



Mayor Tom Barrett
Office of the Mayor
200 E. Wells Street
Room #201
Milwaukee, WI 53202

Dear Mayor Barrett:

I am the president of the Apartment Association of Southeastern Wisconsin, Inc. (AASEW) and I am writing to you regarding proposed ordinance #090429 (Residential Rental Inspection). It is on your desk awaiting your signature. I suggest you veto this measure not merely on its merits, but due to its structural and legal deficiencies.

By using your veto power, you will help spare the city considerable time and resources defending this unconstitutional legislation in court.

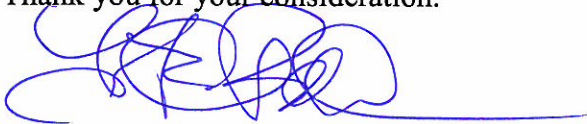
Below, please find six objections by the Apartment Association of Southeastern Wisconsin, Inc. to this proposed ordinance.

1. Part 6 of the proposed ordinance makes the ordinance effective on January 1, 2010.
2. When the ordinance becomes effective, all rental property owners in the two pilot program districts will immediately be required to have a rental certificate. Please see proposed City of Milwaukee ordinance 200-53 (3). Such a certificate does not exist and will not exist until 1/1/10, yet on 1/1/10, all owners will be required to have either a certificate or a temporary certificate.
3. On 1/1/10, no rental property owner in the two pilot program districts may have a tenant occupying their rental units unless they have a valid rental certificate or interim rental certificate. See proposed City of Milwaukee Ordinance 200-53(3).
4. This proposed ordinance impairs all rental contracts which are in effect on 1/1/10. See *Laskaris v. Wisc. Dells, Inc.*, 131 Wis. 2d 525 (Ct. App. 1986).

5. Proposed City of Milwaukee Ordinance 200-53(2)(c) provides no standard that the Commissioner is required to provide property owners for what constitutes a disqualifying violation. Proposed City of Milwaukee Ordinance 200-53(2)(b) also provides no actual standards for what constitutes “Conditions which effect safe, decent and sanitary living conditions of persons occupying a residential rental unit.”

6. As a “pilot” program, five years is far too long. If the proposed legislation is signed into law, we believe that the City of Milwaukee will have results as to the success or failure of the program in significantly less time than the five years that the program is currently set for. We believe that a five-year program is much longer than was contemplated when the courts allowed this exemption from the Equal Protection Clause of the Constitution.

Thank you for your consideration.



Tristan R. Pettit

President

Apartment Association of Southeastern Wisconsin, Inc
PO Box 26516
Wauwatosa, WI 53226
Phone #414-276-7378 Fax #414-755-0852
Website www.apartmentassoc.org