

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED February 7, 2023

REFERRED City-County Homeless Issues Committee (3/6/23); Landlord and Tenant Issues Committee (2/16/23); Housing Strategy Committee (2/23/23); Common Council (3/7/23)

BY TITLE ONLY: Repealing Sections 32.03 and 33.34 and repealing and recreating Section 33.09(3) of the Madison General Ordinances to combine the City-County Homeless Issues Committee, Landlord and Tenant Issues Committee, and Housing Strategy Committee to create the City-County Housing Policies and Procedures Committee.

75926

Drafted by: Michael Haas

Date: February 16, 2023

SPONSOR: Alders Figueroa Cole, Bennett, Currie

DRAFTER’S ANALYSIS: Description.

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

- 1. Section 32.03 entitled “Landlord and Tenant Issues Committee” of the Madison General Ordinances is repealed.
- 2. Section 33.34 entitled “Housing Strategy Committee” of the Madison General Ordinances is repealed.
- 3. Subsection (3) entitled “City-County Homeless Issues Committee” of Section 33.09 entitled “City-County Commissions and Committees” of the Madison General Ordinances is repealed and recreated as follows:
 - (3) City-County Housing Policies and Procedures Committee .
 - (a) The City-County Housing Policies and Procedures Committee is created and shall be governed by this ordinance.
 - (b) Membership; Terms .
 - 1. The City-County Housing Policies and Procedures Committee shall consist of **Xxxx (##)** members.
 - a. City Members . **Xxxx (##)** members shall be City of Madison Alders. One (1) member shall be a current or former homeless person who has used homeless services. One (1) member shall

Approved as to form:

be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. One (1) member shall be a student at a Madison-area university or college. One (1) member shall be a representative of a tenant organization. All City members shall be appointed by the Mayor and confirmed by the Common Council. Alders shall have a term coextensive with their terms on the Common Council. Other members shall serve staggered three-(3) year terms ending on June 30. Because the non-Alder members are chosen as representatives of certain groups, these members' actions as committee members are exempted from the provisions of Secs. 3.35(5)(a)1. and 3., MGO, solely to the extent that their position or actions affect or may result in a benefit to the groups they represent.

- b. County Members. **Xxxx (##)** members shall be Dane County Board Supervisors, appointed by the County Board Chair, whose terms shall be coextensive with their terms on the County Board. One (1) member shall be a representative of an apartment owner's organization. One (1) member shall be a current or former homeless person who has used homeless services, and one (1) member shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. The County members who are not County Board Supervisors shall be appointed by the County Executive. All persons who are not elected shall serve three-(3) year terms.
2. When the City-County Housing Policies and Procedures Committee is first constituted, the initial appointments for three year terms shall be staggered such that **Xxxx (##)** members have a one year term, **Xxxx (##)** members have a two year term, and **Xxxx (##)** members have a three year term.
- (c) Chairperson. The Chairperson of the Committee shall be elected by the Committee, and shall serve rules adopted by the Committee.
- (d) Powers and Duties. The Committee shall have the following powers, duties and functions:
 1. Examine, report and make recommendations to the Madison Common Council and the Dane County Board of Supervisors on issues related to homelessness. This includes housing for the homeless, jobs and job training, availability of public toilets and showers, access to storage lockers, and the provision of mental health, drug and alcohol services.
 2. Serve as a forum for discussion and communication about housing strategies.
 3. The Committee shall establish a schedule for the City of Madison Department of Planning and Community and Economic Development to prepare and submit a biennial housing report to the Mayor and the Common Council which will include the following:
 - a. Current data on Madison and regional housing supply and trends;
 - b. Strategies for maintaining a broad range of housing choices for all households and income levels; and
 - c. Strategies for maintaining and increasing affordable owner-occupied and rental housing in Madison and the region.
 4. The Committee will review the biennial housing report prepared by the City Department of Planning and Community and Economic Development

staff and forward the report with the Committee's recommendations to the Mayor and Common Council for their action. The schedule should include a Committee public hearing to request recommendations for special problem areas to consider in the next biennial report.

