



Legislation Text

File #: 03212, Version: 2

Fiscal Note

No expenditure required.

Title

SUBSTITUTE - Repealing Section 3.69(22) and amending Sections 32.12(15) and (16) of the Madison General Ordinances to eliminate the Section 8 Advisory Committee.

Body

DRAFTER'S ANALYSIS: This ordinance eliminates the Section 8 Advisory Committee. Violations that were to be reported to that Committee are now to be reported to the City Attorney for prosecution.

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

1. Subsection (22) entitled "Section 8 Advisory Committee" of Section 3.69 entitled "Community Development Authority of City of Madison" is hereby repealed.
2. Subsection (15) entitled "Rent in Place" of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is amended to read as follows:

"(15) Rent In Place. It shall be unlawful for a landlord to: terminate the tenancy of a tenant, prior to the last day of tenancy under the existing rental agreement, based solely upon the tenant's participation in, or the requirements of the federal Section 8 program, when the tenant has received a voucher for the federal Section 8 program from the CDA; or refuse to accept rent payments in the form of a federal Section 8 voucher when the tenant has received said voucher after the approval of the rental application.

(a) Amendments and Extension of Lease. Any amendments to the rental agreement, or any rental agreement, which may be required by the tenant's participation in the federal Section 8 program shall not extend the term of the tenancy beyond the last day of the rental agreement, unless the tenant and landlord agree to such an extension.

(b) Referral to City Attorney. A refusal by a landlord to participate in the Section 8 Program when a tenant has received a voucher for it from the CDA prior to the last day of tenancy under the existing rental agreement may be reported to the CDA, who shall refer the refusal to the ~~Section 8 Advisory Committee.~~ City Attorney. ~~The Section 8 Advisory Committee shall investigate the refusal. The Section 8 Advisory Committee shall gather evidence and provide recommendations to the City Attorney's office regarding the rejection.~~ A landlord found to have wrongly denied tenancy under the Section 8 program may be prosecuted by the City Attorney's office and, upon conviction, shall be subject to the penalties under Sec. 32.12(16) of these ordinances.

(c) Repeal. ~~If the Section 8 Advisory Committee recommends the repeal of this Subsection, the Common Council Organization Committee shall cause to be drafted and introduced an ordinance repealing this Subsection with an effective date of January 1, 2005. The Common Council shall take action on this proposal prior to November 30, 2004.~~

(d) Effective Date. This Subsection shall take effect on November 1, 2002".

3. Subsection (16) of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is amended to read as follows:

3. Subsection (16) of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is amended to read as follows:

(16) No landlord may refuse to provide an application form or deny an application for housing based solely on the status of a tenant's application for a Section 8 voucher or that a tenant is on a waiting list to receive a Section 8 voucher. A refusal by a landlord to provide an application form or deny an application for housing based solely on the status of a tenant's application for a Section 8 voucher or that a tenant is on a waiting list to receive a Section 8 voucher may be reported to the CDA who shall refer the refusal to the ~~Section 8 Advisory Committee.~~ The Section 8 Advisory Committee shall investigate the refusal and/or denial. The Section 8 Advisory Committee shall gather evidence and provide

~~recommendations to the City Attorney's office regarding the refusal or denial. City Attorney.~~ A landlord found to have wrongly denied tenancy under the Section 8 program may be prosecuted by the City Attorney's office and, upon conviction, shall be subject to the penalties under Sec. 32.12(16 17) of these ordinances.

(a) Participation Limited. Nothing in this subsection shall be construed to require a landlord to participate in the federal Section 8 program other than to accept a federal Section 8 voucher from a tenant pursuant to Secs. 32.12(13) and (14), Madison General Ordinances.

(b) Repeal. ~~If the Section 8 Advisory Committee recommends the repeal of this Subsection, the Common Council Organization Committee shall cause to be drafted and introduced an ordinance repealing this Subsection with an effective date of January 1, 2005. The Common Council shall take action on this proposal prior to November 30, 2004.~~

(c) Effective Date. This Subsection shall take effect on November 1, 2002."

EDITOR'S NOTE:

Section 3.69(22) currently reads as follows:

"(22) Section 8 Advisory Committee. There is hereby created a ten (10) member "Section 8 Advisory Committee" appointed by the Mayor. The committee shall consist of three (3) resident landlords, one of which is a member of the Apartment Association of South Central Wisconsin; three (3) tenants and/or human service providers for tenants within the City of Madison; one (1) Commissioner of the Community Development Authority (CDA); one (1) alderperson; and one (1) at-large member who is neither a past nor present landlord and who is not a tenant, and one (1) resident member who is a private sector owner of rental property. The Director of Housing Operations shall serve as an ex-officio member of the Committee and without vote. Members shall serve staggered three-year terms, except the Alderperson's term shall expire upon the expiration of his/her term of office. The Committee shall elect annually from among its members a chairperson and vice-chairperson."