

Dear Common Council Alders, ALRC members, and others receiving this letter,

The ASM Legislative Affairs Committee has given serious consideration to the proposed Nuisance Party Ordinance. After much discussion and having many questions answered by Mark Woulf, we are in opposition to the proposed Nuisance Party Ordinance.

We commend the creativity of this ordinance and believe that the general concept of making landlords more accountable and present with the tenants is great. We also agree that the actual qualifications for identifying a nuisance party are reasonable and provide a clear definition of such an event.

However, we believe that in general, the legislation is too ambiguous. We are particularly concerned that there are too many potential loopholes for landlords. Despite the clause in 6(b)iii that states “A premise owner shall be prohibited from delegating or otherwise assigning any forfeiture assessed against the premise owner under this section to any occupant/tenant of the premises where the violation occurred,” we are worried that landlords will find loopholes, or other ways to write clauses into their leases that would allow for the fines to be indirectly passed on to tenants or occupants.

This particularly worries us in light of the passage of SB107. This legislation only adds to the loss of many tenant rights and creates more barriers to students understanding their rights, which is problematic given the fact that most students do not currently comprehend their rights now.

We understand the intent of this legislation is to target absent landlords. However, the absent landlords are generally the landlords that own huge property companies and can most likely afford to pay a Nuisance Party fine, or in the worst case scenario afford to lose a few tenants. We worry that this legislation will not accomplish its intent of making absent landlords more involved.

However, if it were to make absent landlords more involved, we believe that involving the landlord in this type of situation, particularly landlords that are absent, will only contribute to a negative power dynamic between landlords and student renters. Many students in Madison are new at renting and do not have relationships with their landlords at all, especially the ones uninformed. The Nuisance Party Legislation could make fines and threats of eviction the only interaction between often absent landlords and student renters, worsening already negative relationships.

In addition, there are no clear guidelines in the legislation that specifically outline the steps a landlord needs to take with a tenant to demonstrate he/she is in fact working with the occupant. Nor are there any clear guidelines demonstrating how the police force should execute this ordinance.

Further, we believe that adding on additional fines for essentially the same thing that police fine for is excessive. A fine will hit most students hard. Increasing a fine will make it harder for the students to pay the fine off, but it is unclear whether this additional fine will actually deter students from having parties in the future. We understand that the statistics are difficult to come by, but we think that it is important to know the rates of reoccurring house parties.

We do not believe that this legislation is in the best interest of students or the city. We ask that you vote against it.

Sincerely,
Legislative Affairs Committee, ASM