



SENATE RESOLUTION 2825

TITLE: Resolution on Laramie Housing Ordinance 8.80.010-8.80.070
DATE INTRODUCED: September 13th, 2022
AUTHOR: Senator Engel-Cartie
SPONSORS: Senators Clapper, McLean, and Stadler; President Brown;
Director of Governmental and Community Affairs Heddins

1. WHEREAS, the purpose of the Associate Students of the University of Wyoming
2. (ASUW) Student Government is to serve our fellow students in the best manner possible;
3. and,
4. WHEREAS, on January 4, 2022, the Laramie City Council passed and incorporated the
5. City Rental Housing Code, Laramie Municipal Code Section 8.80.010-8.80.070; and,
6. WHEREAS, the stated purpose of the ordinance is “to provide minimum
7. habitability criteria to safeguard health, property and public wellbeing of owners,
8. occupants and users of rental housing and is intended to supplement rather than conflict
9. with the habitability standards of Wyoming State statutes;” and,
10. WHEREAS, upon the passage of this ordinance Bell LLC filed a civil suit in the
11. District Court of Albany County alleging that the ordinance violated the Due Process
12. Clause of the Wyoming and U.S. Constitutions and brought forward several claims on the
13. overall legality of the housing ordinance; and,
14. WHEREAS, on May 23, 2022, both parties involved in this lawsuit filed for summary
15. judgement, which was granted in part and denied in part in favor of Bell LLC on the
16. issue of due process as guaranteed by the U.S. and Wyoming Constitutions; and,
17. WHEREAS, this judgement in favor of Bell LLC allowed the City of Laramie avenue to
18. remedy the due process issue by clarifying whether this issue would be civil or criminal

19. in nature, and what burden of proof would be made on the part of the respondents in
20. court if this matter was not remedied by the landlord upon receiving a notice from the
21. City Manager's Office as clarified in the judgement in Addendum A; and,
22. WHEREAS, this housing ordinance allowed students and the public-at-large to file
23. grievance and seek remedy for housing issues that put them at risk and place and undue
24. burden on the daily conduct of their life; and,
25. WHEREAS, the Senate previously expressed their support for this measure in Senate
26. Resolution #2773: Support for Laramie City Council Ordinance #2309 for the Creation
27. of a City Rental Housing Code; and,
28. WHEREAS, over 2,200 students responded in the student issues survey on the status of
29. their landlord and commented on many of the issues that they faced, many of which put
30. their health and wellbeing at risk as exemplified in Addendum B; and,
31. WHEREAS, amending the housing code to retain the measures taken to protect the health
32. and safety of both student tenants and the public-at-large from landlords unwilling to
33. provide reasonable repairs to apartments legally leased would protect countless students
34. from unfair and unsafe housing practices.
35. THEREFORE, be it resolved by the Associated Students of the University of
36. Wyoming (ASUW) Student Government strongly expresses support for the City of
37. Laramie to resolve these legal issues in a manner that would allow for the enforcement of
38. Housing Code 3.8.80.010-8.80.070; and,
39. THEREFORE, be it further resolved by the Associated Students of the University of
40. Wyoming that ASUW expresses its support for this Housing Code and for further
41. measures to protect renters in Laramie for unfair and unsafe housing practices; and,

- 42. THEREFORE, be it further resolved that the ASUW ask the City of Laramie to pass
- 43. legislation to amend the Housing Code 3.8.80.010-8.80.070 allowing that code to act in
- 44. accordance with the Wyoming Rules of Civil Procedure and the ruling of the Albany
- 45. County District Court.

Referred to: Advocacy, Diversity, and
Policy_____

Date of Passage:

 Signed:


(ASUW Chairperson)

“Being enacted on

, I do hereby sign my name hereto

and approve this Senate action.”


