



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 15867

File ID: 15867

File Type: Ordinance

Status: Passed

Version: 2

Reference:

Controlling Body: Attorney's Office

File Created Date : 09/01/2009

File Name: Landlord contact information

Final Action: 04/19/2011

Title: SUBSTITUTE. Amending Section 27.04(2)(k) of the Madison General Ordinances to require owners of rental dwellings to provide contact information to the City of at least two people who can exercise control and care over the property and requiring that that contact information be posted at the property for tenants; and amending Sec. 1.08(3)(a) to create a bail deposit for violations.

Notes: 4624landlord.recording(SUB)

Sponsors: Bridget R. Maniaci and Satya V. Rhodes-Conway

Effective Date: 05/05/2011

Attachments: LandlordTenantRegForms, Memo from George Hank 2-17-11.pdf, Memo from Gregg Shimanski 2-17-11.pdf, Landlord Tenant Subcommittee Registration Summary_Shimanski.pdf, Reg Statements LT Subcom 3-17-11.pdf, Version 1, Reg Statements 4-6-11.pdf, Reg Statements 15867 7-7-10.pdf

Enactment Number: ORD-11-00063

Author: Adriana Peguero

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date: 05/04/2011

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	COMMON COUNCIL	09/01/2009					
1	COMMON COUNCIL	09/15/2009					
1	COMMON COUNCIL	09/17/2009	Refer	HOUSING COMMITTEE	10/20/2009	04/06/2011	
	Action Text:	This Ordinance was Refer to the HOUSING COMMITTEE due back on 10/20/2009					
	Notes:						
1	HOUSING COMMITTEE	09/17/2009	Refer	BOARD OF ESTIMATES		01/11/2010	
	Action Text:	This Ordinance was Refer to the BOARD OF ESTIMATES					
	Notes:						
1	HOUSING COMMITTEE	09/17/2009	Refer	PUBLIC SAFETY REVIEW COMMITTEE		10/15/2009	
	Action Text:	This Ordinance was Refer to the PUBLIC SAFETY REVIEW COMMITTEE					
	Notes:						

1	Attorney's Office/Approval Group	10/13/2009	Referred for Introduction				
	Action Text:	This Ordinance was Referred for Introduction					
	Notes:	Housing Committee, Board of Estimates, Public Safety Review Committee					
1	PUBLIC SAFETY REVIEW COMMITTEE	10/15/2009	Return to Lead with the Recommendation for Approval	HOUSING COMMITTEE		04/06/2011	Pass
	Action Text:	Tyrone Bell made a motion for discussion purposes and Alder Eagon seconded the motion for discussion purposes.					
		Joel Plant indicated that this ordinance is designed to make information easily accessible to tenants and regulatory agencies; i.e. Building Inspection, Police, City Attorneys Office, and other respective agencies. He shared that the ordinance is not a substantial modification to the current law, but clarifies some of the mechanisms that are already in place and will create deposit amounts for violations. This ordinance would be used to access information with the property manager, owner or someone who has control or authority over the property.					
		Plant mentioned that the deadlines might be changed as it moves through the process, this is the first draft and that it may come back through the committee at some point if there were to be changes to the draft.					
		The motion passed by the following vote:					
	Notes:	Excused: 1 Michael S. Scott					
		Ayes: 6 Bryon A. Eagon; Eli Judge; Tyrone W. Bell; Bret M. Gundlach; Chan M. Stroman and Joel Plant					
		Noes: 1 Paul E. Skidmore					
1	COMMON COUNCIL	10/20/2009	Referred	HOUSING COMMITTEE		04/06/2011	
	Action Text:	This Ordinance was Referred to the HOUSING COMMITTEE					
	Notes:						
1	HOUSING COMMITTEE	11/04/2009					
	Action Text:	Referred to December 2, 2009 Meeting (ran out of time).					
	Notes:						
1	PUBLIC SAFETY REVIEW COMMITTEE	11/12/2009					
1	HOUSING COMMITTEE	12/02/2009					
	Action Text:	Nancy Jensen, Apartment Association of South Central Wisconsin, registered neither in support nor opposition of this file.					
		This Legislative File is still with BOE. Referred to next meeting.					
	Notes:						
1	BOARD OF ESTIMATES	01/11/2010	Return to Lead with the Recommendation for Approval	HOUSING COMMITTEE		04/06/2011	Pass
	Action Text:	A motion was made by Bruer, seconded by Clear, to Return to Lead with the Recommendation for Approval to the HOUSING COMMITTEE. The motion passed by voice vote/other.					
	Notes:						
1	HOUSING COMMITTEE	02/03/2010	Refer	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	03/03/2010	04/15/2010	Pass
	Action Text:	A motion was made by Schumacher, seconded by Wilcox, to Refer to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE, due back on 3/3/2010. The motion passed by voice vote/other.					
	Notes:						

- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 02/25/2010
Action Text: - James Stopple registered to speak in opposition.
- Patrick McCaughey registered to speak in opposition.
- Rebecca Anderson registered to speak in opposition.
- Nancy Jensen registered to speak, neither in support nor opposition.

A motion was made by Maniaci, seconded by Sparer, to refer this file to the next meeting for further discussion. The motion passed by voice vote/other.
Notes:
- 1 HOUSING COMMITTEE 03/03/2010
Action Text: This Legislative File is still being addressed at the Landlord & Tenant Issues Subcommittee. Refer to next meeting.
Notes:
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 03/18/2010 Refer LANDLORD AND TENANT ISSUES SUBCOMMITTEE 04/15/2010 04/15/2010 Pass
Action Text: Sarah Hart registered Neither Support Nor Oppose.

Joel Plant and Ald. Kerr asked that discussion on Legislative File 15867 be referred to the next meeting of the Landlord & Tenant Issues Subcommittee.

A motion was made by Ejercito, seconded by Maniaci, to Refer to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE, due back on 4/15/2010. The motion passed by voice vote/other.
Notes:
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 04/15/2010 Return to Lead with the Recommendation for Approval HOUSING COMMITTEE 04/06/2011 Pass
Action Text: A motion was made by Ejercito, seconded by Brink, to Return to Lead with the Recommendation for Approval to the HOUSING COMMITTEE. The motion passed by voice vote/other.
Notes:
- 1 HOUSING COMMITTEE 06/02/2010
- 1 HOUSING COMMITTEE 07/07/2010 Refer LANDLORD AND TENANT ISSUES SUBCOMMITTEE 03/17/2011 Pass
Action Text: A motion was made by Shimanski, seconded by Brink, to Refer to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE. The motion passed by voice vote/other.
Notes:
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 08/19/2010
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 09/16/2010 Refer LANDLORD AND TENANT ISSUES SUBCOMMITTEE 03/17/2011 Pass
Action Text: Nancy Jensen registered in opposition.

A motion was made by Brink, seconded by Hassel, to Refer this file to the next meeting of the LANDLORD AND TENANT ISSUES SUBCOMMITTEE. The motion passed by voice vote/other.
Notes:
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 10/21/2010
- 1 LANDLORD AND TENANT ISSUES SUBCOMMITTEE 11/11/2010

1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	12/16/2010	Refer	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	03/17/2011	Pass
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Action Text: Cpt. Jim Wheeler, Madison Police Department, was present to discuss this Ordinance.

Hank explained that this Ordinance was proposed by Ald. Kerr to be able to contact property owners/landlords in the event of an emergency. There are problems with contact when it is a LLC or LLP. Cpt. Wheeler explained that it is critical to have correct contact information for landlords. He experienced problems with this in the South District with a couple of properties.

Brink expressed concerns with the \$10 fee and preferred that if landlords responded by the due date, that there be no fee. Hank said he would not push for a fee increase unless there is a need to cover expenses. Hank said this would generate around \$40,000. This would cover staff time for the initial set-up and gathering and entering data.

Shimanski said there is a requirement right now to have name/contact information posted. Hank said you do not know if that information is incorrect until you get there and there is a problem. Sometimes the information is still accurate, but not always. Shimanski asked about removing the posting requirement and said landlords should not have to post and register. Shimanski wants a fixed fee for at least 5 years. Hank said this would be a question for the City Attorney.

Brink wants a Police Officer to be able to send an e-mail to the owner from a property when something happens. Hank said they input language that e-mail address is optional because not everybody has e-mail. Ejercito thinks providing an e-mail address is a good idea, from a tenant perspective. Shimanski asked about officers e-mailing directly from the site and Wheeler said they do not do that right now. Shimanski wants the e-mail to go right away. Shimanski wants Police to check back on this. Wheeler will check on this issue and report back.

