



Legislation Text

File #: 82573, Version: 2

Fiscal Note

No City appropriation required.

Title

SUBSTITUTE: Repealing Sections 32.03 and 33.34, Creating 33.23, and Amending Sections 3.12, 32.04, and 32.18 of the Madison General Ordinances to combine the duties of Landlord and Tenant Issues Committee and Housing Strategy Committee into the newly formed Housing Policy Committee.

Body

DRAFTER'S ANALYSIS: This ordinance combines the duties of the current Landlord and Tenant Issues Committee and Housing Strategy Committee into one new committee called the Housing Strategy Committee. In order to merge these two committees into one, this ordinance creates the new committee, repeals the ordinances for the existing committees, and amends remaining ordinances that reference the repealed committees as needed.

The substitute clarifies that this ordinance will take effect on November 15, 2024.

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

1. Section 33.23 entitled "Housing Policy Committee" of the Madison General Ordinances is created to read as follows:

33.23 - HOUSING POLICY COMMITTEE

- (1) Creation. This ordinance creates a Housing Policy Committee for the City of Madison.
- (2) Membership. The Housing Policy Committee shall consist of nine (9) members appointed by the Mayor and subject to approval by the Common Council. Two (2) members shall be alders. The other members shall be resident members that bring, collectively, a variety of different perspectives and experience on issues affecting housing, including its production and management, financing, purchase or lease. Members shall serve without compensation. The members shall annually elect non-Council members to serve as chairperson and vice-chairperson, however, the initial chairperson shall be selected by the Mayor. The Mayor shall strive to appoint members drawn from the following portions of the community: neighborhood groups, tenant organizations, apartment owners' organizations, college or university students, business people, educational institutions and the development community.
- (3) Terms. All resident members shall be appointed for three-year terms, however, the initial terms of three (3) of the resident members shall expire on April, 30 2026. Initial terms of the remaining four (4) resident members shall expire on April 30, 2027. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The terms of the alders shall expire with the expiration of their terms in office.
- (4) Powers and Duties. The Housing Policy Committee shall have the following powers, duties, and functions:
 - (a) Provide guidance to the City's Department of Planning, Community and Economic Development, the Mayor, and the Common Council in the development and furtherance of City goals and objectives around meeting the rental and owner-occupied housing needs in Madison. This includes market rate, affordable, and low-income housing.
 - (b) Make recommendations to the Mayor and the Common Council on aspects of landlord and

tenant policies and issues, including Madison General Ordinances *Chapter 32 (Landlord and Tenant) which includes rent abatement matters.*

- (c) Review, monitor and evaluate available data and reports, including the Housing Snapshot Report and the Analysis of Impediments to Fair Housing, which describe local housing conditions and trends, for information helpful in identifying emerging issues, challenges, or deficiencies in the housing market, with particular focus on lower-income households.
 - (d) Provide a forum for raising and discussing key housing issues, trends and challenges the City and its residents face, and issues of interest to the Mayor, Common Council or community members.
 - (e) Provide a forum for discussion and communication about landlord-tenant policy issues.
 - (f) Solicit input to get a range of perspectives about local housing issues and needs from subject matter experts, including developers, lenders, consumers and advocates, community stakeholders, and the public.
 - (g) Identify and try to learn from policies, initiatives and best practices that have proven effective in improving housing outcomes in other communities.
 - (h) Identify impediments to meeting local housing needs, particularly for households with lower incomes, and recommend proposals to help overcome them. Those proposals may include the adoption, refinement or implementation of City policies, programs, or regulatory frameworks affecting housing in Madison, market rate and affordable.
 - (i) Review the Analysis of Impediments to Fair Housing report prepared by the Department of Planning and Community and Economic Development staff and forward the report with the Committee's recommendations to the CDBG Committee, Mayor, and Common Council for their action and inclusion in the 5-year Consolidated Plan required by U.S. Department of Housing and Urban Development.
- (5) Staff. The Department of Planning and Community and Economic Development shall provide staff support for the Housing Policy Committee and shall receive and retain all documents, reports and records relating thereto.
- (6) Meetings. The Housing Policy Committee shall meet on an as needed basis, typically once each month, and shall conduct its business in accordance with rules which it may establish.
- (7) Effective Date. This ordinance shall become effective on November 15, 2024.

