

Stringent Tenant Rights in Dane County

by Robyn George

Introduction

Encompassing a diverse demographic of tenants due to its unique location, Dane County holds a responsibility to ensure that no tenant is being taken advantage of: college student, public official, educator or any other occupation. As one of the most populous counties in Wisconsin, discrete policy is needed to help tenants overcome common predatory practices that property managers employ in the area.

Problem Description

Of Dane County's 536,695 residents¹, approximately 8.2%² of individuals attend UW-Madison as either undergraduate students, graduate students, special students or professional students. In addition, UW-Madison employs 22,365³ faculty and staff members, with a majority residing in Dane County. Based on this data, it is evident that the University of Wisconsin-Madison's geographical location in Dane County has subsequent effects on the policy and economy surrounding property leases. One of these policy effects is short end leases. Several leasing companies surrounding the UW-Madison campus motivate students to sign short-end leases, typically ending the term around mid-August to allow for transition cleaning, while still charging the tenant a full month's rent. In addition to signing short-end leases, college tenants are often given only 1-3 months of occupancy in their unit before being asked to re-sign for the following year. For most college students, 1-3 months of occupancy is not enough time to know what their financial and academic plans will be for the next year. With the threat of losing the chance to re-sign their lease, often these tenants will re-sign anyways and be left in unideal situations the following year.

¹ <https://www.census.gov/quickfacts/danecountywisconsin>

² <https://www.wisc.edu/about/facts/>

³ <https://www.wisc.edu/about/facts/>

Policy Description

Policy is currently being proposed to the state legislature in Minnesota, based on statistics parallel to Dane County affecting the University of Minnesota, addressing short-end leases and re-signing periods. Section 1 of Minnesota SF 4075/HF 3759, hopes to end the harmful effects of short-end leases by requiring landlords to prorate rent for the short-end period of time. Section 2 of the bill prohibits landlords from requiring tenants to renew their lease until at least four months past the beginning of the lease.⁴ It is advisable that a policy similar to Minnesota SF 4075/ HF 3759 be adopted in the Wisconsin Senate or Assembly.

Policy Analysis

Minnesota SF 4075/ HF 3759 states that “When a lease term for a residential unit ends on a date before the last day of the final month, the amount of rent to be paid for the final month owed for the final month of rent must be prorated for the actual number of days the tenant is allowed to occupy the unit“ (Dziedzic, 2020). The bill does not, however, discuss the application of this bill to leases starting mid-way through a month. For example, for a lease beginning August 15, 2020 and ending August 15, 2021, the lease does end before the last day of the month, however, the remaining 15 days are included in one month of rent beginning July 15, 2021. This weakness, in addition to the lack of discussion regarding implementation of the policy, highlight areas of growth when adapting the policy for Dane County.

The prorating structure as a solution to short-end leasing is one strength from this policy. Offering a solution to the leasing agreement as opposed to a simple ban on short-end leasing makes the probability of success it’s implementation much greater. Additionally, the specification included in section 2 of SF 4075/ HF 3759, clarifying that the policy would only affect leases of 10 months or greater, accounts for the possible losses by landlords between 9 months leases without the short-end period.

Recommendations

To overcome the weaknesses surrounding specifications in the previous section, it is recommended that the legislation discuss implementation and regulation more thoroughly. Information including how the legislature will quantify the success of

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https://www.revisor.mn.gov/bills/text.php?number=SF4075&version=0&session=ls91&session_year=2020&session_number=0

this bill is important to its implementation. Furthermore, discussing the policy's applications for leases beginning part-way through a month is important to assure that tenants do not pay more or less than intended in the lease agreement. Finally, appropriating additional financial resources for the Dane County Tenant Resource Center would help assure that the policy has the greatest impact possible for Dane County residents.⁵

Sources

Dziedzic, K. (2020). Minnesota State Legislature SF 4075. Retrieved December 19, 2020, from <https://www.revisor.mn.gov/bills/text.php?number=sf4334>

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⁵ <https://www.tenantresourcecenter.org/>