



Legislation Text

File #: 03515, Version: 2

**Fiscal Note**

No appropriation is required.

**Title**

SUBSTITUTE - Amending Section 32.07(5) of the Madison General Ordinances to require separate Check-In and Check-Out forms for rental properties.

**Body**

DRAFTER'S ANALYSIS: This proposal provides that Tenant Check-In and Check-Out forms are separate documents.  
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The Common Council of the City of Madison do hereby ordain as follows:

Subsection (5) of Section 32.07 entitled "Security Deposit Refund Procedures" of the Madison General Ordinances is amended to read as follows:

- "(5) The landlord and tenant shall use a written CHECK-IN AND and CHECK-OUT procedure.
  - (a) The landlord shall furnish separate copies of check-in and check-out forms to tenants of each dwelling unit. The check-in form shall be provided to the tenant at the beginning of the tenancy and the a separate check-out form shall be provided to the tenant not less than seven (7) days nor more than sixty (60) days prior to the termination of the tenancy. If the termination of the tenancy is the result of eviction, mutual agreement of the landlord and tenant, or for any other legally valid reason that causes the expected surrender date of the premises to be in less than seven (7) days, then the check-out form shall be mailed, delivered or otherwise provided by the landlord to the tenant within 48 hours of the determination of said expected surrender date.
  - (b) Before a landlord accepts a security deposit under Sec. 32.10(3)(b), or converts an earnest money deposit to a security deposit under Sec. 32.10(2)(b) the landlord shall notify the tenant in writing that the tenant may do any of the following by a specified date which is not less than seven (7) days after the start of tenancy:
    - 1. Inspect the dwelling unit and notify the landlord of any pre-existing damages or defects by noting the conditions on the check-in form.
    - 2. Request a list of physical damages or defects, if any, charged to the previous tenant's security deposit. The landlord may require the tenant to make this request, if any, in writing.
  - (c) If a tenant makes a request under Paragraph (b)2., the landlord shall provide the tenant with a list of all physical damages or defects charged to the previous tenant's security deposit, regardless of whether those damages or defects have been repaired. The landlord shall provide the list within 30 days after the landlord receives the request, or within 7 days after the landlord notifies the previous tenant of the security deposit deductions, whichever occurs later. The landlord may explain that some or all of the listed damages or defects have been repaired, if that is the case. The landlord need not disclose the previous tenant's identity, or the amounts withheld from the previous tenant's security deposit.
  - (d) ~~All check-out forms shall be comparable to the check-in forms.~~ Check-out forms shall be separate from and comparable in form to check-in forms. All check-out forms shall provide an obvious place for the tenant's forwarding address. Check-out forms shall also provide a space for the rent credit due and a space for the landlord's explanation for any portion of the rent credit deemed not due.
  - (e) Acknowledgement, if any, of receipt of the check-in ~~and check-out forms or combined check-in/check-out form~~ shall be included in a written document entitled "NON-STANDARD RENTAL PROVISIONS", which the landlord provides to the tenant.
  - (f) The landlord has the burden of proving compliance with all provisions and procedures set forth in this subsection or forfeits all right to any portion of the security deposit."