

..Number

140909

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. BOHL

..Title

A substitute ordinance relating to the standards for residential rental certificates.

..Sections

200-53-1 am

200-53-2-a am

200-53-2-d-3 am

200-53-2-d-4 am

200-53-2-m cr

200-53-3-a am

200-53-4-a rc

200-53-5-a am

200-53-5-d cr

200-53-6 am

200-53-10 am

200-53-13-a am

..Analysis

This ordinance amends the standards by which the city issues residential rental certificates and adds new geographic areas in which property owners must obtain certificates before allowing tenants to occupy their properties.

..Body

Whereas, The residential units in the area beginning with the intersection of Burnham Street and 4th Street, south for approximately one mile to a point east of the intersection of Cleveland Avenue and 4th Street, west along Cleveland Avenue to 9th Street, north to Lincoln Ave, east to 7th Street, north to Becher Street, east to a point midway between 5th Place and 6th Street, and north to Burnham Street back to the starting point are on average 111 years old, while the city average is 84 years old; and

Whereas, The residential buildings in this area that are rental are 60% of the total residential buildings, compared to 37% citywide; and

Whereas, The residential units in this area are 68% rental, compared to 58% citywide; and

Whereas, 80% of code and nuisance complaints in this area occur at rental properties, while the city average is 63%; and

Whereas, The residential units in the area beginning with the intersection of Congress Street and 87th Street, south one block to Marion Street, west along Marion Street to a

point midway between 91st and 92nd Streets, north back to Congress Street, and east on Congress Street back to the starting point are on average 57 years old while the city average is 84 years old; and

Whereas, The residential buildings in this area that are rental are 50% of the total residential buildings compared to 37% citywide; and

Whereas, The residential units in this area are 63% rental, compared to 58% citywide; and

Whereas, 66% of the code and nuisance complaints in this area occur at rental properties while the city average is 63%; and

Whereas, Safety education and related inspection programs are known to reduce the number and severity of fires in residential occupancies; now, therefore

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1: Section 200-53-1 of the code is amended to read:

200-53. Residential Rental Certificate. 1. PURPOSE. Pursuant to s. 62.11

(5), Wis. Stats., and s. 4-10 of the Milwaukee city charter, the common council is responsible for the management and control of city property, acting for the good order of the city and the health, safety and welfare of the public. The common council has determined that there is a need to enact legislation requiring residential rental certificates to protect the public because residential rental dwelling units in the areas defined by ~~[[census tracts 99-102,117-120 and the western portion of census tracts 103 and 116, with the eastern boundary defined by interstate I-43; and those bounded by Edgewood Ave. to Newberry Blvd. and Cambridge Ave. to Hackett Ave.]]~~ >>sub. 2-d<<are in need of inspection to prevent deterioration, taking into account the density of rental units, age of buildings, percentage of complaints occurring at rental units, and condition of the units in the area. Frequent inspection of these units is necessary to maintain safe, decent and sanitary living conditions for residents living in the rental units and to protect the investment made by the city in the area defined by ~~[[census tracts 99-102,117-120 and the western portion of census tracts 103 and 116, with the eastern boundary defined by interstate I-43, and due to high tenant turnover in the area bounded by Edgewood Ave. to Newberry Blvd. and Cambridge Ave. to Hackett Ave.]]~~ >>by sub. 2-d<<.

Part 2. Section 200-53-2-a of the code is amended to read:

2. DEFINITIONS. In this section:

a. "Building maintenance code" means that portion of the building code which establishes the minimum requirements and standards of health, sanitation, safety and occupancy for residential property. These regulations governing the condition and

maintenance of residential property, and the responsibility of property owners are set forth in ~~[[ss. 275-32 to 275-82]]~~ >>ch. 275<<.

Part 3. Section 200-53-2-d-3 and 4 of the code is created to read:

d. "Designated residential area" means:

d-3. The area defined as inspection district 3, which consists of both of the following areas.

d-3-a. Commencing at the intersection of 4th and Burnham Sts., thence southward to the intersection of 4th and Becher Sts., thence westward on Becher St. to a point midway between 5th and 6th Sts., thence northward to Burnham St., thence eastward to the point of beginning.

d-3-b. Commencing at the intersection of 7th and Becher Sts., thence eastward to the intersection of 6th and Becher Sts., thence southward to the intersection of 6th St. and Hayes Ave., thence westward to the intersection of 9th St. and Hayes Ave., thence northward to the intersection of 9th St. and Lincoln Ave., thence eastward to the intersection of 7th St. and Lincoln Ave., thence northward to the point of beginning.

d-4. The area defined as inspection district 4, the boundary of which starts at the intersection of 87th and Congress Sts., thence southward to the intersection of 87th and Marion Sts., thence westward on Marion St. to a point midway between 91st and 92nd Sts., thence northward to Congress St., thence eastward on Congress St. to the point of beginning.