Maniaci asked about smaller rental units, duplexes and two flats. Hank said this was based on 3 units or more. Hank said he agrees with Maniaci, that this should be amended to include any non-owner occupied houses. The cost is pennies per unit for multi-family, but a bigger cost for single family homes. Shimanski wants owners to see the value in doing this. Why not require continuing education for the egregious offenders? This would help the entire industry.

Shimanski asked Hank to provide the number of units that this will include, with single family homes included. Hank will ask IT about this issue and tracking through Accela. Squad cars will not have direct access to this, but we should be able to dump the data for them.

There was discussion on bail deposits which will be continued at the next meeting.

A motion was made by Maniaci, seconded by Ejercito, to Refer this Legislative File to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE meeting of January 20, 2011. The motion passed by voice vote/other.

Notes:

1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	01/20/2011				
1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	01/31/2011	Refer	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	03/17/2011	Pass

Action Text: Status of evaluation of cost from George Hank: Bill Lanier is supposed to pull the data, but has been busy with other items. Hank should have an update from Lanier soon. Lanier thought he could work on it February 1st. The fee will be determined on the information received from Bill Lanier. There will only be one fee per parcel.

Shimanski spoke to Nancy Jensen about the signs to be posted at buildings. She will prepare a process for the sign and facilitate getting the information to everyone on the Building Inspection list.

Ald. Maniaci requested that she be added as a sponsor to this Legislative File. Zopelis will contact the City Attorney's Office to have Ald. Maniaci added as a sponsor.

Ejercito referenced issues still on the table: the amount of the fee and having the fee waived or lowered/adjusted based on whether or not it was submitted late. Maniaci asked about exceptions. Hank said if it is CDA, he would know who to call. However, a Federal Building may be exempt from the City Ordinance. Hank sees no problem with there being a slightly higher fee if an owner pays late.

Shimanski will make a bullet list of items to be changed in the Legislative File and will speak with the City Attorney's Office regarding the changes. The revised Legislative File will be e-mailed to Zopelis for distribution to the Subcommittee.

Hank will speak with Zopelis about the implementation of the billing.

Maniaci noted that it should reference a rental dwelling, asked about including e-mail addresses, and also referenced putting in a clause about what the landlord gets out of this and what the information is used for.

A motion was made by Maniaci, seconded by Brink, to Refer to the LANDLORD AND TENANT ISSUES SUBCOMMITTEE meeting of February 17, 2011. The motion passed by voice vote/other.

Notes:

1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	02/17/2011				
1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	03/01/2011				
1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE	03/17/2011	Return to Lead with the Following Recommendation(s)	HOUSING COMMITTEE	04/06/2011	Pass

Action Text: A motion was made by Maniaci, seconded by Hassel, to Return to Lead with the Following Recommendation(s): recommend approval to the HOUSING COMMITTEE based on the "Updates and Consensus regarding Creating Section 27.04(2)(l) " memo received from Gregg Shimanski. The City Attorney should update the legislative file with this language, with the amendment that "rental" replace "multi-family" in the initial section of the file. Also, the fee should be \$5.00 instead of \$10.00.

TEXT FROM GREGG SHIMANSKI:
Landlord Tenant Subcommittee
Updates and Consensus Regarding Creating Section 27.04 (2) (l)
Housing Provider Registration

