



City of Madison

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

Thursday, February 21, 2008

4:30 PM

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

CALL TO ORDER / ROLL CALL

The meeting was called to order by Chair Sparer at 4:32 P.M.

Staff Present: George Hank, Doran Viste, and Meg Zopelis.

Present: 5 -

Eli Judge; Curtis V. Brink; Detria D. Hassel; Rose M. LeTourneau and David R. Sparer

Excused: 2 -

Brenda K. Konkel and Philip P. Ejercito

APPROVAL OF MINUTES

A motion was made by Judge, seconded by Hassel, to Approve the Minutes of January 17, 2008. The motion passed by voice vote/other.

PUBLIC COMMENT

None

DISCUSSION ITEMS

1. [08984](#) Discussion on the amount of detail that should be included in Meeting Minutes

Sparer indicated this item was to give Meg Zopelis guidance on how much detail should be included in the Meeting Minutes. Sparer said that Zopelis has been providing tremendous detail.

LeTourneau asked about how much detail had been given previously and it was noted that the Minutes now have more detail than previously. A question was asked about how you decide what to cut or what to leave in the Minutes. That is left to the discretion of the recording secretary.

Brink complimented the Minutes. It was referenced that someone may not be as

forthright when they appear in front of the Committee, but there is no misunderstanding as to what someone said or what transpired with this type of detail and Brink thinks that is fantastic.

Judge asked if Zopelis felt comfortable providing this type of detail due to the amount of time it takes. Zopelis indicated that she is comfortable providing this type of detail. She has staffed other committees and each handles their Minutes differently. Some only provide the actual motion and vote, some give summaries, and others provide a lot of detail. It is ultimately the choice of the Committee how they would like their Minutes. Judge indicated that they want more than the vote count.

LeTourneau said she likes having the public testimony detailed, as typically those people will not be there later. It is good to be able to refer back to the Minutes and know exactly what transpired.

Brink asked George Hank for his input on the detail. Hank indicated that the Minutes are very detailed and he likes that. He struggles with what you decide not to put in. When you look at the Minutes and ask what could be removed, there really is not anything that should be. Hank wants to ensure Zopelis has sufficient time to complete the rest of her work and Zopelis indicated she could complete the Minutes in a detailed manner.

Judge pointed out to Zopelis that if there was ever a time that this was affected workflow to point that out to the Subcommittee and they would be happy to lessen the amount of detail. LeTourneau indicated that most meetings do not have the amount of detail that has been present lately.

2. [08445](#) Earnest Money Draft Ordinance Discussion

Attachments: [Security Deposit Refund Procedures \(32.07\) & Earnest Money Deposits \(32.10\)](#)

The Subcommittee could not recall what was to be discussed on the Earnest Money Draft Ordinance, as it had been a while since this had been discussed. Sparer asked Doran Viste if he knew whether this Ordinance was in draft form. Viste indicated he was not familiar with this Ordinance.

Hassel did not recall speaking about this, but Sparer did. The idea was that the earnest money would be limited to one's month rent and a security deposit. He thought it had to do with low-income neighborhoods and affordable housing where landlords made people put up more money to get consideration for the apartment. Hassel then indicated that she did remember that.

There was talk about taking two months rent if someone is not able to get a guarantor. Brink mentioned that this is expanding where Ald. Konkel is trying to go, on how they can find other ways to use some of the other trust fund funds, or something else like that. The argument is that there is already a one month limit on a security deposit, and it seems weird to have the earnest money have no limit when once it turns into a security deposit, then all of the sudden there is a limit. This creates a chance for people to unknowingly screw up and violate the Ordinance. They need to bring it in line with the security deposit. Sparer thinks there should be the same limit for the purpose of avoiding people getting in

trouble by mistakenly collecting a month and a half as earnest money, and then all of the sudden they accept the person and it becomes a violation of the security deposit rule.

Brink recommended that the security deposit language and earnest money language be brought in to the next meeting, so that a discussion can take place. LeTourneau would like to look at the language because she thought if you collected earnest money, if you signed the lease the earnest way, then it had to be secured. What would you do with the extra money? Sparer said you should not collect the extra money then because you would instantly be in violation without realizing it.

LeTourneau indicated that it still does not address what her original thought was on this issue and she still does not know how to help people who have no guarantor and have no way of securing an apartment because they have no rental history or they do not qualify. That was her original intent in bringing up this idea.

3. [08446](#) Tenant Education Discussion

The subcommittee was not sure about this discussion item. Brink indicated that it came up due to an apartment association in Sun Prairie, where they are having trouble with some landlords. It was pointed out by LeTourneau that this is referring to tenant education, and not landlord. Brink apologized for misspeaking. He indicated that it was in their Landlord/Tenant Handbook. They worked on that a few years ago and they have added to it. Brink indicated that is a good document. Judge was not sure where this point came from or where this discussion was supposed to go. Sparer indicated this item should be removed from the Agenda.

