




## MEMORANDUM

TO: Mary Sheffield, President, Detroit City Council  
Conrad Mallett, Corporation Counsel, Office of the Corporation Counsel

FROM: Tammy Daniels, CEO, Detroit Land Bank Authority 

DATE: April 22, 2025

RE: 4219 Chalmers NAP Issue

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**1. What nuisance abatement actions have been taken with respect to the property in question?**

The Detroit Land Bank Authority (DLBA) first placed a public nuisance notice at the property on November 28, 2024 (*see Ex. A, Pictures and Affidavit*). After receiving no response to the notice, this office filed a public nuisance lawsuit against 4219 Chalmers, Detroit, Michigan, case number 25-004278-CH, on March 21, 2025. On April 14<sup>th</sup>, 2025, the lawsuit was dismissed.

**2. What other nuisance abatement actions has the owner been subjected to at other properties they own?**

Mr. Brooks was, and is, the owner of at least six (6) other nuisance properties in the City of Detroit. On March 1, 2024, the DLBA filed a public nuisance abatement lawsuit, case number 24-003122-CH against 15515 Seymour, 14626 Chandler Park, and 18334 Hayes. Mr. Brooks executed a stipulated abatement agreement on March 21, 2024, dismissing the lawsuit and agreeing to abate each property by June, September, and December 2025, respectively.

As of October 2024, the DLBA also dismissed public nuisance lawsuits against 15244 Spring Garden, 15252 Spring Garden, 15284 Spring Garden, and 15276 Spring Garden, Detroit, Michigan, after Mr. Brooks sold these properties to another party who entered an agreement to abate these properties. The DLBA initially filed these actions through case number 22-010720-CH, filed September 9, 2022.

**3. What does the law prescribe with respect to the nuisance abatement process and what due process action must take place before the Land Bank can pursue the confiscation of property?**

The DLBA does not “confiscate” property but may receive title to a property adjudicated to be a public nuisance, after affording defendants their proper due process. Due process is a fundamental right afforded by both the United States and Michigan Constitutions. There are two types of due process guaranteed to all citizens, procedural due process, and substantive due process. Procedural due process refers to the constitutional requirement that “when the government acts in such a manner that denies a citizen of life, liberty, or property interest, the person must be given notice, the opportunity to be heard, and a decision by a neutral decision-maker” (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

The DLBA makes every reasonable effort to provide the defendant notice, the opportunity to be heard, and any decision is ultimately made by a neutral decision-maker, the Chief Judge of the 3rd Circuit Court, or their assigned Judge.

- a. Even before a lawsuit is filed, the nuisance property is posted with a large notice, instructing the owner to contact the DLBA immediately to address the property and avoid any further legal action. Failure to respond or reach an agreement may result in the filing of a public nuisance lawsuit.
- b. The DLBA adheres to the 3rd Judicial Circuit Docket Directive 2018-03, which outlines necessary steps to take in order to identify the current owner of record, their last known address, and steps to properly serve the defendants, as well as applicable MCR 2.105 *Process; Manner of Service*, when filing and serving the lawsuit.
- c. As instructed by the Docket Directive, when service is not achieved upon the Defendant via personal service, or certified mail, DLBA files a Motion for Alternative Service listing the minimum diligent inquiry efforts that were made in identifying the owner of record, attempting to serve them at their last known address and directing that a copy of the Order for Alternative Service be posted on the subject property and three public buildings.
- d. If the defendant fails to respond to the lawsuit, a default is entered with the court and a default judgment hearing is scheduled in accordance with MCR 3.601 & MCR 2.603. Defendants are mailed the motion for default judgment, along with a notice of hearing to appear at court or attend the hearing remotely. Default judgment motions often occur 5-6 months after the initial filing of the lawsuit. At any time, the defendant can contact our office to reach a stipulated dismissal or provide proofs that the nuisance existing on the property is abated. At the default judgment hearing the defendant has an opportunity to appear and reach an abatement agreement or litigate their case before a neutral decision maker, a 3<sup>rd</sup> Circuit Court Judge.

- e. Even *after* a default judgment is ordered by the Court, if the defendant contacts the DLBA and agrees to abate the nuisance existing on property, the DLBA will review the matter to voluntarily set aside the judgment and enter an abatement agreement to rehab the property. Receiving title to the nuisance property is a last resort

The second condition of proper due process is that “the government may not deprive a person of liberty or property by an arbitrary exercise of power.” *Landon Holdings, Inc v. Grattan Twp*, 257 Mich App 154, 173, 177; 667 NW2d 93 (2003). The Michigan Supreme Court holds, that “[N]uisance abatement is a legitimate exercise of police power and does not violate substantive due process as it is reasonably related to the City’s interest in promoting the health, safety and welfare of its residents. (See *Bonner v City of Brighton*, Michigan Supreme Court, Docket No. 146520, April 24, 2014). The Land Bank is a public body corporate created under the Land Bank Fast Track Act, MCL 124.751, *et seq*. The Land Bank was created to assemble or dispose of public property, including tax reverted property, in a coordinated manner to foster development and to promote economic growth in the City of Detroit. Under a Detroit City Council Resolution adopted on February 13, 2014, the City delegated to the DLBA the authority to “exercise the [police] power [of the City of Detroit] to abate public nuisances by pursuing any action legally available . . . including . . . civil litigation, to promote the public health, safety and welfare of the residents”. “It is well established that nuisance abatement, as a means to promote public health, safety and welfare is a valid goal of municipal police power.” *Rental Prop Owners Ass’n of Kent Co v City of Grand Rapids*, 455 Mich 246, 254-55; 566 NW2d 514 (1997).