ASUW President

Addendum A

1. While the City is correct that actions before the municipal court are appealable to the district court pursuant to the Wyoming Rules of Appellate Procedure, 1.04(b), it is unclear from the Ordinance's plain language whether the original proceedings would be criminal or civil in nature, and which parties would be legally entitled to a direct appeal or limited to certification of a question of law. Additionally, it is unclear as to who has the burden of proof and the burden of persuasion as to certain aspects of the matter; what the burden would be (e.g. beyond a reasonable doubt, preponderance of the evidence, other); and what defenses would be available to a landlord, particularly in light of the language in Laramie Municipal Ordinance 8.80.040.

2. The Court is most troubled by the language of Section 80.040.G.3: "Failure to comply with the notice and order issued under this section by the specified date shall constitute a violation subject to the penalties..." Id. (emphasis added). A reviewing court, under the plain language of this section, might interpret a failure to comply with the City Manager's notice and order as a per se violation of the Ordinance, whether or not a valid defense exists as to the underlying, alleged violation of the Ordinance's provisions. The use of the phrase "shall constitute" strongly suggests that simply failing to follow the City Manager's notice and order is, in and of itself, a violation—a violation which occurs prior to any judicial review of the Ordinance violation alleged in a tenant's complaint. In essence, the statute creates a strict liability crime or tort, depending on how the ordinance is interpreted. This apparent contradiction would leave a person of reasonable intelligence unsure as to what conduct is proscribed—violations of the Ordinance or failure to comply strictly with the City Manager's pre-hearing notice and order regardless of legal defenses or justifications thereto.

3. This lack of clarity is precisely the type of situation which could "impermissibly delegate[citation] basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application." Saiz, ¶ 9, 30 P.3d at 24.

4. For these reasons, the Court finds that the plain language of the Ordinance as written is unconstitutionally vague. The Ordinance fails to clarify: whether any hearing before the municipal court would be civil or criminal in nature; what rules, trial procedure, and appellate procedure apply; and whether a failure to comply with the City Manager's notice and order is, itself, a per se violation.

Addendum B

Student Tenant-Landlord/Property Management Survey Data and Testimonials

ASUW Student Issues Survey:

From September 20th through October 1st, ASUW conducted a broad student issues survey that was sent to the students of the University of Wyoming. Anonymous questions related to various issues facing students. The survey reached over 2,200 students across various disciplines, age groups, and communities.

Key Takeaways:

- Of the 1,300 UW Main-Campus students living off-campus, 577 students rent their place of residence, and **of those 577 students, 133 or 23.05% voiced a complaint about their current or past landlord in Laramie**
- Over 800 UW students ranked the creation of a tenant-landlord/property management company as one of their top priorities for our ASUW Administration
- **Most Common Student Complaints:**
 1. Non-responsive/lack of communication
 2. Misrepresentations of the unit/lease in advertising
 3. Landlords/Property Management Companies not upholding the predetermined, and legally binding, leases or rental agreements

Selected Student Testimonials:

Q - What is your relationship with your landlord? Any problems?

“It would be nice to have some policies in place in Laramie that actually protect tenants. There is really nobody to turn to without expensive legal fees.”

“We have had a horrible, horrible experience with our rental company. It is probably one of the worst things I have ever dealt with.”

“Landlords not responding to maintenance calls, resulting in unsafe living conditions.”

“They [Landlords] hold the power when it comes to situations.”

“I am moving out of a current house into a new place in the next week, and I have to juggle all of that on top of working and maintaining classwork.”

“Almost every “amenity” is broken. I was lied to about my move-in date, and the staff I’ve interacted with thus far have not followed any of the COVID-19 precautions mentioned on their website and distributed in emails. My last landlord lied about the house being filled with black mold, though, so I guess this is a step-up.”

“My landlord is overbearing with unrealistic/unlawful expectations and guidelines.”

All Student Testimonials:

“I did have a huge problem with a landlord and was able to move with help from Student Legal Services because the place was unsafe and uninhabitable, but it has been a detrimental experience. The electrical wiring in the unit was done completely illegally and almost started a fire, the window was broken, and the stove didn't work, and now he is trying to wrongfully keep over \$2,100 of mine. It was _____ - now known as _____ in affiliation with _____. I'll have to file court papers to try to get any of my \$2,100 deposits and advance rent back even though the place wasn't even habitable. Wyoming landlord-tenant laws need to be improved, and need to be able to be enforced. It's frustrating that even if the landlord is acting illegally, nobody can help the tenant enforce the law, not even the fire marshal or the codes administration. This allows people with minimal resources and knowledge to be repeatedly victimized. It doesn't have to be like this.”

