

Student Concerns

1. Program - Association
After the program
2. Who gives who falls under
Who 100/500 papers
3. one state only
4. Program change & change
is illegal program
is important
5. Proposals of state letter
6. Property owners can be
forced to sell or demolished.
7. Liability - who is
at fault may not be
there.
8. Other questions in the

9. Define illegal program

10.

Reactions

1. What is the intent of this
Bill.
2. Why are this to change and
from activity § 1318
3. "Nuisance" vs. "illegal activity"
also "nuisance"
- 4.

Shanklin

1. About safety.
Barronment are not safe
2. Profiting of students
3. Milkshakes
4. Responsibility of Tourist
- illegal behavior
- Regulate 19 yr old law
5. Tool to create consequences
to unsafe tourist behavior

Use of Chapter (174)

single notes in

6. ~~Present~~ the article
present to party.

Don't want to
give up his Bill.

~~She is real~~

Monty Shivers

Lead characters - reactor's suggestion

Students Understein bill

Student concerns:

- gray area
- I strike you out \Rightarrow problem \Rightarrow discretion
- vague \rightarrow who falls under this who doesn't
- interpretation?
- categorizing
- profiling (of minorities)
 - \hookrightarrow Black listing
- joint liability \rightarrow roommate
- definition of illegal firearm
 - \hookrightarrow needs to be more selective

Reactor concerns

- spectrum line intent
- seems to be alcohol w/ drugs & genes in terms of owner losing property
- definition

Behavioral

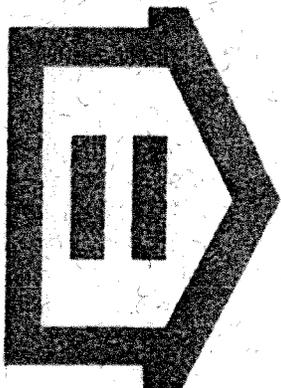
landmarks:

- intent of bill
- ① safety
- ② responsibility

S 704 \rightarrow landmark / tenant

Mokler Properties

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1117 W. New York Ave.

Oshkosh, WI 54901

Phone (920) 235-6470

Fax (920) 235-6486

e-mail: mmokler@vbemail.net

<http://www.vbe.com/-mokprop>

MIKE MOKLER

AB 525

Background: "House Parties" are a common event in college communities in Wisconsin. I am defining a "House Party" as a party open to anyone who comes, and a charge is made for drinking alcoholic beverages. Typically for a charge of \$4.00 or some other amount a person will be given a plastic cup and can drink an unlimited amount of beer. Both underage and over 21 year olds attend these parties. They are held in rental units near the campuses and the dorms. It is common to have far more than a hundred drinkers in the basement of an older home. The people giving the party are guilty of operating an illegal tavern.

Problem: These parties encourage underage drinking and gross over consumption of alcohol by young people. If the same \$4.00 was spent in a legal tavern it would not result in as much alcohol consumption. The amounts served would be moderated because of cost and the supervision of the licensed bartender. Underage drinking would be much less prevalent.

The basements of these rental homes are not safe for entertaining these large numbers of people. Fire and other safety considerations should be of concern to everyone.

These types of parties contribute to the decline of neighborhoods in the areas surrounding the college campuses. Other residents flee the neighborhood because of the problems and noise associated with these parties. Home owners and non-student renters do not want to live in areas where house parties are occurring resulting in severe decline in housing quality and living conditions. Many students wish to live off-campus and do not appreciate this kind of activity. They also find their quality of life greatly affected by this party atmosphere.

Enforcement of the laws violated is difficult for police departments because of the size of the parties and limited manpower. Penalties are not large in relation to the profits these parties generate.

Landlords do not have an effective method of controlling these activities. Only the civil eviction process is available to them. This requires notices for two lease violations before the tenants can be taken to court and evicted. This means at least two and probably more illegal parties will occur before the landlord can do anything. The landlord would, of course, have to prove the lease violation. Landlords do not have police powers or resources, nor can they enter the rented premises without proper notification.

Solution: Currently state law provides for a five day eviction of tenants who create certain nuisances on the property. The police department must notify the landlord of this nuisance and the tenant may go to court and contest it. An eviction can take place quickly with one offense. These nuisances are illegal drug activity and gang related activities. A similar bill is before the legislature now regarding prostitution (SB 14).

This bill defining illegal taverns as a nuisance and giving landlords and police departments this solution will go a long way towards solving this problem, potentially save lives, fight alcohol abuse and improve neighborhoods and quality of life near our college campuses. An eviction would penalize the parties operating the illegal tavern and remove the financial motivation. The evicted tenants would still be responsible for the rent, and utilities for the rental property, unless the landlord could rent it for the remainder of the lease term, which is unlikely in most circumstances.