1. Implementation Date - When new City of Madison Computer system is fully operational and in place, but no sooner than 1/1/2012.
2. Annual Fee:
 - a. To be determined by the committee based on George Hank written report/summary of a) His anticipated annual (initial year and then subsequent years) expenses directly related to this concept, and 2) total number of units to be effected by this (Note: Committee decision to go to ALL non-owner occupied housing units in the City of Madison)
 - b. Fee fixed for five (5) years by ordinance
 - c. Fee is per parcel, not per address
 - d. Consideration of reduced fee annually if renewal done online after first year.
3. Expand this section to incorporate current City Ordinance requiring posting per property of informational signage with housing provider name, and contact info (address, phone, email) at one inside entry of every building. (Cooperation of implementing this from Apartment Association of South Central Wisconsin in preparing order form to be mailed with registration info annually to ALL)
4. Inclusion in ordinance that City of Madison through it's Police Department, Fire Department, and Building Inspection Department shall by use of the data collected communicate promptly (expected from vehicle) with property owners (by email, if provided by owner) of 1) police calls to property for any reason; 2) fire or ambulance calls to any property for any reason; 3) building inspections orders and related, as well as Building Inspection E-Communication items required to assist housing provider (may be subscription based concept for certain things)
5. Housing provider must keep information current if there are changes to anything during the year, and if property sold must provide registration info to new owner or be continually liable until such info is provided/
6. Required info for Registration:
 - a. Actual name of owner per deed to property;
 - b. Two contact names directly related to owner with phone numbers (two – work and mobile); address of owner; email of contact persons (option to check box to indicate they don't have email)
 - c. Management company information if managed by others and one contact info complete for that entity.
 - d. Housing Provider must be able to complete and submit this information fully online or request printed form by email
7. Draft ordinance comments and requested corrections:
 - a. P 1 (l) add "rental" after multi-family
 - b. P. 1 (2) Leave fee bland for now and change address to parcel
 - c. P. 2 Eliminate fees and add language to Fines and Bail Deposits in line with current Building Inspection Fines and Bail Deposits
8. Alder Maniaci would like to be added as a primary sponsor
9. Potential database access by City Neighborhood Department for use in developing uses in conjunction with Neighborhood Associations to empower them to use data for contacts as needed.

The motion passed by the following vote:

Notes:

Excused: 1 Victor E. Villacrez
Ayes: 3 Bridget R. Maniaci; Philip P. Ejercito and Detria D. Hassel
Noes: 1 Curtis V. Brink

1 HOUSING COMMITTEE 04/06/2011 RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER Pass

Action Text: Rhodes-Conway requested that she be added as a co-sponsor.

A motion was made by Rhodes-Conway, seconded by Maniaci, to amend 1. (l) from "...multi-family rental dwelling.." to "...rental dwellings...". The motion passed by voice vote/other.

A motion was made by Schooler, seconded by Jackson, to strike in total Section 3 "Exceptions". Asst. City Attorney Adriana Peguero said Section 3 should really be Section 8. Schooler also moved to strike in full Section 2 (which should be Section 5) and add "If the owner does not provide contact information by January 1st, a fine of \$100 per parcel shall be imposed."

A motion was made by Rhodes-Conway, seconded by Maniaci, to separate Schooler's amendments. The motion passed by voice vote/other.

The motion to strike in total, Section 3 (should be Section 8), "Exceptions" failed (roll call requested by Schooler):

AYES: Brink, Broadnax, Jackson, Munson, Schooler, Villacrez

NOES: Ejercito, Maniaci, Passman, Porterfield, Rhodes-Conway, Sanders, Stluka, Stringer

ABSTAIN: Hassel

Schooler made a motion to amend his amendment by changing the amount from \$100 to \$500. Schooler then changed his amendment to strike Item 2 (which should be 5), seconded by Brink.

The motion failed (roll call requested):

AYES: Brink, Broadnax, Hassel, Jackson, Schooler, Villacrez

NOES: Ejercito, Maniaci, Munson, Passman, Porterfield, Rhodes-Conway, Sanders, Stluka, Stringer

A motion was made by Maniaci, seconded by Rhodes-Conway, to strike the language, "...directly related to the owner...". The motion passed by voice vote/other.

A motion was made by Maniaci, seconded by Villacrez, to strike the language that was added to (l) (2), "If the property is sold, the owner must provide the registration information to the new owner or be continually liable until such info is provided." The motion passed by voice vote/other.

A motion was made by Munson, seconded by Rhodes-Conway, adding Section 9, that staff generate a report for the Housing Committee which will include fees generated, compliance, fines assessed, and the cost to implement for the first two years. The first report will be due May 2013. The motion passed by voice vote/other.

A motion was made by Rhodes-Conway, seconded by Maniaci, to RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by the following vote:

Notes: Rhodes-Conway requested that she be added as a co-sponsor.

A motion was made by Rhodes-Conway, seconded by Maniaci, to amend 1. (l) from "...multi-family rental dwelling.." to "...rental dwellings...". The motion passed by voice vote/other.

A motion was made by Maniaci, seconded by Rhodes-Conway, to strike the language, "...directly related to the owner...". The motion passed by voice vote/other.

A motion was made by Maniaci, seconded by Villacrez, to strike the language that was added to (l) (2), "If the property is sold, the owner must provide the registration information to the new owner or be continually liable until such info is provided." The motion passed by voice vote/other.