5. In addition to the foregoing, the Committee shall have such other powers, duties and functions related to housing as are conferred on it by the Mayor and the Common Council from time to time.
6. Serve as a forum for discussion and communication about landlord-tenant issues;
7. Make recommendations to the Mayor and the Common Council on all aspects of landlord and tenant policies and issues, including landlord and tenant issues in Chapters 27 and 32 of the Madison General Ordinances; and
8. Perform the functions formerly exercised Landlord-Tenant Issues Committee related to the Rent Abatement Ordinance and Program:
 - a. Adopt such rules and regulations, subject to approval by the Common Council, as may be necessary to carry out the purpose and provisions of the rent abatement process in Sec. 32.04, MGO
 - b. Recommend to the Common Council additions to, deletions from, and changes in the Schedule of Rent Impairing Violations in Sec. 32.04(5)(d) as well as other provisions in Chapter 32 that the Committee believes are appropriate for Common Council action.
 - c. Approve forms for the use of tenants, landlords, the Building Inspection Division of the Department of Planning and Community and Economic Development and Rent Abatement Hearing Examiners to facilitate the rent abatement process in Sec. 32.04, MGO.
 - d. Institute procedures for the selection of Rent Abatement Hearing Examiners for the setting of a time and place for rent abatement hearings and for the giving of notice thereof to interested landlords and tenants within ten (10) days of the filing of a request for a hearing concerning authorization for rent abatement with the Building Inspection Division of the Department of Planning and Community and Economic Development.
 - e. Establish criteria and procedures for waiving the ten dollar (\$10) filing fee in cases of economic hardship.
 - f. Maintain statistics on the number of requests for hearings concerning authorization for rent abatement, the number of hearings held and the results thereof including, but not limited to such information as the following:
 - i. Whether abatement was granted and, if so, in what percentage.
 - ii. Where abatement was denied, the specific reason therefor.
 - iii. The amount of time elapsed between the filing of the request for a hearing and the issuance of a decision.
 - g. In order to assist in determining the effectiveness of the abatement process and to ensure full enforcement of the abatement ordinance, the Committee shall also maintain additional statistics which may include such other information as the following:

- i. The amount of time elapsed between the initial inspection and authorization for abatement, if any.
 - ii. Any extensions of time to effect compliance with inspection orders for repairs to residential rental property.
 - iii. The number of inspection orders forwarded to the City Attorney for prosecution, the date referred and the final disposition of such referrals.
 - iv. The number of requests to the City Attorney for enforcement of a Hearing Examiner's order or for prosecution for failure to obey same including such information as the date of referral, the action taken by the City Attorney, the date on which final action was taken and the outcome of such action including abatement amounts secured for a tenant and forfeitures imposed.
9. Reporting. The Committee shall report at least annually, by August 1, to the Common Council and County Board.
- (e) Staffing. The Committee shall be assisted by the Dane County Human Services Department and the City of Madison Community Development Division.
- (f) 1. Meetings. The Committee shall meet once a week and shall conduct its business in accordance with rules which it may establish. The director of the Building Inspection Division or their designee shall provide staff assistance to the Landlord and Tenant Issues Committee, shall serve as its Secretary, but shall not vote. The City Attorney or their designee shall furnish the Committee with legal assistance necessary to carry out its functions.
2. Quorum. The City and the County have different rules for determining quorum for committees. The Committee will follow the County's rule, which defines quorum as greater than one-half (1/2) of the number of committee members appointed and serving. In no event will less than five (5) members constitute quorum.

CURRENT STAFFING PROVISIONS:

32.03(3)(c)8. The Building Inspection Division of the Department of Planning and Community and Economic Development shall provide staff support for both the Landlord and Tenant Issues Committee and for the Rent Abatement Hearing Examiners and shall receive and retain all documents, reports and records relating thereto.

33.04(4) The Department of Planning and Community and Economic Development shall provide staff support for the Housing Strategy Committee and shall receive and retain all documents, reports and records relating thereto.

33.09(3)(f) Staffing. The Committee shall be assisted by the Dane County Human Services Department and the City of Madison Community Development Division.

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EDITOR'S NOTES:

Section 32.03 entitled "Landlord and Tenant Issues Committee" of the Madison General Ordinances currently reads as follows:

32.03 - LANDLORD AND TENANT ISSUES COMMITTEE.

