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## ***What is rent withholding?***

Rent withholding is a program which allows tenants to pay their monthly rent directly to the City only when the landlord has failed to comply with previously-issued property maintenance orders. The rent is held in an escrow account by the City until the landlord has satisfactorily complied with the property maintenance orders, at which time the tenant will be notified by the property maintenance inspector to begin paying rent to the landlord.

## ***How do tenants qualify?***

If a landlord has failed to correct a *Property Maintenance Code* violation, the tenant may report the violation to the Department of Community Development and Inspections (Room 100). Upon verification of the *Property Maintenance Code* violation by the property maintenance inspector, an *Order to Repair* will be issued to the landlord to correct the violation(s) within a specified time. If the landlord fails to correct the violation in accordance with the *Order to Repair*, the tenant will be informed by the property maintenance inspector of the Rent Withholding Program.

## ***Under what circumstances are tenants disqualified?***

A tenant is ineligible for rent withholding if:

- The only violation of the Property Maintenance Code is the failure to comply with an exterior paint order; replacement or repair of siding, seeding, or sowing of grass; or replacing concrete foundations and fence posts during winter.

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- Rent is unpaid past the due date.
  - Tenant has been served a fourteen (14) day eviction notice prior to deposit of rent funds with the City of Kenosha.
  - A five (5) day quit or pay notice has been served and payment of rent has not been made prior to its expiration.
  - The *Property Maintenance Code* violation was caused by an act of the tenant or guest, or other person under the tenant's control.

## ***Are all rental properties subject to rent withholding?***

Rent withholding does not apply to owner-occupied two-unit dwellings or lodging houses with a lodging house permit.

## ***Does rent withholding authorization affect the owner's legal rights concerning the tenant?***

Rent withholding authorization will not preclude or adversely affect in any way the right of the owner to use any rights and remedies provided by the laws of the State of Wisconsin pertaining to the relationship of the landlord and tenant. For example, the owner can initiate eviction action against a tenant for nonpayment of rent to the City.

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## ***Can an owner appeal a tenant's authorization for rent withholding?***

The owner may appeal the tenant's authorization to deposit rental payments with the City of Kenosha. An appeal is made to the Board of Housing Appeals, which has the power to affirm or reverse the Department of Community Development and Inspections' decision.

## ***Are there safeguards for tenants and landlords against acts of harassment?***

No person may harass any other person. Harassment includes, but is not limited to:

- Making spurious complaints to a property maintenance or law enforcement official
- Terminating a tenancy or giving notice preventing automatic renewal of a lease
- Constructively evicting a tenant by any means, including termination or substantial reduction of heat, water, or electricity to the dwelling unit; or, increasing without good cause the rent to a unit by more than ten percent (10%) over the rental rate in effect at the time during which the tenant applied for rent withholding.

Any person who engages in and is convicted of harassment is subject to a forfeiture of not less than \$100, nor more than \$2,000 plus cost of prosecution.

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## ***Program Procedures***

- Owner of residential property fails or neglects to comply with an *Order to Repair* to correct a violation of the *Property Maintenance Code* by expiration date.
- Upon receiving an application from the property maintenance inspector, a tenant can either mail or bring the application to Community Development and Inspections, Room 100.
- After approval of the application by Community Development and Inspections, the tenant is authorized to deposit rental payments to the City of Kenosha. Funds will be kept in an escrow account.
- The tenant and the property owner will receive written notification that the tenant has been authorized to withhold rent.
- Rent must be received by Community Development and Inspections on or before rent due date. The owner will be notified of receipt of funds.
- After all repair orders which formed the basis for the rent withholding are complied to the satisfaction of the code official, all remaining funds, less eligible deductions, will be released to the owner.

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***For more information:***

***City of Kenosha***

***Department of Community  
Development and Inspections***

***625 52<sup>nd</sup> Street, Room 100***

***Kenosha, WI 53140***

***Phone: 262.653.4263***

***Fax: 262.653.4254***

***E-mail: [nsi@kenosha.org](mailto:nsi@kenosha.org)***

***Office Hours:***

***Monday – Friday: 8:00 a.m. - 4:30 p.m.***

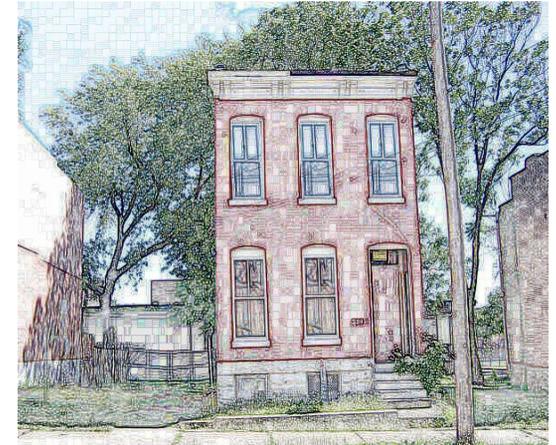
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# **Rent Withholding Program**

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**City of Kenosha**  
Community Development and Inspections  
625 52<sup>nd</sup> Street, Room 100  
Kenosha, WI 53140  
262.653.4263

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