



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved LANDLORD AND TENANT ISSUES SUBCOMMITTEE

Thursday, October 15, 2009

4:00 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Chair Sparer called the meeting to order at 4:13 PM.

Staff Present: George Hank & Meg Zopelis

Other City Staff Present: Asst. City Attorney Maureen O'Brien, Ald. Bryon Eagon and Lt. Kristen Roman of Madison Police Department

Present: 4 -

Curtis V. Brink; Philip P. Ejercito; Alicia Bosben Gebhardt and David R. Sparer

Excused: 2 -

Bridget R. Maniaci and Detria D. Hassel

APPROVAL OF MINUTES

A motion was made by Ejercito, seconded by Brink, to Approve the Minutes of September 17, 2009. The motion passed by voice vote/other.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

1. [15526](#) SUBSTITUTE Amending Secs. 32.05(3), 32.07(7)(b), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be informed in a notice of a specific font of their right to inspect photographic evidence and increasing various penalties.

Attachments: [Bail deposit table](#)
[Version 1](#)

A motion was made by Ejercito, seconded by Sparer, to recommend approval of Legislative File 15526 to the full Housing Committee.

A motion to amend was made by Ejercito, seconded by Brink, to strike "Failure to provide complete "Tenant Rights and Responsibilities" to tenant at or prior to signing of rental agreement (32.06(2)(a)) and Failure of landlord to deliver possession of dwelling unit to tenant (32.12(6)) from Legislative File 15526. Send those back to City Attorney. The motion on the amendment passed by voice

vote/other.

Roll Call Vote on Original Motion:

NOS: Bosben-Gebhardt & Brink
AYES: Ejercito & Sparer

The motion failed.

A motion was made by Ejercito, seconded by Sparer, to return Legislative File 15526 to the full Housing Committee with no recommendation. This motion was withdrawn by Ejercito.

A motion was made by Ejercito, seconded by Sparer, to Table Legislative File 15526 (without prejudice) The motion FAILED by the following vote: NOS: Brink & Bosben-Gebhardt; AYES: Ejercito & Sparer; EXCUSED: Maniaci & Hassel.

Nancy Jensen registered in opposition of Legislative File 15526.

Taylor Johnson registered in support of Legislative File 15526.

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Roll Call Vote on Original Motion:

NOS: Bosben-Gebhardt & Brink
AYES: Ejercito & Sparer

The motion failed.

A motion was made by Ejercito, seconded by Sparer, to return Legislative File 15526 to the full Housing Committee with no recommendation. This motion was withdrawn by Ejercito.

A motion was made by Ejercito, seconded by Sparer, to Table Legislative File 15526 (without prejudice) The motion FAILED by the following vote:

- Excused:** 2 -
Bridget R. Maniaci and Detria D. Hassel
- Ayes:** 2 -
Philip P. Ejercito and David R. Sparer
- Noes:** 2 -
Curtis V. Brink and Alicia Bosben Gebhardt

NEW BUSINESS

ROLL CALL

Ald. Maniaci arrived at 5:22 PM.

Present: 5 -

Bridget R. Maniaci; Curtis V. Brink; Philip P. Ejercito; Alicia Bosben Gebhardt and David R. Sparer

Excused: 1 -

Detria D. Hassel

2. [15199](#)

Amending Section 32.05(1)(e) of the Madison General Ordinances to require landlords to provide tenants with more specific information as to when they will be entering a tenant's leased premise to show the property for sale or lease.

Attachments: [Registration Forms.pdf](#)

Clarified language was provided by Tenant Resource Center.

A motion was made by Ejercito, seconded by Brink, to recommend approval to the full Housing Committee as follows:

(e) Entering upon a tenant's leased premises solely to show the property for sale or lease without at least twenty-four (24) hours notice, unless the tenant approves a shorter period of notice on a case by case basis. The notice shall indicate the exact time of entry and the length of stay not to exceed three (3) hours per day and shall cover not more than three consecutive days.

An amendment to the motion was made by Brink, seconded by Bosben-Gebhardt, to change from 3 hours to 4 hours

Maniaci arrived at 5:22 PM.

Vote on amendment :

NOS: Ejercito, Maniaci & Sparer

AYES: Brink & Bosben-Gebhardt

The vote on the amendment FAILED.

A motion was made by Ejercito, seconded by Brink, to Return to Lead with the Following Recommendation(s) to the HOUSING COMMITTEE: Approval with language provided by Tenant Resource Center. The motion passed by the following vote: NOS: Brink & Bosben-Gebhardt; AYES: Ejercito, Maniaci & Sparer; EXCUSED: Hassel.

