

## Memo

To: EOC Full Commission  
From: EOC Executive Committee (Drafted by Carousel)  
Re: Proposed Changes to the Nuisance Ordinance  
Date: December 5, 2007

The following are proposed changes to the Nuisance Ordinance. These recommendations were discussed at the October 29, 2007 Executive Committee meeting and approved<sup>1</sup> by unanimous (4-0) vote at the December 3, 2007 Executive Committee meeting.

Change (2)(a)2. to read:

“Is a Premises for which charges have been filed by the Dane County District Attorney for manufacture, distribution or delivery of a controlled substance that has occurred on or in association with the Premises.”

-- Explanation: Change from a court issuing a search warrant to charges being filed, because a search warrant sometimes does not result in charges or actual finding of drug production or distribution.

Change (2)(c) to read:

““Enforcement Action” means any of the following: The issuance of a citation for a law violation and/or the filing of charges by the District Attorney for prosecution for Nuisance Activities.”

-- Explanation: Both physical arrest and referral of charges should not be enough, as sometimes arrests and referral of charges do not result in incarceration or charges being filed.

Change (3)(a)6. to read:

“A statement that the Premises owner shall, when appropriate, implement alternatives to eviction when formulating an abatement plan.”

-- Explanation: Deletion of the word “consider”; when eviction is not the sole appropriate remedy, then it should not be used.

Change (3)(b)2. to read: “Sec. 968.075, Wis. Stats., broadly defines “domestic abuse”. Therefore, in reaching a determination that a Premises is a Chronic Nuisance Premises, activities that are “domestic abuse” incidents pursuant to sec. 968.075, Stats., shall not be included as Nuisance Activities.”

-- Explanation: Delete the remainder of the paragraph that provides for an exception to this rule.

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<sup>1</sup> The exact wording of the proposed change to (2)(a)2. was not ready in time for the executive committee. The executive committee approved the concept behind this change, but it did not review the wording.

Change (3)(b)3.b. to read:

“Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall submit a comprehensive nuisance abatement plan that implements alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.”

-- Explanation: Delete language that allows the landlord to evict a tenant when there are alternative resolutions. When eviction is not the sole appropriate remedy, then it should not be used.

Change (6)(a) to read:

“It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant or members of the tenant’s household because that tenant complained to or was complained about to the Chief of Police or Neighborhood Preservation and Inspection Director about Nuisance Activities on the landlord’s premises. . . .”

-- Explanation: Expand protection to those complained about too, and expand protection to the household of protected tenants too.

Change (6)(a) to DELETE final sentence:

“A landlord’s failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this subsection.”

-- Explanation: This should not be an exception.