4. [08447](#) Rules for Maintaining Apartments Discussion

Sparer thought Hassel brought this subject up and had concerns about making sure landlords did in fact maintain properties. Hassel indicated that the Subcommittee had already spoken about the graffiti, as that would go under the Nuisance Ordinance. Sparer indicated that the Building Code be used to enforce any issues. George Hank gave information on the Building Code and the City's procedures. If there is a problem within the building, especially the mailbox, that was one of the items that they could never really get their hands on. If there is something broken or in disrepair, the City can find some way to write it. Even with a mailbox, the City can tell somebody to correct the issue. Most items that are in an apartment building are required to be there so removal is not an option. The Ordinances are pretty inclusive when it comes to that and then there is certainly the Ordinance that governs the tenant maintaining the apartment in a clean and sanitary manner. There is the option for a landlord to call in about a tenant who is excessively unclean. The City does deal with a fair amount of tenants each year who have issues in maintaining their apartment.

LeTourneau asked what the City does when a tenant is not maintaining their apartment. Hank indicated that the City issues orders for them to clean, and tickets for when they do not. A lot of these complaints deal with mental health

issues and the City tries to pull in a caseworker to work with the tenant. The City sends a notice of everything the City expects them to do, and then works with the tenant from area to area until all issues are remedied. An example is starting in the kitchen and then going back in a week to see if that was done. If the kitchen is good, then move on to cleaning the bathroom. The City will work their way through the apartment. Generally, the City gets a reasonably good reaction to this, especially when a ticket has been written. Issues have been hording or dealing with organic matter. Once there is rotting food the standard comes up a little bit. A little bit of clutter is not treated the same as severe hording issues.

5. [08448](#) Licensing/Registration of Landlords Discussion

Brink does not feel licensing/registration of landlords is necessary because we have the committee and subcommittees that address these issues. We worry about other cities that do not have a good inspection department. Brink asked Hank to correct him if he was wrong, but he thought Hank said the biggest problem sometimes is when you cannot find a landlord, if it is for a single family home with an out-of-town owner. Brink thinks this is a bureaucracy and does not like it at all because of what it could lead to. How would you do data collection for this type of thing?

LeTourneau would like something more direct and thinks she understands why people think this would be a good idea, but she believes this would be difficult to do with licensing/registration. The landlords who are not following the many laws we have can be addressed. We have Ordinances that address problem landlords and that is why LeTourneau was in favor of the recent Ordinance that passed for problem landlords. There is more of a target for a specific problem versus just a broad program that may or may not solve any problem and may just add more steps/costs. She does not see a benefit in that.

Sparer asked about problem landlords who have been the subject of the Nuisance Ordinance. Hassel indicated they have been in the newspaper. Sparer then indicated he meant the new training the landlords are required to go through. Viste said there are a couple cases pending.

Sparer thinks that landlords should have to go through training on the Ordinances/forms to be a landlord, and then periodically after becoming a landlord. Hassel asked for clarification if Sparer meant after there was a violation by a landlord. Sparer said that he thinks it should be for everyone. Hassel thought that associations already did this, but Sparer indicated that not everyone has to take it. He thinks it should be mandatory.

Brink said they just had an apartment association convention at the Marriott and a lot of different training was done. He was concerned about closings. If you have not taken the landlord training, would it affect the closing? The landlord is one thing and the management company is another. What is the systemic problem we are going after? He is afraid that it starts benign but grows into a massive thing. He would rather concentrate on if someone were a bad landlord. Brink said they do not want bad landlords, but does not think that registration of landlords is going to help this problem. Hassel thinks the Nuisance Ordinance will address this issue.

Brink brought up a problem that they do not have much control over, which is tenant behavior. A lot of times, this bad road stuff is because we cleaned out Allied Drive. The City took over a project and cleaned it out. If it had been a private developer that knocked out 100 apartments, it would be headlines. So how are they even allowed to screen? The landlord becomes the custodian of everything, even bad behavior. Nobody wants a bad neighbor so there are some other issues here. Is a bad landlord doing something or is it the tenant that is bad and they are blaming the landlord? Is it because of the screening process, the behavior or because of the physical building? The landlords are dealing with the dynamics of the Police Department wanting the screening one way and a certain number of people want another screening. We have laws under screening.

Brink recommended having something prepared on a discussion before it appears on an Agenda. Hassel asked for clarification. Brink indicated that sometimes something is put on an Agenda because the Subcommittee cannot talk about it if it has not been noticed. If it is not really an issue that is going to be discussed, people wonder if they should be at the meeting to comment on it. LeTourneau mentioned that there did not used to be as many discussion items and that the numbering makes people think that there is something happening. Zopelis pointed out that this is the formatting for Legistar.

ADJOURNMENT

A motion was made by Judge, seconded by Brink, to Adjourn at 5:02 P.M. The motion passed by voice vote/other.