Clarified language was provided by Tenant Resource Center.

A motion was made by Ejercito, seconded by Brink, to recommend approval to the full Housing Committee as follows:

(e) Entering upon a tenant's leased premises solely to show the property for sale or lease without at least twenty-four (24) hours notice, unless the tenant approves a shorter period of notice on a case by case basis. The notice shall indicate the exact time of entry and the length of stay not to exceed three (3) hours per day and shall cover not more than three consecutive days.

An amendment to the motion was made by Brink, seconded by Bosben-Gebhardt, to change from 3 hours to 4 hours

Maniaci arrived at 5:22 PM.

Vote on amendment :

NOS: Ejercito, Maniaci & Sparer

AYES: Brink & Bosben-Gebhardt

The vote on the amendment FAILED.

A motion was made by Ejercito, seconded by Brink, to Return to Lead with the Following Recommendation(s) to the HOUSING COMMITTEE, due back on 11/4/2009. The motion passed by the following vote:

Excused: 1 -

Detria D. Hassel

Ayes: 3 -

Bridget R. Maniaci; Philip P. Ejercito and David R. Sparer

Noes: 2 -

Curtis V. Brink and Alicia Bosben Gebhardt

3. [15823](#)

SUBSTITUTE Creating Sec. 9.25 to require registration for all landlords who have a property that has been declared a Chronic Nuisance Premises, creating Sec. 25.09(3)(a)10. to require notification to landlords of the requirements of Sec. 9.25, amending Sec. 1.08(3)(a) to establish a bond schedule for violations of Sec. 9.25, and amending Sec. 1.08(4) of the Madison General Ordinances to give the Director of Building Inspection the power to enforce Sec. 9.25 by citation.

Attachments: [Version 1](#)
[Body](#)

Asst. City Attorney Jennifer Zilavy is working on modifications to Legislative File 15823. Sparer spoke with Asst. City Attorney Zilavy about changes.

Maniaci said there were recommendations from the Housing Committee, in the very brief discussion that was held. Maniaci referenced Page 4, 4(f), "public interest" sentence. Maniaci would like Zilavy's input on this section.

Sparer referenced training and license name on Page 5, 6(g). Sparer's recommendation is to change it to registration, not a "license". The owner must comply with nuisance abatement plan. That could determine who gets the training.

Sparer said Schumacher referenced the posting of the license, Page 5, 6(c). Sparer said Schumacher suggested the posting be a notice that the premises had been found to be a public nuisance and that no rental practice could occur without there being a license, as opposed to simply the license being posted. Hank recommended that Building Inspection direct where the license is posted.

A motion was made by Maniaci, seconded by Ejercito, to Return to Lead with the Following Recommendation(s) to the HOUSING COMMITTEE, due back on 11/4/2009: approve with modifications/changes indicated and with changes by Asst. City Attorney Jennifer Zilavy.

A motion was made by Ejercito, seconded by Bosben-Gebhardt to extend the meeting to 6:00 PM. The motion passed by voice vote/other.

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Maniaci said there were recommendations from the Housing Committee, in the very brief discussion that was held. Maniaci referenced Page 4, 4(f), "public interest" sentence. Maniaci would like Zilavy's input on this section.

Sparer referenced training and license name on Page 5, 6(g). Sparer's recommendation is to change it to registration, not a "license". The owner must comply with nuisance abatement plan. That could determine who gets the training.

Sparer said Ald. Schumacher referenced the posting of the license, Page 5, 6(c). Schumacher suggested the posting be a notice that the premises had been found to be a public nuisance and that no rental practice could occur without there being a license, as opposed to simply the license being posted. Hank recommended that Building Inspection direct where the license is posted.

A motion was made by Maniaci, seconded by Ejercito, to Return to Lead with the Following Recommendation(s) to the HOUSING COMMITTEE: approve with modifications/changes indicated and with changes by Asst. City Attorney Jennifer Zilavy. The motion passed by the following vote:

Excused: 1 -

Detria D. Hassel

Ayes: 5 -

Curtis V. Brink; Philip P. Ejercito; Alicia Bosben Gebhardt; David R. Sparer and Bridget R. Maniaci

ADJOURNMENT

A motion was made by Brink, seconded by Bosben Gebhardt, to Adjourn at 6:02 PM. The motion passed by voice vote/other.