

CITY OF MADISON, WISCONSIN

5TH SUBSTITUTE ORDINANCE _____

PRESENTED November 17, 2009
REFERRED 2/22/11 CC Meeting

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

LEGISTAR # 16662

Drafted by: Adriana Peguero
Date: February 11, 2011
SPONSOR: Alds. Maniaci & Verveer

DRAFT

DRAFTER'S ANALYSIS: Currently, a landlord may not enter into a new lease for the premises until one-fourth (1/4) of the lease period has passed. This amendment adds language prohibiting a landlord from offering a lease renewal for the subsequent year to the current tenant until one-fourth (1/4) of the lease has passed. If the landlord offers a renewal, the tenant has 30 days to accept the renewal offer and the landlord may not lease the premises to another tenant during that period. The effective date of this ordinance is March 1, 2011.

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

1. 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 Landlord will not rent the leased premises to another tenant for a subsequent lease period until after one fourth (1/4) of the lease period has passed.~~

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) of the lease period has passed.

(a) A landlord may not offer a lease renewal to a current tenant until one-fourth (1/4) of the lease period has passed. The tenant then has thirty (30) days from that point in time to consider and accept a renewal offer. If a renewal has been offered, a landlord may not lease the premises during that period to another prospective tenant, unless the current tenant responded and indicated they will not be accepting the renewal offer."

2. This ordinance amendment is effective to all leases entered into after as of March 1, 2011.

Approved as to form: