

"Rent abatement automatically activated after the landlord has not made repairs"

"Speed up steps along the way so this process doesn't take as long"

<b>Implementation questions and concerns</b>	<b>Responses and solutions</b>	<b>Does the change create an equitable policy? Other issues?</b>	<b>Staff questions/comments/concerns</b>
<p>"Automatic" or "immediate" is too punitive and doesn't provide notice or due process rights to the property owner.</p>	<p>Rent abatement activates only AFTER a property owner is given notice of the violation, and opportunity to repair, AND fails to make repairs, AND further fails to request a hearing</p>		
<p>Ordinance has a range of rent abatement for a code violation. For example a broken window could result in rent abatement of anywhere between 5 percent and 20 percent. Which amount will be applied?</p>	<p>Option 1. The lowest amount, starting on the date of the inspection. If the renter thinks it should be more, or start sooner they can ask for a hearing w/in 10 days.</p>	<p>Option 1 is more equitable than the current process because currently the renter has to request and attend a hearing to get any abatement. However, it takes time and effort to request and attend a hearing, so this option means that all renters will get the lowest amount possible unless they can request and attend a hearing.</p>	
	<p>Option 2. The middle amount, starting on the date of the inspection. If either side thinks it should be different, or the renter thinks it should start sooner, they can ask for a hearing w/in 10 days.</p>	<p>Option 2 is similar to Option 1.</p>	
	<p>Option 3. The highest amount, starting from the date of the inspection. If the owner thinks the amount should be lower, they can ask for a hearing w/in 10 days. And, if the renter can prove they told the owner about the issue before the inspection, they can ask for a hearing w/in 10 days to have abatement start on an earlier date.</p>	<p>Option 3 seems like it could be inequitable to the owner at first glance. However, if Option 3 is not the default, then the rent abatement policy under option 1 or 2 effectively says that only renters who can request and attend a hearing can get the highest percentage allowed under the law. In doing so, the law would be declaring a very inequitable result: only renters who have the time and resources to attend hearings can obtain the full amount of rent abatement.</p>	<p>10 days not enough to issue legal notice in WSJ.</p> <p>Certified mail as a possibility instead of a legal notice? Plus email notice to RPEC contacts? Can re check what we can use RPEC for?</p>

	<p>Option 1. "The Milwaukee option." Milwaukee has renters pay rent abatement into the city which holds it in escrow. Madison could copy this system and inform renters immediately upon the 2nd inspection that they can pay all or some percentage of their rent into a city escrow account.</p>	<p>Option 1. Seems cost prohibitive with a lot of overhead to create a totally different process, and could expose the city to some added issues with holding others' funds.</p>	
	<p>Option 2. The Building Inspector sets the amount of rent abatement. Immediately upon finding an uncorrected violation on the 2nd inspection, the building inspector could inform the renter and owner of the amount to be withheld, and explain the parties rights to request a hearing w/in 10 days.</p>	<p>Option 2. The issues with this is that it creates more work for the inspectors AND they do not want to consider what the amount of rent abatement should be--they want to determine whether something is, or is not, a code violation regardless of the amount of rent someone pays.</p>	
<p>What does the process or workflow look like?</p>	<p>Option 3. Immediately upon finding an uncorrected violation on the 2nd inspection, the file is sent to the Hearing Examiner's to inform the renter and owner of the amount of rent abatement, and explain the parties rights to request a hearing w/in 10 days. The issue with this is it would involve a lot more work by the hearing examiners. Hearing examiners are contractors paid per hearing currently.</p>	<p>Option 3. This option would require revising their contracts and budgeting an increase for the extra amount and type of work they'd be doing.</p>	

Option 4. Immediately upon finding an uncorrected violation on the 2nd inspection, the file is sent to the staff in the building inspection unit (not the inspectors). Staff would inform the renter and owner of the amount of rent abatement, and explain the parties rights to request a hearing w/in 10 days.

Option 4. The issue with this is it would involve some more work by staff. However, staff are already processing paperwork to notify renters of their eligibility to request a rent abatement hearing after the 2nd failed inspection. Since this would reworking a process staff already does, this is probably the most appropriate option. Staff already learn what the amount of a renter's rent is, so they have shown they can obtain that information without it impacting the inspectors' judgment.

What if we can't get ahold of a tenant to ask for their rent amount? What's the process then?  
What if we don't have the tenant's contact info because this was a referral, common area violation, etc.?  
Do we call the complainants and ask them for their rent amount and then send a letter (postcard) to the other tenants to contact us?  
Does the tenant only have 10 days to get in contact with us to let us know their rent amount?  
Hearing is where facts get sorted out.  
No contest option?

<p><b>If a renter is "automatically" allowed to abate rent, and the amount is lowered later at a hearing, could they be evicted?</b></p>	<p>If the renter was told they can "immediately" withhold rent, then this concern could manifest. Therefore, notices to renters and owners following the 2nd inspection should clearly state that rent withholding of [insert amount] may commence on [insert date] unless EITHER SIDE requests a hearing within 10 days. If either side does request a hearing, staff sends a notice on or about day 11 to inform both renter and owner if a hearing has been requested and when it will be, the notice further reiterates that no abatement can begin until after the hearing concludes and the hearing examiner issues an order.</p>	<p>The issue with pausing rent abatement if EITHER side requests a hearing is that renters who informed the owner early will not get rent abatement until later if they ask for a hearing. In other words, they are disincentivized (rather than rewarded) for trying to work things out informally. Therefore, a more equitable policy would have notices to renters and owners following the 2nd inspection clearly state that rent withholding of [insert amount] may commence on [insert date] unless the OWNER requests a hearing within 10 days. Staff sends a notice on day 11 to inform both renter and owner if a hearing has been requested and when it will be. If the OWNER requested a hearing, no abatement can begin until after the hearing concludes and the hearing examiner issues an order. If the owner did not request a hearing, abatement may begin at the set amount, starting on the date of the initial inspection. And if only the renter requested a hearing within 10 days in order to seek an earlier start date, they can still begin rent abatement on day 11. At a hearing when only the renter has filed a request, the only issue will be whether the renter can prove they notified the owner of the issue earlier than the initial inspection.</p>	<p>If the renter has filed a hearing request, they will also be able to ask for abatement on items that the inspector did not flag as eligible.</p> <p>Landlord would pick hearing times, tenant may not be available. How will we schedule? What if the owner purposefully chooses a time the tenant cannot attend?</p> <p>Does a tenant have to attend? Does the landlord have to schedule out to within a certain number of weeks?</p> <p>Do we make available other times/days for hearings?</p> <p>What if both the tenant and the owner call for a hearing? Whoever calls first gets to schedule?</p>
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