A motion was made by Munson, seconded by Rhodes-Conway, adding Section 9, that staff generate a report for the Housing Committee which will include fees generated, compliance, fines assessed, and the cost to implement for the first two years. The first report will be due May 2013. The motion passed by voice vote/other.

A motion was made by Rhodes-Conway, seconded by Maniaci, to RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by the following vote:

AYES: Broadnax, Ejercito, Hassel, Jackson, Maniaci, Munson, Passman, Porterfield, Rhodes-Conway, Sanders, Schooler, Stluka, Stringer

NOES: Brink, Villacrez

Ayes: 13 Bridget R. Maniaci; Jason L. Stringer; Charlie R. Sanders; Philip P. Ejercito; Keith G. Broadnax; Brian A. Munson; Marjorie A. Passman; Steven J. Schooler; Michael A. Stluka; Detria D. Hassel; David C. Porterfield; Clarence Jackson and Satya V. Rhodes-Conway

Noes: 2 Victor E. Villacrez and Curtis V. Brink

2 COMMON COUNCIL 04/19/2011 Adopt Substitute with Recommendations Pass

Action Text: A motion was made by Ald. Cnare, seconded by Ald. Bidar-Sielaff, to Adopt Substitute with Recommendations. The motion passed by voice vote/other.

Notes:

Text of Legislative File 15867

Fiscal Note

[Enter Fiscal Note Here]

Title

SUBSTITUTE. Amending Section 27.04(2)(k) of the Madison General Ordinances to require owners of rental dwellings to provide contact information to the City of at least two people who can exercise control and care over the property and requiring that that contact information be posted at the property for tenants; and amending Sec. 1.08(3)(a) to create a bail deposit for violations.

Body

DRAFTER'S ANALYSIS: This ordinance requires owners of rental dwellings to annually provide the Building Inspection Division of the Department of Planning and Community and Economic Development with contact information for at least two people who can exercise control and care over the property. The requirement would not apply to all properties that are owned and operated by local, state, or federal government agencies or a subdivision or agency of government.

The Common Council of the City of Madison do hereby ordain as follows:

- 1. Subdivision (k) of Subsection (2) of Section 27.04 entitled "Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service" of the Madison General Ordinances is amended to read as follows:

"(k) Every owner of a rental dwelling shall keep on record with the Building Inspection Division of the Department of Planning and Community and Economic Development contact information of two (2) or more persons located in Dane County who, by virtue of his or her ownership, employment, or delegation, can exercise control and care over the property, and provide access to the property.

- 1. The contact information shall include the actual name of the owner per deed to the property, two contact names of the individuals designated to be contacts, two phone numbers for each contact listed, an email address (if available) for each of the contacts, and contact information for a management company for the property, if one is being utilized.
2. These names and contact information shall be updated with the Department on an annual basis no later than January 1 and at any time there is a change in the contact information. This information shall be provided on a form approved by

- the Department.
3. The names of these two (2) persons shall be made available by the owner of the property to the occupants and posted at one inside entry of every separate building on the property. They must be placed in a conspicuous place and be readily accessible to the occupants.
 4. The City of Madison, through its Police Department, Fire Department, and Building Inspection Division, shall by use of the data collected, communicate promptly with a property owner and make the property owner aware of any police calls to the property, fire or ambulance calls to the property, and/or building inspection orders.
 5. A fee in the amount of (\$5) five dollars per parcel shall be paid to the City Treasurer at the time the updated information is provided. This annual fee shall be fixed for a period of 5 years from the date this ordinance is enacted.
 6. This registry requirement will commence on January 1, 2012, or when the new City of Madison computer system intended for this purpose is fully operational, whichever is later.
 7. The owner may either submit this information online or request a printed form by email.
 8. Exceptions. This requirement does not apply to all properties that are owned and operated by local, state, or federal government agencies, or a subdivision or agency of government.”
 9. Staff will prepare a report to the Housing Committee to show fees generated, compliance, fines and costs to implement this section. The report shall be provided by May, 2013.

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Failure to post contact persons for emergency work</u>	<u>27.04(2)(k)</u>	<u>\$500</u>
<u>Failure to provide required contact information to Building Inspection Division</u>	<u>27.04(2)(k)</u>	<u>\$500”</u>

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.