“It's a massive corporation, so yes. Almost every "amenity" is broken, my ice maker doesn't work, my apartment wasn't cleaned well before I moved in, I was lied to about my move-in date, and the staff I've interacted with thus far have not followed any of the COVID precautions mentioned on their website and distributed in emails. My last landlord lied about the house being filled with black mold though, so I guess this is a step up.”

“My current landlord doesn't seem to want to actually fix any of the issues that I currently have going on in my apartment. We officially moved in more than 2 months ago, and we still do not have a front door that latches correctly or windows that lock which is a security issue. Our fire alarms haven't been changed since 2004 (the date is on the back of the fire alarm) which is a safety hazard because they should be replaced every 7-10 years, and my landlord doesn't seem keen to replacing them. It's difficult to get my landlord to actually do anything even though we're in constant communication with them about the issues we have. My previous landlord was the same way and even worse than the landlord that I currently have .”

“The current landlord is what I call a "slum lord". He doesn't want to hear your complaints. My oven doesn't work. He doesn't want to fix things. But he rented to me cheap. The other place, I am still fighting with to leave me be. They are large corporate organization with no humanity. I will probably end up with my credit destroyed and in court with them. There isn't anything I can do about it.”

“My apartment was dirty when I moved in, people have left trash and maintenance supplies in the hallways, there's noticeable wear and tear, and the water temperature for showers is either boiling hot or cold and never consistent. It was nicer when I lived here before.”

“I do not like _____ I have had many issues with them in the past and present. This is my second year living with them. Their lease is very horrible for us students. They have many iffy clauses that gives them the freedom to almost do as they please if the tenants complain.”

“Our landlord does not follow the lease. We had renovations that were supposed to be done that are now not finished and our landlords stuff is still being stored in our space.”

“The relationship is fine but mostly because I must keep it that way due to his controlling my access to shelter. My facilities are over 70 years old, there's lead paint on the walls, etc.”

“Rent price increases without fixing problems in the apartment (i.e., water leaks, bad hot water heater, etc.)”

“We were taken advantage of by a previous landlord _____. Lost a lot of money to _____ because _____ was trying to force us to live in an uninhabitable apartment but we deserted”

“Not good. Very poor communication on their end. Gaslighting naive college students seems to be a part of their business model, used primarily to get out of doing their job (e.g. "a lease is not REALLY a legally binding contract", "I've been doing this for X amount of years, this is how we do things", etc.). General lack of organization, care, and respect. It would be nice to have some policies in place in Laramie that actually protect tenants. There is really nobody to turn to without expensive legal fees. Landlords know students The relationship is better since I haven't had to interact with them since the first week after move-in which was beyond stressful.”

“I am with _____. They are terrible about providing fair returns on security deposits.”

“They haven't quite held up their end of the contract but it's not worth hiring a lawyer to sue.”

“I live in public assistance housing. They are raising our rent more than 50%.”

“My landlord is indifferent about the problems that I face in her house.”

“She wants to kick us out of our lease because we want a livable apartment and she isn't providing that so when confronted she tells us she will tear.”

“_____ is TERRIBLE!! My apartment was transferred over to them during the past year. They were completely uneducated about my building. They tried to make me sign a lease that said I would set up gas and electric payment directly. There is no way to measure gas and electricity for the individual apartments in my building. When I called and said I would not sign the lease until this was fixed in the contract, they stalked me until I signed it. They sent me a text and email every day, even though I called them several times to talk about the issues I had with the lease that needed to be changed before I would sign. When I called them they said I had time and it was ok that I hadn't signed the lease yet, I still got several texts and emails. Not ok! They also raised my rent \$50 a month but did not make any improvements to my apartment.

With the extremely low stipend (ranking in the national poverty level) I receive as a grad student and I am already using almost half of my monthly income to pay for rent so this was a serious increase for me.”

