

DRAFTER'S ANALYSIS: This proposal amends various Subsections of Section 32.07 of the Madison General Ordinances relating to Security Deposit Refund Procedures. This proposal is intended to require landlords to obtain photographic evidence of items being charged to tenants from security deposits to ensure that any forfeiture of a security deposit is supported by photographic evidence.

This proposal creates a requirement under Subsection 32.07(14) that for a landlord to charge a tenant for a specific claim of damage, waste, or neglect from the security deposit, the landlord must document this damage, waste or neglect with photographic evidence (if the item is able to be photographed). The photograph must then be retained for a specified period of time and be provided to the tenant upon a timely written request being made. The failure to take or provide this photograph does not impact other civil remedies available to the landlord, only the ability to charge the tenant from the security deposit. In addition, this proposal also creates a requirement that before a landlord accepts a security deposit from a tenant, as part of the check-in procedures the tenant be informed of the tenant's right to view photographs documenting any damage, waste or neglect charged to the previous tenant that are required to be retained by the landlord.