2. Section 32.03 entitled "Landlord and Tenant Issues Committee" of the Madison General Ordinances is repealed.

3. Section 33.34 entitled "Housing Strategy Committee" of the Madison General Ordinances is repealed.

4. Subdivision (a) of Subsection (4) entitled "Department Duties, Functions, and Responsibilities" of Section 3.12 entitled "Department of Planning and Community and Economic Development" is amended as follows:

- "(a) To provide the necessary administrative and staff support services to the Plan Commission; the Urban Design Commission; the Landmarks Commission; the Economic Development Committee; the Zoning Board of Appeals; the Community Development Block Grant Committee,

the Community Services Committee, the Early Childhood Care and Education Committee, the Committee on Aging, the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals; the Madison Arts Commission; the Long Range Transportation and Planning Commission; the Madison Area Transportation Planning Board (and any successors to these boards and commissions); the ~~Housing Strategy Committee~~; the ~~Landlord and Tenant Issues Committee~~ Housing Policy Committee and any other so subsequently created boards, committees, or commissions functioning within the purview of the department's duties or functions.”

5. Subdivision (c) entitled “Designation of Rent Impairing Violations” of Subsection (4) entitled “Authorization of Rent Abatement” of Section 32.04 entitled “Rent Abatement” is amended as follows:

“(c) Designation of Rent Impairing Violations. The Common Council shall, after notice and public hearing, adopt a list of violations of the provisions of Chapters 7, 18, 19, 27, 28, 29, 30 and 32 of the Madison General Ordinances to be classified as "rent impairing" as above defined. Said list shall contain a brief description of the condition constituting the violation, the section of the ordinances violated and the percentage range of possible rent abatement. The ~~Landlord and Tenant Issues~~ Housing Policy Committee may at any time recommend a change in the number of violations, their descriptions or the percentage of possible rent abatement for a particular violation but no such change shall be made except in the manner set forth above.”

6. Paragraph 1. entitled “Contesting a Rent Abatement Order” of Subdivision (e) of Subsection (4) entitled “Authorization of Rent Abatement” of Section 32.04 entitled “Rent Abatement” is amended as follows:

1. Contesting a Rent Abatement Order. A landlord or a tenant of a property where a tenant is entitled to abate a portion of their rental payment under this Ordinance shall have thirty (30) days from the date of mailing of the certified letter containing the Notice of Uncorrected Rent Impairing Violations to file a request for a hearing on all or part of the authorization for rent abatement. The request shall be in writing on a form approved by the ~~Landlord and Tenant Issues~~ Housing Policy Committee, shall state with specificity the name and address of the landlord, the name and address of the tenant, the address of the subject property and the rent impairing violation(s) ordered by the Building Inspection Division, which are being contested, and shall be filed with the Building Inspection Division. Within ten (10) days of the filing of the request, the Department of Planning and Community and Economic Development staff shall select a Hearing Examiner from the Rent Abatement Hearing Examiner panel, set a time and place for the hearing and give the landlord and the tenant(s) written notice thereof. The hearing shall be held as soon as possible, but not prior to the end of the 30-day notice period. Notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the landlord and tenant(s) at least ten (10) days prior to the hearing.

7. Paragraph 3. entitled “Conduct of Hearing” of Subdivision (e) of Subsection (4) entitled “Authorization of Rent Abatement” of Section 32.04 entitled “Rent Abatement” is amended as follows:

3. Conduct of Hearing. The Rent Abatement Hearing Examiner shall conduct the appeal hearing on the request for authorization for rent abatement, shall administer oaths to all witnesses and may issue subpoenas upon request of the parties. So far as practicable the rules of evidence in Wis. Stat. § 227.45 shall be followed. The landlord and the

tenant may be represented by counsel or other representative, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded on tape. If a review is sought of the Hearing Examiner's decision, a written transcript shall be prepared at no cost to the parties, provided however that a reasonable fee may be charged for copies. For all other purposes, a copy of the tape recordings shall be supplied to anyone requesting the same at the requester's expense. If either party requests a stenographic recording and transcription, the ~~Landlord and Tenant Issues~~ Housing Policy Committee shall make the necessary arrangements, but the expense shall be borne by the requesting party. If a tenant filed a request for the hearing, it is the tenant's burden to show a preponderance of the evidence that the date the violation first existed is earlier than the date of the first inspection, as documented in a public record or any other record that may be verified by the Hearing Examiner. The rent abatement start date will be the only issue addressed at the hearing unless the landlord has also filed a request for a hearing. If the landlord filed a request for a hearing, it is the landlord's burden to show by the preponderance of the evidence that any rent impairing violations were negligently or willfully caused by the tenant or the tenant's guests or that the tenant's refusal to allow entry prevented the landlord from making the corrections in a timely manner. Thereafter, the tenant has the burden to show that any such refusal was reasonable under the circumstances. Either party may present additional evidence on the nature, extent and seriousness of violations, the length of time conditions existed and the extent to which the tenant was deprived of the full use of the rented premises, to assist in determining the rent abatement start date and the percent of abatement which should be allowed.