“Our windows don't function or are open to the elements and she does nothing and charges us too much.”

“Landlord is over bearing, always watching, unrealistic/unlawful expectations and guidelines (e.g., friends not allowed to park on certain areas of the public street.”

“Renting from a faceless company has its issues as I tend to receive automatic responses when needing assistance and assistance we receive is slow to respond.”

“I live in a multi-unit apt complex --- lack of maintenance. The pot holes are destroying my vehicle. The dripping water just upsets me. Every office person quits as quick as possible.”

“They've been unorganized from the beginning. The only reason I'm renting with them is because it was too late for me to try and find somewhere else to live. They didn't clean the apartment and have already screwed me over a few times and it's only been about two months. The majority of the reviews I've seen about this company are that they're slumlords and that they do everything they can to keep all of your deposit no matter what. I'm pretty sure they're going to keep all of my deposit when the lease is over despite the fact that I'm going to leave the apartment far cleaner than they left it for me.”

“There really is no relationship. I rent from a real estate agency so I don't really have a single landlord to contact. The agency is very busy and understaffed so none of the requests I have put in have been addressed.”

“My landlord is sometimes slow to respond to my emails/calls. He does not live in Laramie. The person that helps him with repairs in Laramie often appears without notice at inconvenient times and has been very rude to me. The utilities are left in the landlord's name, and he never sends me my portion of the bill in a timely manner. Often he will wait and send several months' worth at once, which means I have to budget monthly for a random amount and hope it evens out when it is actually time to pay him.”

“Just a random guy who doesn't do much with the place.”

“Very little contact with my landlord. I go to their office once-a-month to pay rent. I have not had any issues.”

“I don't really have one and when we need something fixed it takes us asking multiple times just to have someone come look at it let alone actually get it fixed.”

“Yes, they barely fix anything or take weeks. They hold the power when it comes to situations.”

“Yes, the _____ charges unnecessary fees and does not fix anything.”

“Yes, my landlord has been an issue since we moved in. She has not been organized, does not keep to her word, talked badly about and to my roommate and overall is very unprofessional.”

“I don't know my landlord, I have no lease, my roommate knows the landlord and doesn't have a lease, its super cheap rent for a rundown place.”

“Not with the landlord but with neighbors; landlord talks to them but nothing is solved.”

“He's somewhat agro on what he says. Like we said a month ago that our window blinds are broken. He agro talk and said, "that's not important it will be fixed in 2-3 months, we are running low on people".”

“My landlord is a land management company. I don't have any direct problems with them. but I certainly don't trust them based on what they have done to previous tenants.”

“He can be difficult to deal with and stubborn. We ask for things to get fixed and he doesn't.”

“They don't fix things, when something is broken and out of our control to fix.”

“They are greedy individuals from _____, I've never met them and they don't know how to properly communicate though their property management individual.”

“Just started. The other day she called me while I was in class saying she was going to fix something in my apartment. No warning. I'm happy that my Windows and oven were fixed but that feels like a big invasion of privacy.”

“She's very nice but her maintenance time is very slow. We have lived here for 8 months and our fan was broke before we moved in and it is still not fixed. Our maintenance people took our fire alarm two months ago and still have not brought it back and wires are hanging from our ceiling.”

“They suck at communicating and I've had major problems with them (like them forgetting to pay the power bill and not sending me my refund check from my last place) but they mostly keep to themselves so I'm content with the relationship.”

“We largely do not interact, but I had to fight to get the internet set up in my apartment. He owns his own internet company, so he took issue with the fact that the corporate company had to replace the lines due to how old they were.”

“I believe they are greedy people who keep trying to sneakily charge me for illegal extra items.”

“They are not very helpful and I am afraid to put in maintenance requests because they threaten to make us pay large amounts of money if the problem is somehow connect to us. For example, they charged my neighbor \$700 because their hair clogged their pipes”

“On a avoid at all costs relationship. She is rude and not caring. Our stove top burner literally blew up while I was cooking dinner one night and she had no concerns at all.”

“Relationship is fine with my landlord, but they do not do any upkeep, so the living situation is not as safe as it should be.”

“When I first moved to Laramie I had a very bad landlord. The apartment I stayed in was disgusting; the walls were peeling, it was a three bedroom but it seemed like two of those bedrooms were cut in half and looked more like hallways than places to sleep in, we could not use our bathroom for two weeks because our upstairs neighbors had a washer leaking into the bathroom and the ceiling broke, the carpet was thin and gross, and the upstairs neighbors controlled the heat so when they were mad at us and the landlord (they ended up getting evicted and doing \$20,000 worth of damage to the unit upstairs) we did not get any heat yet we still had to pay for half of the utilities. It caused a lot of emotional stress for my partner and I.”

“Not very responsive, nor super organized.”

“I'm very lucky that I rent from a homeowner (not an apartment complex landlord) who is passionate about landlord/tenant rights in Laramie and has expressed multiple times how much she doesn't want to be like other landlords in town. I'm glad that I didn't end up renting from _____ or _____, both of which are known to rent out shoddy cheap places and have a poor response time to repair stuff.”

“We recently got a new landlord (old landlord was fired-I live in an apartment complex) I don't have issues personally but the living situation for maintenance is rough. We have gone awhile with a sink, dishwasher and WIFI is not the best, it always goes out which makes hard even more difficult.”

“Lack of communication when things are broken and need fixed”

“Super unorganized, rude, inconsistent.”

“Had a terrible experience last year with _____”

“Our relationship is ok, but she is kind of shady. She doesn't like to give deposits back, and she is always calling me.”

“It is a distant relationship. There is lack of accountability between the landlord and maintenance. Things are taking a while to get fixed.”

“It is a distant relationship. There is lack of accountability between the landlord and maintenance. Things are taking a while to get fixed.”

“My landlord is fine now, but I have had awful experiences with past landlords.”

“They have not yet fixed our moldy bathroom ceiling despite reminders.”

“Hard to get things fixed that are the responsibility of the landlord”

“I don't like the management at my complex, but there are no serious issues”

“I would say it's an okay relationship. He does not feel like a person that I can trust and honestly it does not seem that he really cares about his tenants at all.”

“Fine but they are greedy and only doing it for the money”

“The manager of our apartment complex is retiring, and we now need to move.”

“My landlord has communication issues. He needs to express himself better.”

“No issues with current landlord. Previous landlord however is withholding deposit without written reason of why”

“The landlord is neglectful, will not get back at an appropriate time, and left the house in shambles for us to clean from previous tenants.”

“My landlord is kind of sketchy--I still don't have a copy of my lease and when SAFE Project contacted him to try to help pay my rent he asked if I would just like to find somewhere else to live”

“The administrators for the building I live in have been jerks. There have been lots of problems with my rental unit, all of which I had to work hard and advocate to get major items fixed and not have them charge out-of-pocket expenses. They threaten to charge people out-of-pocket expenses for other issues that aren't even because of them. There were several promises made when showing the apartment versus what was in the lease. A few major verbal promises were not kept, including the important issue of having a parking spot off of the road. It was supposed to be a dog-free building, but I have been dealing with more than 3 dogs barking and whining because they are Emotional Support Animals. The Emotional Support Animals, in my opinion, need their own Emotional Support animal friend as well. The dogs are not professionally trained dogs like Service Animals, they are untrained, loud, immature dogs. The very reason why dogs are not allowed...in the first place, the barking, the crapping on the shared, public lawn space where people enjoy playing games, etc. I am very good at standing up for myself and advocating my rights as a renter because I am paying a lot of money to a management company that does not actually "manage" the property very well at all and tries to punish the hard-working, paying tenants.”

“My current one is great. In the past I've had a hard time getting deposits back”

“it's not great. he has yet to meet us and neighbors who have same landlord complain about him not being involved.”

“Terrible. Being discriminated against by my landlord and threatened.”

“They are overpriced and our house was disgusting when we moved in.... So I'd say not great.”

“Relationship is ok, though I've been trying to get them to come fix some issues with the apartment, but to no avail.”

“My landlord is unreliable. She has made promises to fix issues in the house and never follows through.”

