

Abatement Awards

After the hearing, the Public Health & Safety Committee will make a decision. They will decide whether the tenant may abate rent, and if so, how much may be abated for each violation. The percentage of rent abatement awarded to the tenant will be determined according to the guidelines in the Ordinance. UNDER THE CITY ORDINANCE, TENANTS MAY NOT ABATE RENT UNTIL IT HAS BEEN ORDERED BY THE PUBLIC HEALTH AND SAFETY COMMITTEE. Abatement ordered by the Public Health and Safety Committee is retroactive to the date of the initial building inspection. If the landlord owes the tenant money because of the retroactive award, but does not promptly reimburse the tenant, this amount may also be deducted from future rent payments. If the total future rent payments are less than the reimbursement amount owed, the ordinance provides additional protection for the tenant to recoup double the amount owed, plus attorney fees if not promptly paid. [Section 16.04.037 (f)(3)(B)]

Within 10 days after service by first class mail of the decision of the Public Health and Safety Committee, either party may file a written petition for reconsideration with the City Clerk stating the grounds for the petition. Reconsideration will be granted only on the basis of a material error of fact or law, or an error in calculation of an award. Reconsideration petitions do not stop rent abatement.

The tenant may deduct the amount of rent ordered by the Public Health and Safety Committee until a Housing/Building Inspector certifies that the abatable code violations have been corrected. When an Inspector certifies that a violation has been corrected, rent abatement ends for that specific item only. Abatement authorization for items remaining uncorrected continues until the Inspector certifies that correction has been made.

Tenants should check with the Inspection & Zoning Division before paying rent each month to determine what items remain uncorrected.

Inspection & Zoning Division

The Inspection & Zoning Division is part of the Engineering Department of the City of Wausau charged with enforcement of the Building, Housing, and Zoning Codes. It is not an advocate for either the tenant or the landlord on abatement issues. The goal of the Division is to ensure that all properties meet the Building, Housing, and Zoning Codes. The City Clerk arranges hearings and keeps all abatement records. The Clerk can answer questions from all parties about procedures and the status of abatable orders. You can reach the City Clerk at 715-261-6620.

Additional Rental information (including Fair Housing Issues) is obtainable from:

Tenant Resource Center.....1-800-238-7368

Hours: 10 am—2 pm, Monday –Friday

Web: <http://tenantresourcecenter.org>

Wisconsin Judicare, Inc.....1-800-472-1638

Hours: 8:30 am—4:30 pm, Monday-Friday

Web: <http://www.judicare.org>

Community Development.....715-261-6680

Hours: 8:00 am - 4:30 pm, Monday-Friday

If you need an interpreter, materials in alternate formats or other accommodations to access this service, please contact the City Clerk at 715-261-6620.



City of Wausau

RENT ABATEMENT ORDINANCE



(16.04.037 Wausau Municipal Code)

- Establishes a procedure under which tenants may be able to reduce their rent because a landlord failed to correct certain housing code violations.
- Creates a list that describes which building code violations are eligible for a rent reduction and establishes a range of percentages for each violation.
- Can be used by tenants when the City's Inspection & Zoning Division issues an Official Notice to correct code violations and the landlord does not make the corrections by the due date listed on the Official Notice.
- Provides for an informal hearing during which the Public Health & Safety Committee hears testimony from both the landlord and tenant, and determines the amount of abatements, if any.
- Does not affect a tenant's right to sue for damages in court under state law.

Tenant

You are encouraged to call your landlord to make repairs. You may call the City of Wausau Inspection & Zoning Division at 715-261-6780 to request an inspection if repairs are needed and your landlord has not made them.

When a Housing/Building Inspector inspects the premises for violations of Housing and Building Codes, he will send the landlord an “Official Notice” which cites any violations and gives compliance dates for fixing them. The Official Notice indicates violations, which may be eligible for Rent Abatement; however, not all violations qualify. The City of Wausau Rent Abatement procedure can only be used if the landlord fails to correct abatement-eligible violations by the compliance date specified in the Official Notice.

If the landlord fails to correct abatement-eligible violations by the compliance date, the Inspection & Zoning Division will notify the tenant of abatement eligibility by mail. Notice of eligibility will also be published on the City of Wausau’s website. The listing will show addresses, apartment numbers, and eligibility. If you are eligible, you must apply for an abatement hearing within 30 days of mailing of the notice or after the first notice of eligibility is published. You may file an application form from 8:00 am - 4:30 pm in the City of Wausau Customer Service Department. There is a \$25 application fee, which will be reimbursed by the landlord if abatement is granted. The applicant will receive a copy of the Official Notice at this time.

Landlord

You may avoid City of Wausau Chapter 16 Rent Abatement claims completely by complying with all items listed in an Official Notice by the compliance date listed in the notice. Call your inspector and arrange a re-inspection before the due date so that all items can be inspected and approved by the date.

Remember that an approved extension of time to complete orders will stop prosecution, but it will not stop rent abatement claims.

Give special attention to those items on your Official Notice, which were marked with an asterisk (*). Those items, if not completed by the compliance date, may be eligible for rent abatement. Rent abatement claims do not affect the fact that all items must be corrected by the due date to avoid prosecution.

If your tenant applies for rent abatement, you will be notified by mail a minimum of 10 days before the hearing. You will receive a copy of the application, which contains the notice of the hearing time and place, and a copy of the Official Notice. It is important that you or your agent appear at the hearing. Failure to do so may result in a decision based solely on the tenant’s testimony.



Abatement Hearings

Rent Abatement hearings are conducted by the Public Health and Safety Committee. At the hearing, the tenant and landlord may present their sides. Both may be represented by counsel (though this is not necessary), and both may present evidence and call witnesses as to the nature, seriousness and duration of the violation and the extent to which the tenant was inconvenienced. Pictures, letters and testimony of the Housing/Building Inspector can be helpful evidence for each side.

To win the right to abate, the tenant must prove that the landlord failed to correct rent impairing violations by the due date in an Official Notice.

To defeat the tenant’s right to abate, the landlord must prove that the rent-impairing violations were negligently or willfully caused by the tenant or the tenant’s guests or that the tenant’s unreasonable refusal to allow entry prevented the landlord from making the repairs in a timely manner.

From the evidence presented by the parties, the Public Health and Safety Committee will determine the amount, if any, of abatement to be allowed. For less serious violations, only 1 to 5 percent of rent may be abated. For more serious violations, 50 to 95 percent of rent may be abated. The rent-impairing list in the ordinance contains ranges of abatement for each abatable violation.

A full list of abatable items can be obtained from the Customer Service Department at City Hall or found online at www.ci.wausau.wi.us, under E-Government Municipal Code, at the end of Section 16.04.037.