

February 27, 2014

City Clerk
City of La Crosse Wisconsin
400 La Crosse Street
La Crosse, WI 54601

Re: Parcel: 017030200010
Location: 535 17th Street South

Dear City Clerk:

This letter is submitted on behalf of Mayo Clinic Health System –Franciscan Healthcare, Inc., (“MCHS-FH”) to request a hardship waiver of 8.07 (I) per Ordinance No.: _4764_ Section I par (5). The property at issue is identified above and is known as “Scarseth House” by MCHS-FH and the community.

Scarseth House is a group home for up to eight adult and adolescent men and has been operated as a State of Wisconsin licensed, Community-Based Residential Facility in the City of La Crosse for the past twenty-seven years. In the past year alone, Scarseth House has served fifty-three clients by providing a structured environment to allow its clients to be successfully integrated back into their communities. These programs are successful in keeping individuals out of city jails and court systems.

La Crosse City Ordinance No.:_4764_ was created to establish a moratorium regarding the conversion of single-family homes in to rentals. MCHS-FH does not believe this property falls within the scope of the Wisconsin statutory and regulatory definitions of rental property and therefore the Ordinance does not apply to its property.

Wisconsin “Chapter 704 Landlord and Tenant” and “Regulation ATCP 134 Residential Rental Practices,” governs and defines rental agreements, leases, and tenants among other things. Section ATCP 134.01, further identifies the scope and application of the regulation as follows:

“This chapter applies to the rental of dwelling units located in this state, but does not apply to the rental or occupancy of any of the following:

- (1) A dwelling unit operated by a public or private institution if occupancy is incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar services.”

Therefore, MCHS-FH does not believe Scarseth House is a rental property under state law.

Even if Scarseth House falls under the mandates of La Crosse City Ordinance No.: 4764, MCHS-FH believes it should be granted a hardship waiver. This property has been used solely as a licensed community based residential facility since 1987 and it has not changed or been converted from a single family home into a rental during that time period. Nor has MCHS-FH been requested to or made aware of the need to register the property, under 8.07(B) or to apply for a renewal registration under 807(C) per ordinance 4690-08/09/2012.

Further, granting a hardship waiver will not adversely impact the integrity of the study of the impacts of the conversion of single family dwellings into rental dwellings within the (R-1) Single Family Residence District and the Washburn Residential District. The property falls outside of the study criteria and it will not unduly affect the purpose of the Ordinance.

If the hardship waiver is denied, MCHS will be required to relocate the Scarseth House residents under the direction of the State of Wisconsin. This means a group of up to eight vulnerable clients will have to be placed in other facilities. This will negatively impact the care and treatment these individuals are receiving. It will also place an additional burden on an already stretched mental health system which has very little capacity to accommodate the needs of additional clients.

Please note that if the hardship waiver is denied, MCHS must follow applicable State rules to close the facility. This will include following the rules under "DHS 30 Community Based Residential Facilities," section DHS 83.11 Facility Closing (1). Mayo Clinic Health System will be required to submit a written notice to the State of Wisconsin thirty (30) days in advance of the closing, so it would not be able to come into immediate compliance with Official Order No: 11601 from the City of La Crosse.

In summary, MCHS-FH respectfully requests that it be granted a hardship waiver pursuant to this appeal to the Judiciary and Administrative Committee and not be required to close Scarseth House. MCHS-FH has been a good citizen of the Washburn Neighborhood and we believe it is in the Community's best interest that MCHS-FH is allowed to continue to provide vital services to its residential treatment clients.

If you have any specific questions to concerns regarding this request feel free to contact me at 608-392-4510.

Sincerely,



Betty Jorgenson, MSN
Administrator, Patient Care/Nursing

Cc: Joseph Kruse, CAO
Barbara Saathoff, Legal Counsel

Enclosure: State License



The State of Wisconsin

DEPARTMENT OF HEALTH SERVICES
DIVISION OF QUALITY ASSURANCE

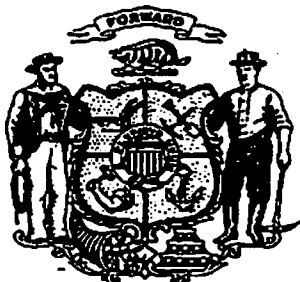
This is to certify that **Mayo Clinic Health System - Franciscan Medical Center, Inc.- Scarseth House**
at the location **535 S. 17Th Street**
La Crosse, WI 54601

Type: **Biennial**
Certificate Number: **1360**
Effective Period: **04/01/2013 to 03/31/2015**

is an approved facility under Chapter 51 of the Wisconsin Statutes for the following programs:

		<u>Begin Date</u>	<u>End Date</u>
CSAS-Transitional Residential	DHS 75.14	04/01/2013	03/31/2015
CSAS-Medically Monitored Treatment	DHS 75.11	04/01/2013	03/31/2015


Kitty Rhoades, Secretary-Elect DHS



State of Wisconsin

Department of Health and Family Services
Office of Quality Assurance

COMMUNITY BASED RESIDENTIAL FACILITY LICENSE

Franciscan Skemp Healthcare
700 West Avenue
La Crosse, WI 54601

IS LICENSED TO OPERATE A FACILITY KNOWN AS

SCARSETH HOUSE
535 S. 17th Street
La Crosse, WI 54601

MAXIMUM CAPACITY: 8

CLASSIFICATION: AA A Class A Ambulatory CBRF may serve only residents who are ambulatory and are mentally and physically capable of responding to an electronic fire alarm and exiting the facility without any help or verbal or physical prompting.

CLIENT GROUP(S) SERVED: AD, Alcohol/Drug Dependent; MH, Emotionally Disturbed/Mental Illness

ISSUED: 08/01/2006

REGULAR ISSUED: 02/01/2007

Ottis Woods, Director
Office of Quality Assurance

Kevin R. Hayden, Secretary
Dept. of Health & Family Services

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