

CITY OF MADISON, WISCONSIN

4TH SUBSTITUTE ORDINANCE _____

PRESENTED November 17, 2009
REFERRED Housing Committee;
Landlord-Tenant Sub-Committee

Amending Sections 32.12(8) and 32.12(9) of the Madison General Ordinances to modify the regulations for showing and re-renting rental premises.

LEGISTAR # 16662

Drafted by: Adriana Peguero

Date: July 27, 2010

SPONSOR: Ald. Maniaci

DRAFTER'S ANALYSIS: Currently, a landlord may not enter into an apartment to show it to a prospective tenant until one-fourth of the lease period has passed, subject to some exceptions. Additionally, the landlord may not enter into a new lease for the premises until one-fourth (1/4) of the lease period has passed. This amendment will change that time period to one-half (1/2) the lease period and allow the current tenant to have the first option to renew the lease. The effective date of this ordinance is September 22, 2010.

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

1. Subsection (8) entitled "Showing Premises for Rental Purposes" of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is amended to read as follows:

"(8) Showing Premises for Rental Purposes. No landlord may enter leased premises for the purpose of showing the premises to prospective tenants until one-fourth (1/4) one-half (1/2) of the lease period has passed. This provision does not apply to: (a) entry for the purpose of subletting or if a lease period is less than nine (9) months; or (b) if a summons and complaint for eviction has been filed. (c) such dates and times agreed to in writing by the landlord and tenant, when the tenant has signed a notice of non renewal."

2. Subsection (9) of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is amended to read as follows:

"(9) Landlord and Tenant shall enter into a Non Standard Rental Provision, in the manner prescribed in Sec. 32.07(14)(f), Madison General Ordinances, that provides that Landlord will not enter into an agreement to rent the leased premises to another tenant for the subsequent lease period until after the date specified in the Non Standard Rental Provision. This provision does not apply if a lease period is less than nine (9) months. Nothing in this subsection shall prohibit a landlord from mitigating their damages after an eviction or a lease termination. (a) If Landlord and Tenant fail to enter into a Non Standard Rental Provision regarding showing premises for rental purposes, then it is presumed that the parties to the lease intend that the Rental for Subsequent Lease Period. Landlord will not rent the leased premises to another tenant for a subsequent lease period until after one-fourth (1/4) one-half (1/2) of the lease period has passed. A landlord shall rent to the current tenant (which must include all the tenants on the

Approved as to form:

lease, if more than one), if the tenant submits a rental application by the re-leasing deadline, regardless of earlier applications by others, unless the landlord has a reasonable basis to decline the renewal based on one or more of the following reasons:

- (a) Failure to pay rent due.
- (b) Behavior or conduct that results in a disruption to the rights of others to the peaceful enjoyment of the premises by the tenant or the tenant's guests.
- (c) Vandalism on the property by the tenant or the tenant's guests.
- (d) A breach of any term of the current lease.
- (e) Material misrepresentation in the application for tenancy.
- (f) The current tenants no longer satisfy the rental qualifications due to changes in the tenants' financial resources.
- (g) Other good cause."

3. This ordinance amendment is effective as of September 22, 2010.