- (1) Creation . There is hereby created a Landlord and Tenant Issues Committee for the City of Madison.
- (2) Composition .
 - (a) The Landlord and Tenant Issues Committee shall consist of seven (7) members plus one (1) resident alternate member appointed by the Mayor and subject to approval by the Common Council. At least one, but not more than two (2) members shall be alderpersons. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Housing Strategy Committee.
 - (b) One (1) resident member appointment shall be a representative of a tenant organization, and one (1) resident member appointment shall be a representative of an apartment owner's organization. One (1) resident member will be a student at a Madison area university or college. Because these members are chosen as representatives of certain groups, these members' actions as committee members are exempted from the provisions of Secs. 3.35(5)(a)1. and 3., MGO, solely to the extent that their position or actions affect or may result in a benefit to the groups they represent.
- (3) Terms . All resident members shall be appointed for three year terms, however, the initial terms of four (4) of the resident members shall expire on April 30, 2013. Initial terms of the remaining three (3) resident members shall expire on April 30, 2014. The resident alternate member will have a one- (1) year term. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The term of any alderperson shall expire with the expiration of his or her term in office.
- (4) Powers and Duties . The Landlord and Tenant Issues Committee shall have the following powers, duties, and functions:
 - (a) Serve as a forum for discussion and communication about landlord-tenant issues;;
 - (b) Make recommendations to the Mayor and the Common Council on all aspects of landlord and tenant policies and issues, including landlord and tenant issues in Chapters 27 and 32 of the Madison General Ordinances; and
 - (c) Perform the functions formerly exercised by the Rent Abatement Oversight Committee:
 1. Adopt such rules and regulations, subject to approval by the Common Council, as may be necessary to carry out the purpose and provisions of the rent abatement process in Sec. 32.04, MGO.
 2. Recommend to the Common Council additions to, deletions from, and changes in the Schedule of Rent Impairing Violations in Sec. 32.04(5)(d) as well as other provisions in Chapter 32 that the Committee believes are appropriate for Common Council action.
 3. Approve forms for the use of tenants, landlords, the Building Inspection Division of the Department of Planning and Community and Economic

Development and Rent Abatement Hearing Examiners to facilitate the rent abatement process in Sec. 32.04, MGO.

4. Institute procedures for the selection of Rent Abatement Hearing Examiners for the setting of a time and place for rent abatement hearings and for the giving of notice thereof to interested landlords and tenants within ten (10) days of the filing of a request for a hearing concerning authorization for rent abatement with the Building Inspection Division of the Department of Planning and Community and Economic Development.
 5. Establish criteria and procedures for waiving the ten dollar (\$10) filing fee in cases of economic hardship.
 6. Maintain statistics on the number of requests for hearings concerning authorization for rent abatement, the number of hearings held and the results thereof including, but not limited to such information as the following:
 - a. Whether abatement was granted and, if so, in what percentage.
 - b. Where abatement was denied, the specific reason therefor.
 - c. The amount of time elapsed between the filing of the request for a hearing and the issuance of a decision.
 7. In order to assist in determining the effectiveness of the abatement process and to ensure full enforcement of the abatement ordinance, the Committee shall also maintain additional statistics which may include such other information as the following:
 - a. The amount of time elapsed between the initial inspection and authorization for abatement, if any.
 - b. Any extensions of time to effect compliance with inspection orders for repairs to residential rental property.
 - c. The number of inspection orders forwarded to the City Attorney for prosecution, the date referred and the final disposition of such referrals.
 - d. The number of requests to the City Attorney for enforcement of a Hearing Examiner's order or for prosecution for failure to obey same including such information as the date of referral, the action taken by the City Attorney, the date on which final action was taken and the outcome of such action including abatement amounts secured for a tenant and forfeitures imposed.
 8. Staff. The Building Inspection Division of the Department of Planning and Community and Economic Development shall provide staff support for both the Landlord and Tenant Issues Committee and for the Rent Abatement Hearing Examiners and shall receive and retain all documents, reports and records relating thereto.
- (5) Meetings. The Landlord and Tenant Issues Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish. The Director of the Building Inspection Division or his or her designee shall provide staff assistance to the Landlord and Tenant Issues Committee, shall serve as its Secretary, but shall not vote. The City Attorney or his or her designee shall furnish the Landlord and Tenant Issues Committee with legal assistance necessary to carry out its functions.

