

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

August 4, 2009
Housing Committee

Amending Secs. 32.05(3), 32.07(5)(d), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be notified of their right to inspect photographic evidence and increasing various penalties.

Drafted by: Adriana Peguero

Date: July 27, 2009

SPONSORS: Alder Eagon

DRAFTER'S ANALYSIS: This ordinance requires that all check out forms shall provide notification to tenants of their right to inspect photographic evidence documenting tenant damage, waste or neglect. This ordinance also creates a bail deposit for 3rd offenses for a landlord removing or altering locks, removing doors or windows, or confiscating personal property in lieu of rent. It also creates bail deposits for existing ordinance provisions for a landlord entering a tenant's premises to show property without 24 hour notice, entering a tenant's premises without announcing presence, failure to provide complete "Tenants Rights and Responsibilities" to tenant, confiscation of a tenant's personal property, eviction of a tenant without following proper eviction procedure, and failure of a landlord to deliver possession of a dwelling to a tenant. This ordinance also increases the penalty range for violations of Chapter 32.

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

1. Subsection (3) of Section 32.05 entitled "Tenants Rights to Privacy and Exclusive Possession" of the Madison General Ordinances is amended to read as follows:

"(3) Any person who violates any provisions of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture of not more than ~~one~~ five thousand dollars (~~\$4,000~~ 5,000) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense."

2. Subdivision (d) of Subsection (5) of Section 32.07 entitled "Security Deposit Refund Procedures" of the Madison General Ordinances is amended to read as follows:

"(d) All check-out forms shall be comparable to the check-in forms. All check-out forms shall provide an obvious place for the tenant's forwarding address. Check-out forms shall also provide a space for the rent credit due and a space for the landlord's explanation for any portion of the rent credit deemed not due. All check-out forms shall provide notification to the tenant of their right to inspect photographic evidence documenting any tenant damage, waste or neglect of the premises pursuant to Sec. 32.07(14)(a), MGO. This notification shall be provided in a minimum 12-point font."

3. Subsection (1) of Section 32.14 entitled "Penalties" of the Madison General Ordinances is amended to read as follows:

Approved as to form:

“(1) Any violation of any section of Chapter 32 of the Madison General Ordinances for which there is not provided a specific penalty shall be subject to a forfeiture of ~~not less than sixty dollars (\$60) nor not more than six hundred dollars~~ two thousand dollars (\$2,000) upon conviction. Each day of violation shall be construed as a separate offense.”

4. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

“Removing or altering locks furnished with premises without consent of tenant.	32.05(1)(a)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Removing doors or windows without consent of tenant.	32.05(1)(b)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Confiscating tenants’ personal property in lieu of rent.	32.05(1)(c)	\$600, 1 st \$1000, 2 nd ; \$1800, 3 rd
<u>Entering tenant’s leased premises to show property for sale or lease without at least 24 hours notice.</u>	<u>32.05(1)(e)</u>	<u>\$600</u>
<u>Entering tenant’s leased premises without announcing presence and without identifying self.</u>	<u>32.05(1)(f)</u>	<u>\$600</u>
<u>Failure to provide complete “Tenant Rights and Responsibilities” to tenant at or prior to signing of rental agreement.</u>	<u>32.06(2)(a)</u>	<u>\$600</u>
<u>Confiscation of personal property by landlord without a proper lien agreement.</u>	<u>32.12(3)</u>	<u>\$600, 1st;</u> <u>\$1000, 2nd;</u> <u>\$1800, 3rd</u>
<u>Eviction of a tenant other than by eviction procedure specified in Wis. Stats. ch. 799.</u>	<u>32.12(5)</u>	<u>\$600, 1st;</u> <u>\$1000, 2nd;</u> <u>\$1800, 3rd</u>
<u>Failure of landlord to deliver possession of dwelling unit to tenant.</u>	<u>32.12(6)</u>	<u>\$600, 1st;</u> <u>\$1000, 2nd;</u> <u>\$1800, 3rd</u>

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved, provided the penalty range is increased.