



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved LANDLORD AND TENANT ISSUES SUBCOMMITTEE

Thursday, March 19, 2009

4:30 PM

215 Martin Luther King, Jr. Blvd.
Room LL-130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

The meeting was called to order at 4:34 PM by Chair Sparer.
Staff Present: George Hank & Meg Zopelis.

Present: 5 -

Eli Judge; Philip P. Ejercito; Detria D. Hassel; Alicia Bosben Gebhardt and David R. Sparer

Excused: 2 -

Brenda K. Konkel and Curtis V. Brink

APPROVAL OF MINUTES

A motion was made by Ejercito, seconded by Judge, to Approve the Minutes of December 18, 2008 and February 19, 2009. The motion passed by voice vote/other.

PUBLIC COMMENT

None.

DISCUSSION ITEMS

1. [12712](#) 2009 Goals & Objectives for Landlord & Tenant Issues Subcommittee

Attachments: [2009 Work Plan Items.pdf](#)
[Chapter 32 bail schedule.pdf](#)
[2009 L-T Work Plan.pdf](#)
[Tenant Protections Landlord Foreclosure.pdf](#)

Sparer asked Ejercito if he had any additions to the work plan list. Ejercito referenced the Privacy Ordinance, Section 32.05

Judge referenced the City Attorney's Office is drafting the language to increase the text size of the photo ordinance to the largest text size on the security form.

Communication Equipment – Sparer said there is a need for one of the Alders to draft something about communication equipment. Sparer's concern is someone was not able to get their landlord to agree to install wiring on the building so they could have a telephone. Hank asked if issue was if they would not allow them to attach to outside or run inside to the tenant's unit and Sparer said it was on outside of building. Sparer said there was new siding on the building and it must have covered up old wiring. Judge can take steps to move that option along.

Bail Schedule – Hank said if someone writes a ticket, the description on the Bail Schedule is the short version and you have to look at the Ordinance to relate to what is really there. If there is a bail amount, then you can write a citation. Hank said the Police enforce these issues. Sparer said the question before the subcommittee is if the amounts should be increased if bail amounts should be added for ones not listed. Hank said the items on the Bail Schedule are items that Building Inspection does not enforce. Police investigate and cite or prosecute based on what is appropriate.

Hank said for the items that do not have dollar amounts, if they proceed with prosecution and are found guilty, the judge can award anywhere from \$60 - \$600 per day. Each day is a separate violation.

Sparer would like self-help included in bail schedule and Ejercito agreed. Hank views tickets as for something you need to alter immediately, items that are severe and you want to try to get immediate action out of. Sparer thinks the failure to provide a receipt qualifies as a right away issue. Earnest money receipt is same issue.

Update Bail Schedule – not correct reference of number 32.06(2)(a). Hank to correct Ordinance numbers on Bail Schedule.

A motion was made by Ejercito, seconded by Hassel, to have Judge or Konkel draft Ordinance language to reflect discussion. (No vote on this.)

Hank informed the subcommittee how they come up with the amount of \$802 for a first violation. As an example, for Section 32.05(1)(b), the actual fine is \$600 for first offense and \$1,000 for the second offense. There are costs that get added to the fine amounts to increase the amounts to \$802 for first offense and \$1,306 for second offense. Judge recommended a third violation fee, with that one being the highest.

A motion was made by Hassel, seconded by Ejercito, for the first, second and third items on Page 1 of Bail Schedule (32.05(1)(a), 32.05(1)(b), and 32.05(1)(c)), and the third, fifth and sixth items on Page 2 of Bail Schedule (32.12(3), 32.12(5), and 32.12(6)) to have a first violation fine of \$600, plus costs, a second violation fine of \$1,000, plus costs, and a third violation fine of \$2,000, plus costs, on the Bail Schedule. The motion passed by voice vote/other with Judge abstaining.

Tenant's Rights to Notice on Foreclosure: State Statute adopted a couple weeks ago, now requires that when a landlord's property is foreclosed, they have to inform the tenants. Sparer also believes there was a provision that the tenant has the right to not pay the last month's rent, but still stay an extra month. Sparer will provide this information to be included in the Meeting

Minutes. Keep this item on Agenda for next meeting.

ROLL CALL

Present: 4 -
Philip P. Ejercito; Detria D. Hassel; Alicia Bosben Gebhardt and David R. Sparer

Excused: 3 -
Eli Judge; Brenda K. Konkel and Curtis V. Brink

2. [13986](#) Discussion on M.G.O. Section 32.05 - Tenants Rights to Privacy and Exclusive Possession

Attachments: [MGO Section 32.05.pdf](#)
[Apartment Showing Notice Ejercito.pdf](#)

32.05 (1)(e) – Ejercito wanted to discuss this Ordinance, “Entering upon a tenant’s leased premises solely to show the property for sale or lease without at least twenty-four (24) hours notice covering not more than a three-day period of no more than three (3) hours per day, unless the tenant approves a shorter period of notice on a case by case basis.”

Ejercito has been receiving notices on a regular basis, and each of these notices represents 3 hours per day, for 3 days, of not knowing when the landlords are going to enter his unit. Ejercito provided a card for the Minutes. Because of the wording, it does not have to be consecutive hours and the actual time of entry need not be specified. Ejercito recommends changes to fulfill the original purpose.

Change to: a maximum of a 3 hour window per day, with a specific time indicated so for a specific 3 hours and not spread out over day.

Sparer asked about limiting the number of appointments. Ejercito has been receiving multiple notices since January 2009. Ejercito said it is advantageous to get the property rented so he would want to clean before people go. He has a stack of notices, but they only showed his unit twice. Hank asked if they are all for the same days. Ejercito said no; they cover all days but Sunday.

Ejercito referenced putting in specific hours for when people are going to be there. What are specific business hours? Specify business hours?

A motion was made by Ejercito, seconded by Hassel, to recommend language be drafted by Konkel/Judge to reflect discussion, specifying the hours of time of entry in 32.05 (d) and (e), covering not more than 3 consecutive days. (no vote)

Sparer will call and get input from Nancy Jensen of the Apartment Association. Keep this item on the Agenda and we can take action on this next time. The motion was withdrawn.

ADJOURNMENT

A motion was made by Ejercito, seconded by Hassel, to Adjourn at 5:45 PM.
The motion passed by voice vote/other.