8. Subdivision (h) entitled "Enforcement" of Subsection (4) entitled "Authorization of Rent Abatement" of Section 32.04 entitled "Rent Abatement" is amended as follows:

- (h) Enforcement. Whenever, in the judgment of the ~~Landlord and Tenant Issues~~ Housing Policy Committee, the judicial enforcement of the ordinance is necessary, the Committee shall in writing request the City Attorney to enforce the ordinance in the name of the City of Madison.

9. Subdivision (c) of Subsection (6) of Section 32.18 entitled "Landlord and Tenant Best Practices Certification Program" is amended as follows:

- (c) A landlord shall have the right to appeal the Director's findings under this Section, to the ~~Landlord and Tenant Issues~~ Housing Policy Committee for de novo review, by filing a written notice of appeal within thirty (30) days after the landlord receives notice of the Director's determination. The notice of appeal shall be filed with the City Clerk. The Committee shall hold a hearing within forty-five (45) days after the notice is filed with the City Clerk. The landlord shall be notified at least ten (10) days before the hearing.

10. Subdivision (d) entitled "Hearing" of Subsection (6) entitled "Duration of Abatement" of Section 32.18 entitled "Landlord and Tenant Best Practices Certification Program" is amended as follows:

- (d) Hearing. At the hearing, the landlord and the director may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the ~~Landlord and Tenant Issues~~ Housing Policy Committee shall act as the chair of the hearing and shall conduct the hearing, administer oaths to witnesses, and

may issue subpoenas. The rules of evidence provided in Wis. Stat. § 227.45 for administrative proceedings shall be followed. The staff shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.

EDITOR'S NOTES:

Section 32.03 entitled "Landlord and Tenant Issues Committee" of the Madison General Ordinances currently reads as follows:

Section: 32.03 - LANDLORD AND TENANT ISSUES COMMITTEE.

- (1) Creation. There is hereby created a Landlord and Tenant Issues Committee for the City of Madison.
- (2) Composition.
 - (a) The Landlord and Tenant Issues Committee shall consist of seven (7) members plus one (1) resident alternate member appointed by the Mayor and subject to approval by the Common Council. At least one, but not more than two (2) members shall be alderpersons. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Housing Strategy Committee.
 - (b) One (1) resident member appointment shall be a representative of a tenant organization, and one (1) resident member appointment shall be a representative of an apartment owner's organization. One (1) resident member will be a student at a Madison area university or college. Because these members are chosen as representatives of certain groups, these members' actions as committee members are exempted from the provisions of Secs. 3.35(5)(a)1. and 3., MGO, solely to the extent that their position or actions affect or may result in a benefit to the groups they represent.
- (3) Terms. All resident members shall be appointed for three year terms, however, the initial terms of four (4) of the resident members shall expire on April 30, 2013. Initial terms of the remaining three (3) resident members shall expire on April 30, 2014. The resident alternate member will have a one- (1) year term. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The term of any alderperson shall expire with the expiration of his or her term in office.
- (4) Powers and Duties. The Landlord and Tenant Issues Committee shall have the following powers, duties, and functions:
 - (a) Serve as a forum for discussion and communication about landlord-tenant issues;;
 - (b) Make recommendations to the Mayor and the Common Council on all aspects of landlord and tenant policies and issues, including landlord and tenant issues in Chapters 27 and 32 of the Madison General Ordinances; and
 - (c) Perform the functions formerly exercised by the Rent Abatement Oversight Committee:
 1. Adopt such rules and regulations, subject to approval by the Common Council, as may be necessary to carry out the purpose and provisions of the rent abatement process in Sec. 32.04, MGO.

