



Legislation Text

File #: 73770, Version: 1

**Fiscal Note**

The proposed ordinance amendment expands Section 32.15 MGO to include penalties to landlords for retaliation of tenant complaints to the Building Inspection Division, Public Health Madison and Dane County (PHMDC), or to any state or local investigatory or enforcement agency. The penalty is not less than \$150 or more than \$900 per act, plus court costs. The fiscal impact will depend on the number of complaints. Neither Building Inspection nor PHMDC anticipate significant costs associated with this change. No appropriation is required.

**Title**

Amending Section 32.15 of the Madison General Ordinances, relating to expanding prohibitions on retaliation against tenants.

**Body**

DRAFTER'S ANALYSIS: This ordinance amends Section 32.15 Madison General Ordinances so that it includes provisions in that Ordinance that are already provided in Section 32.04(8) Madison General Ordinances, which applies to retaliation by the landlord during the Rent Abatement process. Section 32.15 MGO currently applies to landlord retaliation for a tenant having complained about a violation of Secs. 32.05, 32.07, 32.11, 32.12 or 32.13 of Madison General Ordinances. This amendment expands Section 32.15 MGO to cover retaliation for tenant complaints to the Building Inspection Division of the Department of Planning and Community and Economic Development or Public Health Madison and Dane County or to any state or local investigatory or enforcement agency of violations of Chapters 7, 18, 19, 27, 28, 29, 30 or 32 of the Madison General Ordinances or for retaliation related to the tenant complying with those sections.

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

1. Section 32.15 entitled "Retaliation Prohibited" of the Madison General Ordinances is amended as follows:

"(1) No person or tenant shall be retaliated against for complaining ~~of violations of Secs. 32.05, 32.07, 32.11, 32.12 or 32.13 of the Madison General Ordinances~~ to the landlord, or to the Building Inspection Division of the Department of Planning and Community and Economic Development or Public Health Madison and Dane County or to any state or local investigatory or enforcement agency of violations of Chapters 7, 18, 19, 27, 28, 29, 30 or 32 of the Madison General Ordinances or their statutory or administrative code equivalents, or for complying with those sections.

(2) Retaliation shall include, but not be limited to, eviction, inconsistent rent payment increases, failure to perform promised repairs, refusal to renew a lease or other harassment of the tenant committed by the landlord or his or her agents, or threatening any of the preceding. Any such acts shall be presumed to be retaliatory if committed within six months after the tenant has complained to the landlord or to the Building Inspection Division of the Department of Planning and Community and Economic Development or Public Health Madison and Dane County or to any state or local investigatory or enforcement agency of violations of Secs. 32.05, 32.07, 32.11, 32.12 or 32.13 Chapters 7, 18, 19, 27, 28, 29, 30 or 32 of the Madison General Ordinances or their statutory or administrative code equivalents. In order to overcome the presumption that such acts are retaliatory, the landlord must

show by a preponderance of evidence that such acts were based upon good cause, as that term is used in this Chapter.