



Legislation Details (With Text)

File #: 50707 **Version:** 1 **Name:** Clarifying certiorari review procedures of Rent Abatement Hearing Examiner orders

Type: Ordinance **Status:** Passed

File created: 3/20/2018 **In control:** LANDLORD AND TENANT ISSUES COMMITTEE

On agenda: 5/1/2018 **Final action:** 5/1/2018

Enactment date: 5/15/2018 **Enactment #:** ORD-18-00053

Title: Amending Section 32.04(4)(i) of the Madison General Ordinances to clarify certiorari review procedures for final administrative determinations of the Rent Abatement Hearing Examiner.

Sponsors: Zach Wood

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/1/2018	1	COMMON COUNCIL	Adopt	Pass
4/19/2018	1	LANDLORD AND TENANT ISSUES COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/10/2018	1	COMMON COUNCIL	Refer	Pass
3/20/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

No City appropriation required.

Amending Section 32.04(4)(i) of the Madison General Ordinances to clarify certiorari review procedures for final administrative determinations of the Rent Abatement Hearing Examiner.

DRAFTER'S ANALYSIS: Final decisions of the Rent Abatement Hearing Examiner may be appealed to circuit court. This proposal clarifies that such an appeal is subject to the certiorari review procedures set forth in Wis. Stat. § 68.13. This proposal adds language similar to that in Sec. 39.03(10)(c)4., MGO, which relates to the appeal of final orders of the Equal Opportunities Commission. It also changes the start of the appeal period from within 30 of service by mail, to within 30 days of receipt of the final determination, in order to conform with Wis. Stat. § 68.13(1).

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

Subdivision (i) entitled "Appeal" of Subsection (4) entitled "Authorization of Rent Abatement" of Section 32.04 entitled "Rent Abatement" of the Madison General Ordinances is amended to read as follows:

"(i) Appeal. All orders of the Rent Abatement Hearing Examiner shall be final administrative determinations and shall be subject to ~~review in court as by law may be provided~~ certiorari review in Dane County Circuit Court pursuant to the time limits and procedures set forth in Wis. Stat. § 68.13, which procedures are adopted and incorporated by reference. Such decisions are not reviewable under Sec. 9.49, MGO. Any party to the proceeding may seek review thereof within thirty (30) days of ~~service by mail~~ receipt of the final determination of the Hearing Examiner. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding before the Hearing Examiner, with said notice to be sent by first class mail to each

party's last known address.

The institution of the proceeding for judicial review shall not stay the decision and order of the Hearing Examiner; however, the reviewing court may order a stay upon such terms as it deems proper.”