Section 33.34 entitled "Housing Strategy Committee" of the Madison General Ordinances currently reads as follows:

33.34 - HOUSING STRATEGY COMMITTEE.

- (1) Creation. There is hereby created a Housing Strategy Committee for the City of Madison.
- (2) Composition. The Housing Strategy Committee shall consist of nine (9) members appointed by the Mayor and subject to approval by the Common Council. Two (2) members shall be alders. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Landlord and Tenant Issues Committee. (
- (3) Terms. All members shall be appointed for three-year terms, however, the initial terms of three (3) of the resident members shall expire on April 30, 2014. Initial terms of the remaining four (4) resident members shall expire on April 30, 2015. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The terms of the alders shall expire with the expiration of their terms in office.
- (4) Powers and Duties. The Housing Strategy Committee shall have the following powers, duties, and functions:
 - (a) The Committee will serve as a forum for discussion and communication about housing strategies.
 - (b) The Committee shall establish a schedule for the Department of Planning and Community and Economic Development to prepare and submit a biennial housing report to the Mayor and the Common Council which will include the following:
 1. Current data on Madison and regional housing supply and trends;
 2. Strategies for maintaining a broad range of housing choices for all households and income levels; and
 3. Strategies for maintaining and increasing affordable owner-occupied and rental housing in Madison and the region.
 - (c) The Committee will review the biennial housing report prepared by the Department of Planning and Community and Economic Development staff and forward the report with the Committee's recommendations to the Mayor and Common Council for their action. The schedule should include a Committee public hearing to request recommendations for special problem areas to consider in the next biennial report.
 - (d) In addition to the foregoing, the Housing Strategy Committee shall have such other powers, duties and functions related to housing as are conferred on it by the Mayor and the Common Council from time to time.
- (5) Staff. The Department of Planning and Community and Economic Development shall provide staff support for the Housing Strategy Committee and shall receive and retain all documents, reports and records relating thereto.
- (6) Meetings. The Housing Strategy Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish.

Subsection (3) entitled "City-County Homeless Issues Committee" of Section 33.09 entitled "City-County Commissions and Committees" of the Madison General Ordinances currently reads as follows:

- (3) City-County Homeless Issues Committee.

- (a) The City-County Homeless Issues Committee is created and shall be governed by this ordinance.
- (b) Membership; Terms.
 - 1. The City-County Homeless Issues Committee shall consist of thirteen (13) members.
 - a. City Members. Two (2) members shall be City of Madison Alders, one (1) member shall be a Madison Police Department officer, one (1) member shall be a representative of a downtown business or community organization, one (1) member shall be a current or former homeless person who has used homeless services, and one (1) member shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. All City members shall be appointed by the Mayor and confirmed by the Common Council. Alders shall have a term coextensive with their terms on the Common Council. Other members shall serve staggered three-(3) year terms ending on June 30.
 - b. County Members. Three (3) members shall be Dane County Board Supervisors, appointed by the County Board Chair, whose terms shall be coextensive with their terms on the County Board. Two (2) members shall be current or former homeless persons who have used homeless services, and two (2) persons shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. The County members shall be appointed by the County Executive. All persons who are not elected shall serve three-(3) year terms.
 - 2. When the City-County Homeless Issues Committee is first constituted, the initial appointments for three year terms shall be staggered such that two (2) members have a one year term, three (3) members have a two year term, and three (3) members have a three year term.
- (c) Chairperson. The Chairperson of the Committee shall be elected by the Committee, and shall serve rules adopted by the Committee.
- (d) Powers and Duties. The Committee shall examine, report and make recommendations to the Madison Common Council and the Dane County Board of Supervisors on issues related to homelessness. This includes housing for the homeless, jobs and job training, availability of public toilets and showers, access to storage lockers, and the provision of mental health, drug and alcohol services. The Committee may adopt rules for the operation of the Committee.
- (e) Reporting. The Committee shall report at least annually, by August 1, to the Common Council and County Board.
- (f) Staffing. The Committee shall be assisted by the Dane County Human Services Department and the City of Madison Community Development Division.
- (g) Quorum. The City and the County have different rules for determining quorum for committees. The Committee will follow the County's rule, which defines quorum as greater than one-half (1/2) of the number of committee members appointed and serving. In no event will less than five (5) members constitute quorum.