City of Madison

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Madison, WI 53703
www.cityofmadison.com

Legislation Text

File #: 31398, **Version:** 1

Fiscal Note

No appropriation is required.

Title

Repealing and recreating Section 32.08(5) of the Madison General Ordinances to require a lessor to provide written notice of denial of a residential tenancy.

Body

DRAFTER'S ANALYSIS: This proposal requires a lessor to provide written notice of denial or non-renewal of a residential tenancy. The proposal makes the City's ordinance consistent with Dane County by substantially adopting the language of Sec. 31.24 of the Dane County Code of Ordinances.

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

Subsection (5) of Section 32.08 entitled "Housing Ownership, Defect and Information Disclosure" of the Madison General Ordinances is repealed and recreated to read as follows:

"(5)   Written Reasons For Denial of or Non-Renewal of Tenancy.

(1)   All applications for residential tenancy shall contain the following question in writing in a prominent place on the application: "Do you wish to receive a written explanation of the denial of tenancy? Yes_____ No _____."

(2)   (a)   Unless the applicant has indicated on the application that the applicant does not want to receive a written explanation of a denial of tenancy, the lessor or any person authorized to enter into rental agreements on behalf of the lessor, shall provide any applicant who is denied tenancy with a written statement of reasons for the denial of tenancy as required by sub (4).

(b)   If the applicant has indicated s/he does not want to receive a written explanation, the applicant may request a written explanation of a denial within thirty (30) days and the lessor shall provide the statement as required by sub. (4).

(3)   A lessor that decides not to renew a tenant's lease at the expiration of the lease term or terminates a periodic tenancy or tenancy at will, shall provide the affected tenant with a notice of non-renewal as required by sub. (4). The notice shall be served at least sixty (60) days prior to the expiration of the lease term unless the term is shorter than sixty (60) days, which shall require a notice compliant with Wis. Stat. § 704.19.

(4)   (a)   In denying an initial application for tenancy or non-renewal of a lease at the expiration of a lease term or a tenancy period or terminating a tenancy at will, the lessor shall furnish the applicant or tenant a written statement of the reasons tenancy was denied or terminated.

(b)   The statement shall include the reason(s) for the action, a description of the information supporting the decision, and identification of all sources of the relied-upon information. Lessor shall also furnish the applicant with a copy of the lessor's tenant selection policies.

(c)   The written notification required by sub. (a) shall be personally delivered or mailed to the applicant within three (3) days of the denial of tenancy.

(d)   An application is deemed denied for the purpose of this section if no determination is made by the lessor within twenty-one (21) days of the date the completed application is received by the lessor."

EDITOR'S NOTE:

Section 32.08(5) currently reads as follows:

"(5)   The landlord or any person authorized to enter into a rental agreement shall provide applicants who have not been accepted for tenancy with written reason(s) for denial of tenancy. By the end of the third business day after denial, the written reasons for denial shall be personally delivered to the applicant by the landlord or mailed to the applicant. An application is deemed denied for the purpose of this ordinance if no determination is made by the landlord within 21 days of the date a completed application is accepted by the landlord. The landlord is exempt from this section of the ordinance if, pursuant to Section 32.24 of Dane County Ordinances, an applicant has indicated on the application for residential tenancy that the applicant does not wish to receive a written explanation of a denial of tenancy. An applicant may indicate that the applicant does not wish to receive a written explanation of a denial of tenancy by indicating "no" in the space provided on the application for rental tenancy and by initialing the same."