Mike Mokler Legislative Co-Chairman
Wisconsin Apartment Association



United Council

of University of Wisconsin Students, Inc.

122 State Street, Suite 500, Madison, WI 53703 Phone: (608) 263-3422 Fax: (608) 265-4070

Testimony of

Matthew Ludt, Legislative Affairs Director

on

AB 525 Public Nuisance Bill

October 27th, 1999

Chair Sykora and members of the committee, I want to thank you for the opportunity to speak with you today. My name is Matt Ludt and I am the Legislative Affairs Director for the United Council of University of Wisconsin Students. United Council represents over 140,000 students on 24 UW campuses.

I am here today to speak in opposition to Assembly Bill 525. AB 525 would classify the illegal sale or distribution of alcohol as a public nuisance. Once this occurs, landlords have the discretion of legally evicting the tenant(s) within five days. Once the classification is brought upon a rental unit, the landlord's possession of that building is threatened by possible abatement proceedings. The bill also provides for an appeal process after the eviction notice has been served.

The Public Nuisance laws, under Wisconsin Statute Chapter 823, are meant to put an end to dangerous, socially undesirable activities within a community by giving landlords legal eviction authority for serious problems within their rental units. These laws are applicable when rental units are used as a home-base of drug selling operations. If an apartment is used to deliver, distribute, or manufacture "controlled substances," it is a public nuisance. A rental unit also falls under this classification if it used by criminal gangs for their activities. Extending this bill, and its penalties, to those who illegally sell and distribute alcohol is not prudent.

This bill targets the members of our communities who most often sell or distribute alcohol without a license: students. It is not uncommon for students to hold parties by selling beer out of a keg without a license or permit. That does not put them in the same category as drug dealers or gang members. This law was written for the problematic occurrence of drug trafficking and gang activity; it is not appropriate in this scenario.

Thank you for your time.



William Berland, President
E-mail • rocky70@execpc.com

WILLIAM MALKASIAN, CAE, Executive Vice President
E-mail • wem@wra.org

TO: Assembly Housing Committee
FROM: Michael Theo, Vice President for Public Affairs
DATE: October 27, 1999
RE: AB 525 - Regarding Property Closures for Public Nuisances

The Wisconsin Realtors Association (WRA) opposes AB 525 as introduced. In its current form, AB 525 would allow for innocent tenants to be evicted from their apartments and innocent property owners to lose their buildings over activities which neither can control and which do not necessarily present any threat to the public's health and well being.

Background

Currently, law enforcement agencies may notify property owners that their property is a public nuisance because of the delivery, distribution or manufacturing of a controlled substance on the property, or because the property is used for illegal gang activities. In conjunction with local law enforcement officials, property owners may commence a five-day expedited eviction process for guilty tenants. However, if a property owner does not agree to abate the nuisance, the court may order the closure of the building and sale of the property and building.

AB 525 would add the sale of alcoholic beverages without a required license, permit or other authorization, to the list of public nuisances, thereby subjecting those buildings and structures to existing remedial procedures, including the closure and sale of a building. These measures appropriately address the significant threat to the public's health and well being created by drug and gang activity.

AB 525 is Excessive Expansion of Current Law

The WRA has supported past legislative initiatives with regard to quick evictions for illegal drug and gang activities. Moreover, we concur that the over-consumption of alcohol presents a risk to individuals, property and the community. However, AB 525 not only fails to recognize the substantial difference between drugs, gangs and alcohol, it fails to recognize that the unauthorized sale of alcohol does not, in and of itself, present a risk to the public.

We believe the remedies under current law, which include the potential eviction of innocent tenants and the government closure of private property, should not be extended to the offenses covered in AB 525. AB 525 addresses the issue of whether or not alcohol is properly sold on a premise and does not address issues regarding consumption of alcohol or the behavior of those who consume alcohol. Because of this, and the different levels of risk associated with legal

- Over -

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AB 525
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activities such as the consumption of alcohol, AB 525 does not address the same level of public threat as illegal drugs and gang activity. That is, the level of risk to the public does not change whether the alcohol consumed was sold or given away. Since the issue of public threat is not addressed in AB 525, we feel the severe remedies under existing law for illegal drug and gang activities seem inconsistent and excessive when applied here.

We believe the proper remedy for the unauthorized sale of alcoholic beverages should be the application of existing law by law enforcement agencies against the individuals engaged in the unauthorized sale of alcohol. Evicting innocent tenants and confiscating the property of innocent property owners are not appropriate mechanisms to enforce alcohol licensing laws.

We urge you to oppose AB 525 in its current form.