The City of Detroit and DLBA recognizes that “the protection of children and others from injury, the reduction of crime, and the maintenance of property values and marketability of land are all legitimate government interests to be protected pursuant to a city’s police power. The City’s interest of promoting the health, safety and welfare of its citizenry is not an infringement on the

property owner’s constitutional rights. (See, *Bonner v City of Brighton*, Michigan Supreme Court, Docket No. 146520, April 24, 2014; *Moore v City of Detroit*, 159 Mich App 199, 203 (1987). While property rights are fundamental, it is well established that “no individual has the right to use his or her property so as to create a nuisance” (see, *Ypsilanti Charter Twp v Kircher*, 281 Mich App 251, 272; 761 NW2d 761 (2008). The DLBA is dedicated to ensuring public nuisance properties in the City are eradicated to ensure safe and thriving neighborhoods for all Detroit’s residents.

**EXHIBIT A**  
**VISUAL INSPECTION AFFIDAVIT**  
**& PHOTOGRAPHS**



# VISUAL INSPECTION REPORT AND AFFIDAVIT

PROPERTY ADDRESS: 4214 Chalmers  
 DATE OF VISUAL INSPECTION: 11/28/24

DISTRICT: 4

OCCUPANCY: ☐ Vacant ☒ Occupied

Details: \*new windows around the home

RENOVATION IN PROGRESS: ☐ Interior ☒ Exterior

## YARD/LAWN/CURTLAGE

Required Detroit Code Ordinance §8-15-113(1-4)

Trees/Shrubs/Grass/Weeds

- ☒ Overgrowth >8in.  
☐ On Sidewalk  
☒ Dead/Broken (shrubs/trees)

Walkway/Driveway/Exterior Lot

- ☒ Failure to maintain yard  
☐ Failure to clear snow  
☒ Solid Waste/Debris/Garbage present  
☐ Abandoned car on property  
☐ Flyers/Mail/Newspaper accumulation

## STRUCTURE/FOUNDATION/EXTERIOR

Required Detroit Code Ordinance §8-15-113(5-12)

- ☐ Basement/Foundation open to water/animals  
☐ Holes/Breaks in exterior walls allowing for water/animal entry  
☐ Loose/Rotting Board allowing for water/animal entry  
☒ Peeling Paint  
☒ No Exterior Lighting  
☒ Open to Elements/Trespass  
☒ Plywood Boards on the Basement Level, First Floor, or Second Floor of Structure  
☒ Windows broken and/or missing glass  
☒ Vacant

## HEALTH/SAFETY/WELFARE

Required Detroit Code Ordinance 290-H §8-17-21(1-10)

- ☐ Any portion of the building/structure is damaged by  
☐ fire ☐ wind ☐ flood affecting the stability  
☐ Any portion of building is likely to fall or become detached/dislodged:  
☐ Balcony/Porch is collapsing  
☐ Façade is detaching from structure  
☐ Other \_\_\_\_\_  
☐ Any portion of the building is likely to collapse:  
☐ Walls are buckling, leaning, tilting  
☐ Roof is buckling, leaning, tilting or missing

- ☐ Dog present  
☐ House ☐ Yard  
☐ Gate locked  
☐ Power on  
☐ Evidence of Animals/remains

Comments: overgrown weeds & shrubs in the front, side & backyard, debris scattered in the front yard, 1st & 2nd story front & side windows is open to elements

## AFFIDAVIT

I, Heidi Alexander, state under oath:

I am an Investigator contracted and retained by the Detroit Land Bank Authority and the City of Detroit, Michigan. I assist the Detroit Land Bank Authority (DLBA) in assessing the physical condition and occupancy, if any, of structures showing signs of deterioration and/or abandonment. The DLBA considers my findings and conclusions in determining whether to initiate nuisance abatement proceedings against such properties. Either I or an agent of the company, visually inspected the property at the location and on the date listed above; called as a witness, I am competent to testify to the facts stated throughout this document.

Affiant Further Sayeth Naught

Signature: [Signature]

Date: 12/2/24

by Heidi Alexander  
 Printed Name

State of Michigan)  
 County of Wayne)

This Affidavit was acknowledged before me on 12/2/24

Signature of Notary: [Signature]

Printed Name of Notary: Lakeia S. McGee

My commission expires 1/9/2027  
 Notary Public, State of Michigan  
 State of Michigan, County of Macomb, Acting in the County of Macomb

LAKEIA S. MCGEE  
 NOTARY PUBLIC, STATE OF MI  
 COUNTY OF MACOMB  
 MY COMMISSION EXPIRES Jan 9, 2027  
 ACTING IN COUNTY OF Macomb







