

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

amending Section 32.12(4), creating Section 32.12(16) and renumbering Section 32.12(17) of the Madison General Ordinances to prohibit a landlord from reporting an unlawful immigration as retaliation to a tenant and prohibit a landlord to force prospective tenant to disclose their Social Security Number.

Drafted by: Roger A. Allen
Assistant City Attorney

Date: May 11, 2004

Fiscal Note: No appropriation required.

SPONSORS: Aids. Markle, King, MacCubbin,
Konkel, Verveer, and Mayor
Cieslewicz

PRESENTED _____ May 18, 2004
REFERRED _____ EOC; Housing
Committee

REREFERRED _____

REPORTED BACK _____

ADOPTED _____ POF _____
RULES SUSP. _____ TABLED _____
PUBLIC HEARING _____

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MAYOR SIGNED _____
PUBLISHED _____

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APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

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ORDINANCE NUMBER _____
ID NUMBER _____ **36114**

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

1. Subsection (4) entitled "Retaliatory Eviction" of Section 32.12 entitled "Prohibited Practices" is amended to read as follows:

- "(4) Retaliatory Eviction. No landlord shall terminate a tenancy or give notice preventing the automatic renewal of a lease, or constructively evict a tenant by means of the termination or substantial reduction of heat, water or electricity to the dwelling unit, or report the tenant to law enforcement authorities as having unlawfully entered or immigrated into the United States regardless of the validity of such a report, in retaliation against a tenant because the tenant has:
- (a) Reported a violation of this chapter or a building or housing code to any governmental authority, or filed suit alleging such violation; or
 - (b) Joined or attempted to organize a tenant's union or association; or
 - (c) Asserted, or attempted to assert any right specifically accorded to tenants under state or local law."

Approved as to form:

2. Subsection (16) of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is created to read as follows:

"(16) No Landlord may require any prospective tenant to produce or to disclose their Social Security Number in relation to an application for housing or in relation to the execution of a lease, unless such disclosure is mandated by state or federal law. An applicant's refusal to provide a Social Security Number to a landlord shall not be a basis upon which said landlord may deny housing to such an applicant. Every application for housing which requests the production or disclosure of an applicant's Social Security Number shall notify the applicant of the specific state or federal statute which mandates such disclosure or shall notify the applicant that such disclosure is voluntary and that the landlord may not deny the applicant housing on the basis of the applicant's decision to withhold their Social Security Number."

3. Subsection (17) entitled "Penalty" of Section 32.12 entitled "Prohibited Practices" of the Madison General Ordinances is renumbered to read as follows:

"(4617) Penalty.

- (a) By City. Any person who violates any provisions contained in Subsections 32.12 (13), (14) or (15) of these ordinances, or fails to comply with any of the several requirements, shall upon conviction thereof forfeit not less than \$100 nor more than \$3,000 for the first conviction within three (3) years; not less than \$3,000 nor more than \$5,000 for a second conviction within three (3) years; and not less than \$5,000 nor more than \$10,000 for a third or subsequent conviction within three (3) years.
- (b) By Tenant. In addition to the forfeitures provided above, any tenant subjected to a landlord's unlawful conduct prohibited in Subsections 32.12(13), (14) or (15), above, shall be entitled to initiate a separate cause of action and shall be entitled to receive up to triple his/her actual damages plus reasonable attorney's fees and costs."