



Legislation Details (With Text)

File #: 15526 **Version:** 3 **Name:** Photographic evidence-tenant/landlord
Type: Ordinance **Status:** Passed
File created: 7/27/2009 **In control:** HOUSING COMMITTEE (ended 6/2012)
On agenda: 11/9/2009 **Final action:** 11/9/2010
Enactment date: 11/17/2010 **Enactment #:** ORD-10-00108

Title: SUBSTITUTE Amending Secs. 32.05(3), 32.07(7)(b), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be informed in a notice of a specific font of their right to inspect photographic evidence and increasing various penalties.

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Indexes:

Code sections:

Attachments: 1. Bail deposit table, 2. Version 1, 3. Version 2

Date	Ver.	Action By	Action	Result
11/9/2010	3	COMMON COUNCIL	Adopt Unanimously	Pass
12/2/2009	2	HOUSING COMMITTEE (ended 6/2012)	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
11/4/2009	2	HOUSING COMMITTEE (ended 6/2012)		
10/15/2009	1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE (ended 6/2012)	Table	Fail
10/7/2009	1	HOUSING COMMITTEE (ended 6/2012)		
9/17/2009	1	LANDLORD AND TENANT ISSUES SUBCOMMITTEE (ended 6/2012)		
9/2/2009	1	HOUSING COMMITTEE (ended 6/2012)	Refer	Pass
9/1/2009	1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
8/4/2009	1	HOUSING COMMITTEE (ended 6/2012)	Refer	
8/4/2009	1	COMMON COUNCIL	Referred	
7/27/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There may be a minor increase in General Fund revenues derived from fines, but no significant fiscal impact is anticipated.

Title

SUBSTITUTE Amending Secs. 32.05(3), 32.07(7)(b), 32.14(1) and 1.08(3)(a) of the Madison General Ordinances to require that tenants be informed in a notice of a specific font of their right to inspect photographic evidence and increasing various penalties.

Body

DRAFTER'S ANALYSIS: This ordinance requires that a notice be in a 10-point font that the tenant will be provided a copy of the photographs documenting any damage, waste or neglect of the premises being charged to the tenant if such notice is requested by the tenant. This ordinance also creates a bail deposit for 3rd offenses for a landlord removing or altering locks, removing doors or windows, or confiscating personal property in lieu of rent. It also creates bail deposits for existing ordinance provisions for a landlord entering a tenant's premises to show property without 24 hour notice, entering a tenant's premises without announcing presence, failure to provide complete "Tenants Rights and Responsibilities" to tenant, confiscation of a tenant's personal property, eviction of a tenant without following proper eviction procedure, and failure of a landlord to deliver possession of a dwelling to a tenant. This ordinance also increases the penalty range for violations of Chapter 32.

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

1. Subsection (3) of Section 32.05 entitled "Tenants Rights to Privacy and Exclusive Possession" of the Madison General Ordinances is amended to read as follows:

~~"(3) Any person who violates any provisions of this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to forfeiture of not more than one five thousand dollars (\$1,000 5,000) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense."~~

2. Subdivision (b) of Subsection (7) of Section 32.07 entitled "Security Deposit Refund Procedures" of the Madison General Ordinances is amended to read as follows:

~~"(b) A written, itemized statement showing the specific reason or reasons for the withholding of the deposit or any portion of the deposit, applicable receipts and estimates including the necessary hours and the wage rate for the work done or to be done any rent credit due, and a notice, in a minimum of ten-(10) point font, that the tenant will be provided a copy of the photographs documenting any damage, waste or neglect of the premises being charged to the tenant if requested by the tenant in writing within 30 days of receipt of the notice. Upon receipt of a timely request, the landlord has 30 days to provide the tenant a copy of the photographs maintained by the landlord under Sec. 32.07(14)(a) documenting the damage, waste or neglect. The landlord shall not be held responsible for the inability of the Post Office to complete delivery of a first class letter."~~

3. Subsection (1) of Section 32.14 entitled "Penalties" of the Madison General Ordinances is amended to read as follows:

~~"(1) Any violation of any section of Chapter 32 of the Madison General Ordinances for which there is not provided a specific penalty shall be subject to a forfeiture of not less than sixty dollars (\$60) nor not more than six hundred dollarstwo thousand dollars (\$6002,000) upon conviction. Each day of violation shall be construed as a separate offense."~~

4. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

"Removing or altering locks furnished with premises without consent of tenant.	32.05(1)(a)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Removing doors or windows without consent of tenant.	32.05(1)(b)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Confiscating tenants' personal property in lieu of rent.	32.05(1)(c)	\$600, 1 st \$1000, 2 nd ; \$1800, 3 rd
Entering tenant's leased premises to show property for sale or lease without at least 24 hours notice.	32.05(1)(e)	\$600
Entering tenant's leased premises without announcing presence and without identifying	32.05(1)(f)	\$600

self.

Failure to provide complete "Tenant Rights and Responsibilities" to tenant at or prior to signing of rental agreement.	32.06(2)(a)	\$600
Confiscation of personal property by landlord without a proper lien agreement.	32.12(3)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Eviction of a tenant other than by eviction procedure specified in Wis. Stats. ch. 799.	32.12(5)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd
Failure of landlord to deliver possession of dwelling unit to tenant.	32.12(6)	\$600, 1 st ; \$1000, 2 nd ; \$1800, 3 rd

EDITOR'S NOTE: ~~New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved, provided the penalty range is increased.~~