



# City of Madison

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

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Thursday, July 16, 2009

4:30 PM

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

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### CALL TO ORDER / ROLL CALL

**Staff Present:** George Hank & Meg Zopelis

**Present:** 4 -  
Bridget R. Maniaci; Curtis V. Brink; Detria D. Hassel and David R. Sparer

**Excused:** 2 -  
Philip P. Ejercito and Alicia Bosben Gebhardt

### APPROVAL OF MINUTES

A motion was made by Maniaci, seconded by Hassel, to Approve the Minutes of June 18, 2009. The motion passed by voice vote/other.

### PUBLIC COMMENT

Sylvia Wooden was present to speak during public comment. Ms. Wooden had an altercation wherein a man (who works for the Property Manager) slapped her and took her glasses and she wanted to call the police, but the Property Manager told her that if she called the police she would have to find a new place to move. Ms. Wooden wanted to know if there were any rules about her calling the police in this type of situation. She said she heard something about the Police being called too many times by a certain complex (chronic nuisance). Ms. Wooden did call the Police. Sparer recommended she call the City Attorney since she was threatened with eviction/retaliation. The Police recommended she contact the Tenant Resource Center, which she did contact.

George Hank brought out the Chronic Nuisance Ordinance. The Ordinance says that 3 or more calls to the Police that result in enforcement action in a 90 day period is considered a chronic nuisance. Sparer recommended the Legal Action of Wisconsin and Ms. Wooden was provided with Adriana Peguero's phone number (City Attorney's Office).

### ROLL CALL

Bosben-Gebhardt arrived at 4:48 PM.

- Present:** 5 -  
Bridget R. Maniaci; Curtis V. Brink; Detria D. Hassel; Alicia Bosben  
Gebhardt and David R. Sparer
- Excused:** 1 -  
Philip P. Ejercito

## DISCUSSION ITEMS

1. [15107](#) Discussion on Noise Ordinance - Standards for Noise & Safety (Ejercito)

Ejercito was not present and asked (by way of text message to Maniaci) that the item be continued to the next meeting.

Brink is worried about this being a slippery slope (ticketing people working in the morning). Sparer will e-mail Ejercito to find out exactly what he wanted to discuss and will ask him to write up something that can be circulated in advance.

Maniaci has been working with the City Attorney's office because she had to come up with something for her neighborhood regarding a block party in someone's backyard. People were ticketed. There is no permit you can obtain for having a band in your yard. Maniaci wants a "private amplification law", similar to the public amplification law. She also spoke with Police. Maniaci said they should not be able to write a ticket for no permit if you cannot obtain a permit.

There are 2 times during the day you can be as loud as you want. The same people are having a party again and contacted Maniaci to see what to do about this issue. There should be a process available (signatures from neighbors). She is trying to get this item on the next Council Agenda (not 7/21/09).

Brink said that if someone makes a complaint, they should say who they are. If the neighbors are notified, then there should not be an issue.

The distances are laid out in the Ordinances. The times are 12:00 – 1:30 PM and 5:00 – 7:00 PM. Hank said it covers street and aircraft (Sec 24.04). Members thought that Ejercito's issue had to do with construction.

Maniaci asked about the quiet hour. Bosben-Gebhardt said it depends on how many people are sharing an area. Maniaci said there might be something in the works regarding house parties (people who sell beer to pay their rent).

Maniaci said the party she is referring to ran from early afternoon to early evening, 9:00 PM.

Bosben mentioned that a lot of people were partying during rhythm and booms and that noise covered the partying. Maniaci said that even if you have a permit, you can still get a ticket.

Hassel requested that the following be put in the record verbatim regarding the Public Comment earlier in the meeting:

"Mr. Brink, I wasn't getting the same thing that you had gotten from Ms.

Wooden's statement, when you made that statement to the Alderperson. What I had gotten was the man who was not invited to the party, to the BBQ, who allegedly works for the manager slapped a tenant and the tenant threatened, was then threatened with eviction under the nuisance ordinance. And so I need you to have that down because that is what I had gotten from the tenant. (inaudible – multiple people talking at once). Excuse me, it is important to have that down because (inaudible) and my concern is that I am hoping that we do not have some managements running around, trying to use that ordinance to you know deter people from calling the Police if they have been in fact abused, because you can't go around having people referred, and also violent people, civil rights like that. If it ends up starting to be a problem under the ordinance, and I am hoping not so that is a concern of mine."

Bosben-Gebhardt asked for clarification/restatement on the issue.

Brink said this is a clarification that he was stating something wrong, and he needs that respect back here. Bosben-Gebhardt said respect is a two-way street.

Brink wasn't trying to misrepresent anything and this clarification is saying something here. He does not understand this.

Hassel was making sure it was in the record what she understood from the conversation about the alleged incident and what her concerns were.

Brink wanted to clarify his statement, because it was unclear because we didn't ask enough questions, because we are all just trying to help out because somebody can't hit somebody and somebody can't tell you that if you call the police, you're going to get evicted. But it sounded like somehow this maintenance guy, that was why he wanted to ask because he wasn't sure if it was the maintenance guy or it was the property manager, had people over for whatever BBQ, and he did not hear it said that he wanted something to eat or not to eat, he didn't say that either. Brink was trying to say that if he's got some maintenance guy coming and telling them that they can't have this BBQ or whatever it is, how do we stop that problem? Sometimes problems start because there is really no problem at all, so he doesn't understand the clarifications on his comments of what happened. He thinks it was very clear that the person was wrong by slapping that person and that is what I wanted to clarify, who slapped the person. That was wrong in the first case. The other case that was wrong is that a manager should know better than to say if you call the police then you are going to get evicted and are in trouble now.

2. [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](#)

Maniaci wants to start a notebook, going door to door in her District, in the rental areas, and take a picture of each house. Nancy Jensen of the Apartment Association was pulling all agent data for her to have a name with the property. She wants to write a letter to all of these agencies to get the neighborhood in

better condition (helpful hints for landlords). Maniaci said this is not for the Building Inspection Staff.

Maniaci said Boston has implemented an iPhone application for "Report a Problem". Basically you can take a picture or send a message through GPS it looks where you are sending it from. Should we look at this program? Hank confirmed that Report a Problem is very popular. Hank said in 2-3 years, the Report a Problem program will be GIS integrated for public feedback complaints.

Brink said Nancy Jensen is doing something. More systematic inspections in downtown. The far reaches of the City are not getting inspected/addressed.

Hassel referenced homelessness and asking landlords to work with tenants instead of just doing evictions, increase of CDA, Section 8 payments. What they are giving the tenant vs. what they are giving the landlords? There could be a wave a homelessness from that. Obtain a copy of what was mailed out to the landlords/tenants from CDA.

Maniaci said language is being introduced for the Affordable Housing Trust Fund for Section 8. This item will come back to Housing. Maximum of \$400K, with a sunset date of January 1st. This came about in the last 3 days. Bosben-Gebhardt said they received the information at the last minute and she was displeased by this.

#### ADJOURNMENT

A motion was made by Brink, seconded by Bosben Gebhardt, to Adjourn at 5:29 PM. The motion passed by voice vote/other.