Part 4. Section 200-53-2-m of the code is created to read:

m. "Habitability violation" means a condition that a landlord is required to disclose to a prospective tenant under state administrative rules related to residential rental practices.

Part 5. Section 200-53-3-a of the code is amended to read:

3. RESIDENTIAL RENTAL CERTIFICATE REQUIRED.

a. The owner of a dwelling within the designated residential area shall apply for a residential rental certificate for each ~~[[unit in order to rent the unit]]~~ >>unit within the dwelling<<. Unless a unit has a valid residential rental certificate or temporary residential rental certificate, no owner of the unit shall permit any person to occupy the unit as a tenant or otherwise. A residential 2-family building that is owner-occupied is exempt from this requirement.

Part 6. Section 200-53-4-a of the code is repealed and recreated to read:

4. APPLICATION.

a. An application for a certificate shall state the owner's legal name, phone number and date of birth, state the street address of the dwelling to be inspected, be signed by the owner, and be filed with the department on forms provided by the department in accordance with the following deadlines:

a-1. Not more than 30 days after January 1, 2015, if the dwelling is located in inspection district 3 or 4.

a-2. Not less than 30 days prior to the expiration of an issued certificate.

a-3. Not less than 30 days prior to allowing a tenant to occupy a dwelling, if neither subd. 1 or 2 applies.

Part 7. Section 200-53-5-a of the code is amended to read:

5. INSPECTION.

a. ~~[[Upon application, the]]~~ >>The department shall inspect the condition of the dwelling for habitability violations and<< compliance with the building maintenance and zoning code. The department shall make the inspection within ~~[[60]]~~ >>30<< days of the date of application unless another date is mutually agreed upon by the department and the owner. Failure to provide access to the property on the agreed inspection date will subject the property owner to the fees specified in s. 200-33-49.5-d. The owner shall inform the tenant of the unit and place a posting on the door of the unit stating the date and time of the inspection at least 2 days prior to the inspection.

Part 8. Section 200-53-5-d of the code is created to read:

d. Properties subject to the requirements of this section shall be exempt from the certificate of code compliance requirement in s. 200-52.

Part 9. Section 200-53-6 of the code is amended to read:

6. ISSUANCE OF CERTIFICATES.

a. >>Four-year certificate.<< The department shall issue a >>4-year<< residential rental certificate only ~~[[after]]~~ >>if<< ~~[[it has inspected the dwelling or unit and found]]~~ >>the initial inspection of a dwelling or unit reveals no habitability violations, no disqualifying violations, and compliance with<< ~~[[that its observable conditions conform to]]~~ the building maintenance >>code<< and zoning ~~[[codes and that there are no outstanding orders against it. The certificate shall be valid for 4 years from the date of issuance if the inspection discovered no disqualifying violations]]~~ >>code<<.

b. >>One-year certificate.<< If upon >>initial<< inspection of the dwelling or unit the department finds >>no habitability violations, but finds<< one or more disqualifying violations >>or that the dwelling or unit does not conform to the building maintenance code or zoning code<<, then the department shall issue a one-year residential rental certificate only ~~[[once]]~~ >>after<< all ~~[[observable conditions conform with building maintenance and zoning codes]]~~ >>habitability violations have been corrected<<.

c. >>~~The commissioner may~~ ~~[[issue a temporary certificate if, in the commissioner's opinion, the outstanding violations do not constitute a hazard to the occupants of the dwelling or unit and if a work plan to correct the violations is submitted and approved by the commissioner. The temporary certificate shall be valid for 30 days and the commissioner may grant an extension if a revised work plan to correct the violations is submitted and approved by the commissioner. Failure to abate violations discovered resulting from inspection associated with the application for the certificate shall~~

~~invalidate the temporary certificate, and no owner of the dwelling or unit shall permit any person to occupy the dwelling or unit as a tenant or otherwise~~ >>reinspect a dwelling after 30 days if disqualifying violations are observed during an inspection and assess reinspection fees under s. 200-33-48<<.

Part 10. Section 200-53-10 of the code is amended to read:

10. REVOCATION. A >>residential rental<< certificate ~~[[of residential rental code compliance]]~~ may be revoked at the discretion of the commissioner if violations which are considered to be an unfit or unsafe condition pursuant to sub. 6-d are observed during a ~~[[complaint investigation]]~~ >>subsequent inspection<<.

Part 11. Section 200-53-13-a of the code is amended to read:

13. PENALTY.

a. An owner failing to apply for a residential rental certificate of compliance shall be subject to forfeiture of >>not less than<< \$100 for the first failure to apply. The owner shall; be subject to a forfeiture of >>not less than<< \$150 for failure to respond to each subsequent notice to apply which shall be sent by the department.

Part 12: This ordinance takes effect January 1, 2015.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau
Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date:_____

..Requestor

..Drafter
1053-2014-2139/208700
LRB 155308-3

Teodros W. Medhin/lp
10/27/2014