2. Recommend to the Common Council additions to, deletions from, and changes in the Schedule of Rent Impairing Violations in Sec. 32.04(5)(d) as well as other provisions in Chapter 32 that the Committee believes are appropriate for Common Council action.
 3. Approve forms for the use of tenants, landlords, the Building Inspection Division of the Department of Planning and Community and Economic Development and Rent Abatement Hearing Examiners to facilitate the rent abatement process in Sec. 32.04, MGO.
 4. Institute procedures for the selection of Rent Abatement Hearing Examiners for the setting of a time and place for rent abatement hearings and for the giving of notice thereof to interested landlords and tenants within ten (10) days of the filing of a request for a hearing concerning authorization for rent abatement with the Building Inspection Division of the Department of Planning and Community and Economic Development.
 5. Establish criteria and procedures for waiving the ten dollar (\$10) filing fee in cases of economic hardship.
 6. Maintain statistics on the number of requests for hearings concerning authorization for rent abatement, the number of hearings held and the results thereof including, but not limited to such information as the following:
 - a. Whether abatement was granted and, if so, in what percentage.
 - b. Where abatement was denied, the specific reason therefor.
 - c. The amount of time elapsed between the filing of the request for a hearing and the issuance of a decision.
 7. In order to assist in determining the effectiveness of the abatement process and to ensure full enforcement of the abatement ordinance, the Committee shall also maintain additional statistics which may include such other information as the following:
 - a. The amount of time elapsed between the initial inspection and authorization for abatement, if any.
 - b. Any extensions of time to effect compliance with inspection orders for repairs to residential rental property.
 - c. The number of inspection orders forwarded to the City Attorney for prosecution, the date referred and the final disposition of such referrals.
 - d. The number of requests to the City Attorney for enforcement of a Hearing Examiner's order or for prosecution for failure to obey same including such information as the date of referral, the action taken by the City Attorney, the date on which final action was taken and the outcome of such action including abatement amounts secured for a tenant and forfeitures imposed.
 8. Staff. The Building Inspection Division of the Department of Planning and Community and Economic Development shall provide staff support for both the Landlord and Tenant Issues Committee and for the Rent Abatement Hearing Examiners and shall receive and retain all documents, reports and records relating thereto.
- (5) Meetings. The Landlord and Tenant Issues Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish. The Director of the Building Inspection Division or his or her designee shall provide staff assistance to the Landlord and Tenant Issues Committee, shall serve as its Secretary, but shall not vote. The City Attorney or his or her designee shall furnish the Landlord and Tenant Issues Committee with legal assistance necessary to carry out its functions.

Section 33.34 entitled "Housing Strategy Committee" of the Madison General Ordinances currently reads as follows:

Section: 33.34 - HOUSING STRATEGY COMMITTEE.

- (1) Creation. There is hereby created a Housing Strategy Committee for the City of Madison.
- (2) Composition. The Housing Strategy Committee shall consist of nine (9) members appointed by the Mayor and subject to approval by the Common Council. Two (2) members shall be alders. The other members shall be resident members. Members shall serve without compensation. The members shall elect annually from among their resident members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Landlord and Tenant Issues Committee.
- (3) Terms. All members shall be appointed for three-year terms, however, the initial terms of three (3) of the resident members shall expire on April 30, 2014. Initial terms of the remaining four (4) resident members shall expire on April 30, 2015. Thereafter, each resident member shall be appointed for a three-year term commencing on May 1st and expiring on April 30th. The terms of the alders shall expire with the expiration of their terms in office.
- (4) Powers and Duties. The Housing Strategy Committee shall have the following powers, duties, and functions:
 - (a) The Committee will serve as a forum for discussion and communication about housing strategies.
 - (b) The Committee shall establish a schedule for the Department of Planning and Community and Economic Development to prepare and submit a biennial housing report to the Mayor and the Common Council which will include the following:
 1. Current data on Madison and regional housing supply and trends;
 2. Strategies for maintaining a broad range of housing choices for all households and income levels; and
 3. Strategies for maintaining and increasing affordable owner-occupied and rental housing in Madison and the region.
 - (c) The Committee will review the biennial housing report prepared by the Department of Planning and Community and Economic Development staff and forward the report with the Committee's recommendations to the Mayor and Common Council for their action. The schedule should include a Committee public hearing to request recommendations for special problem areas to consider in the next biennial report.
 - (d) In addition to the foregoing, the Housing Strategy Committee shall have such other powers, duties and functions related to housing as are conferred on it by the Mayor and the Common Council from time to time.
- (5) Staff. The Department of Planning and Community and Economic Development shall provide staff support for the Housing Strategy Committee and shall receive and retain all documents, reports and records relating thereto.
- (6) Meetings. The Housing Strategy Committee shall meet once a month and shall conduct its business in accordance with rules which it may establish.