

To: Senate Committee on Insurance, Housing, and Trade
From: Curt Witynski, J.D., Deputy Executive Director, League of Wisconsin Municipalities
Date: December 13, 2017
Re: **SB 639, Limiting authority of local governments to regulate and inspect rental properties.**

The League of Wisconsin Municipalities strongly opposes SB 639 as introduced. While we appreciate the authors' willingness to meet with us to discuss and negotiate possible changes to earlier versions of this bill, we are disappointed that the bill as introduced does not include some of the key modifications we sought.

Our top five concerns about the bill are:

1. Section 8 – **Limiting Rental Inspections to Complaint Basis Only.** Our biggest concern about this bill is that it deletes compromise language inserted into last session's landlord legislation clearly allowing communities to establish and implement systematic rental unit inspection programs to ensure health and safety of tenants and neighbors. It is imperative that municipalities have the flexibility to enact and enforce a system of regularly scheduled rental unit inspection programs not based exclusively on complaints. This change in the law protects irresponsible landlords while jeopardizing the health and safety of students, families, and other vulnerable individuals living in potentially dangerous conditions who decline to file complaints to avoid being evicted.
2. Section 10 – **Prohibiting Landlord Registration Fees outside of Milwaukee.** While the bill allows Milwaukee to charge a fee covering the reasonable and direct costs of implementing a landlord registration requirement, no other local government in the state may recover its landlord registration program costs. This doesn't make any sense. We urge that the same fee enabling language apply statewide. If necessary, consider placing a cap on registration fees, but allow communities to cover their expenses.
3. Section 17 – **Requiring notice by first class mail to landlords prior to imposing a charge for enforcing ordinances related to noxious weeds, electronic waste, or other building or property maintenance standards.** Municipalities could live with this provision if it simply required communities to email or text property owners if they sign-up with the municipality to receive such notification. Such an opt-in approach would save postage and time, but still ensure notice for those requesting it. Also we asked that the following exception be included in any such notice requirement: "This section does not apply to the clearing of snow and ice from sidewalks, or to violations that create an imminent danger to public health, safety or welfare."
4. Section 23 – **Definition of "aesthetic considerations" is open ended.** This provision prohibits municipalities from regulating the aesthetics of the interiors of homes. We are concerned that the definition of "aesthetic considerations" is too broad. We recommend that it be specific and limited in scope, as follows: "'aesthetic considerations' are considerations relating to color, and texture and design that are unrelated to health or safety."
5. Section 14 – **Deleting the Levy Limit Reduction exception for garbage collection by a political subdivision owning a Landfill in 2013.** This exception was put into place at the request of the City of Superior several years ago and its elimination would have significant negative impacts on that city, which has come to rely on it.

Before closing, I should acknowledge that there is one provision in the bill that we support. Section 15 limits the negative adjustment for fee revenues on covered services under the levy limit law. Notwithstanding this positive provision, League urges you to vote against recommending passage of SB 639. Thanks for considering our comments.