwi.com

Real Property Management Greater Milwaukee

Christine Gregory
2312 N Grandview Blvd, Suite 210
Waukesha, WI 53188
cgregory@rpmgreatermilwaukee.com
t: (262) 409-2050
www.rpmgreatermilwaukee.com

Wisconsin Lakefront Property Management LLC

Eileen Robarge
info@windwardcovellc.com
t: (866) 542-5851
www.lakefrontpropertyllc.com

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