

32.05 TENANTS RIGHTS TO PRIVACY AND EXCLUSIVE POSSESSION.

(1) It shall be unlawful for the owner or operator of any residential dwelling unit to commit or permit any of the following acts which tend to interfere with the rights of the tenant therein to privacy and the exclusive possession of the premises and personal property therein:

(a) Removing, altering or replacing locks affixed to the premises unless a key is immediately provided to the tenant therein so as not to deny the tenant access except as is necessary to preserve or protect the premises in the event of damage or destruction in the tenant's absence. In such a case, a key shall be provided to the tenants as soon thereafter as practicable.

(b) Removal of doors or windows without the consent of the tenant therein except as is reasonably necessary to preserve or protect the premises when damage or destruction occurs in the tenant's absence.

(c) Confiscation of personal property belonging to tenants in lieu of rent or any other alleged claim.

(d) Except as provided in Subdivision (e), entering on a tenant's leased property including the shared areas within a single dwelling unit without at least twenty-four (24) hours notice of the specific date and approximate time of entry unless the tenant approves a shorter period of notice on a case by case basis, except when the landlord reasonably believes that entry is necessary to preserve or protect the premises from damage or destruction which is not intentionally caused by the landlord.

(e) Entering upon a tenant's leased premises solely to show the property for sale or lease without at least twenty-four (24) hours notice, the notice shall indicate the exact time of entry and the length of stay not to exceed a combined total of three (3) hours per day and shall cover not more than three consecutive days, unless the tenant approves a shorter period of notice or a larger window of availability on a case-by-case basis. (Am. by ORD-10-00016, 2-18-10)

(f) No landlord may enter a dwelling unit during tenancy without first announcing his or her presence to persons who may be present in the dwelling unit, and identifying himself or herself upon request. (Cr. by Ord. 12,533, 2-18-00)

(g) A landlord may regulate guests, but may not prohibit, a tenant from having all guests. Guest regulations, if any, shall be included in the rental agreement. Guest regulations shall be in conformance with the definition of a Family provided in Chapter 28 of Madison General Ordinances. Guest regulations shall not permit the violation of zoning regulations, including capacity standards, provided in Chapter 28 of Madison General Ordinances. Nothing in these ordinances shall prohibit a landlord from commencing an eviction action against a tenant for permitting a person to reside in the tenant's rental unit in violation of Madison General Ordinances or state law. (Cr. by Ord. 12,932, 12-11-01)