

From the desk of the AASEW Board of Directors:

Feeling Over Regulated? Here is just a short list of regulations affecting our industry...

Rental property owners provide for a vital and fundamental need for the 32% of Wisconsinites. In many urban areas renters exceeds 50% of the population. Rental property owners outnumber teachers in Wisconsin by four to one. Many state legislators are rental property owners.

Rental property owners are a vital part of the state's economy, employing tens of thousands of workers, buying millions of dollars of supplies and paying millions in property taxes.

We understand rules for our industry are necessary. Likewise the rights of good landlords should be protected, not only for the owner's sake but for the sake of their tenants and the communities the properties are located in.

Some laws, policies, rules and prejudice adversely affect rental housing and increase the cost of operations. These costs ultimately are borne by the tenants, a population who are many times the lowest income residents of Wisconsin.

Below is a sample of the dizzying array of rules, regulations and laws rental property owners must comply with today. Some are often conflicting as well as interfering with the effective management of our properties. Oftentimes well intended property owners find themselves in trouble for violating an obscure and confusing rule. Many times tenants use these rules in an attempt to avoid their responsibilities and obligations.

WI State Statute §704: This statute governs the general landlord tenant rules and are the default terms in cases of a verbal agreement between an owner and tenant as is often the case of the mom and pop owner.

WI State Statue §799: This Statute governs the evictions and stays on evictions. **The courts often ignore the limits on stays of evictions.** This causes financial hardships for many owners and reduces their financial ability to maintain and improve their properties. In the case of tenants who are being evicted because they are causing a disruption in the building or the community. Owners who need legal advice must hire their own attorney. Low income tenants may get free representation. While tenants should not be evicted unjustly, often times owners lose cases over technical mistakes that should not have affected an equitable termination of the tenancy

DATCP Admin Rule 134: These are Department of Agriculture, Trade and Consumer Protection rules governing landlords. A point of contention in our state is DATCP's interpretation of these rules to prohibit owners from requiring tenants to clean their apartment and carpets prior to vacating.

WI DHS Admin Rule 163: These are the rules affecting lead based paint removal, training and certification of workers. Lead based paint rules affect most pre-1978 properties. Although current property owners did not apply the product they are incurring the significant cost of removal and stabilization. Over 66% of Wisconsin's housing is affected by these rules.

WI DHS Admin Rule 159: These are the rules affecting asbestos removal, training and certification of workers.

US EPA: Lead Disclosure, Lead remediation rules.

US HUD Title X: Lead paint remediation protocols

WI DNR: Disposal rules, recycling rules, run off rules

Fair Housing: This is a combination of Federal, State, County and local rules. Many of these rules vary causing problems for owners who, for example are complying with the federal elderly housing guidelines only to find they have run afoul of the state's laws. A disturbing trend in this area is the numerous attempts to make criminals a protected class.

State and local Nuisance Property laws: We include this next to Fair Housing as owners often must walk a tightrope between the two. Unfortunately neighborhood groups and individuals use nuisance laws to advance their own prejudices and hatreds.

State building codes: The state building codes cover everything from construction and rehab standards to issues such as fire protection and Carbon Monoxide detectors.

Local Building Inspection Department: Local building inspection departments often use a confusing variety of their own codes coupled with state, federal and international codes. This leaves both the inspector and the property owner confused as to what is required. For example Milwaukee's fire prevention code references over 4,500 pages of state, federal and international codes and rules. As a property owner all I want to know is where my smoke detectors and fire extinguisher must be located. This should require a paragraph or two at the most.

WHEDA: WHEDA affects property owners when they permit over building of rental housing through financing. This devalues the existing housing stock and leads to blight.

OSHA, Wisconsin Department of Workforce Development, WDR, IRS Property owners with employees must comply with all of the laws of these and more.

FCC: Yes, even the FCC has rules affecting rental property owners' right to restrict where and how satellite and cable installations are performed.