“No problems other than the occasional lack of communication with all of the roommates. Sometimes only one of us is contacted about things such as inspections.”

“Yes, They do not follow any rules and regulations. They can do whatever they want.”

“I recently purchased a home. Previously high rent was an issue. My mortgage is less than rent would have been (it's difficult to find housing with a partner and 2 dogs.)”

“I don't know the owner of the property. I work with a realtor who handles issues. The relationship can be rocky and I have been lied to about certain things. My roommates and I have just pushed and fought for fixing issues within the apartment.”

“My neighbors are threatening and are affecting my mental wellbeing. I don't feel safe in my apartment because of my neighbors and because the maintenance workers let themselves in without knocking or announcing themselves. My landlord won't take me seriously on either of these issues.”

“I don't even really know who's in "charge" at _____”

“They're alright but have lied about somethings they said they offered.”

“Just that they keep increasing rent prices and utility prices. otherwise they are great - just wish they were more consistent especially for returning tenants.”

“Some issues with the apartment, the landlord lied about some things related to the apartment when we signed the lease. Besides that, no.”

“The landlord is very easy to deal with but the property manager is not very helpful or professional.”

“I live in an apartment complex and the rent is too high and makes finances a struggle but otherwise pretty good.”

“Current? Good Past? Awful”

“I own my home. I have lived in 7 rental properties during my time as an on again, off again student. Most of my relationships with my landlords have been good. The biggest problems have been when getting repairs of major systems conducted. However, I also know that is related to a maintenance and repair labor shortage in Laramie.”

“Land lord is a bit of a knob, can't provide good internet, and doesn't do repairs often.”

“My problem is the fact that I have to pay someone a ton of money to live in a home that’s already paid off and is not kept up well. Laramie just has an affordable housing crisis.”

“No issues beyond a \$10 increase in rent after the first year. I would recommend _____ they've been one of the better orgs I've rented from. I've heard that other renters in Laramie can be extremely difficult, so I feel lucky.”

“Not very good at communicating and never have an answer.”

“The University is my landlord. I have no quarrels with the "landlord", but I do dislike the amenities (or really the lack thereof). Maintenance can be shoddy, but again, not really a landlord thing.”

“We have been homeless for a long time because of Covid-19 and landlord issues. Also housing is not financially realistic nor pet friendly.”

“Pretty good no problems but have heard that’s not exactly the case for a lot of students.”

“I live at _____. I have had some minor inconveniences by the way they do some things but they seem to manage most things well overall and I do not have major complaints at this time.”

“I do not really like my landlords and believe that they are scamming people for money for the smallest things. Plus, they do not communicate very well and put themselves before their tenants.”

“Major problems. They hold a power imbalance over their tenants, and they ignore our needs and requests even when it concerns our personal safety.”

“_____ does not fix things or do much. They have yet to pick up pipes and a washer that have been in the yard since we moved in. It has been about two years. They suck but at least they leave you alone mostly I guess.”

“Difficult, we have not received new leases, and no maintenance requests have been completed in almost a year.”

“Fine right now, no problems however, I have rented with this landlord in the past and to be honest, they are just greedy and do not care about tenants - just want money.”

“Nope, just some misunderstandings when he forgets things about our contract and blames us before us reinforcing him and resending him our contract.”

“Non-responsive to house issues (such as broken things never being fixed)”

“I had a lot of problems with my previous landlord, which caused me to have to move houses I live in. I have no issues currently with my new landlord.”

“My landlord does not resolve facility issues.”

“Alright so far, relationship with previous landlord was very bad though and caused a lot of anxiety.”

“Some negligence with appliance issues and previous landlord took a lot out of a deposit without good reason.”

“Landlord is extremely unreliable and disrespectful. Will be moving out as soon as lease term is up.”

“She does not fix issues in a timely manner.”

“My landlord has increased rent a lot and is not fixing major issues in my apartment (e.g., heat not working, leak in ceiling).”

“I’m moving out of a current house into a new place in the next week and I have to juggle all of that on top of working and maintaining class work.”

“My relationship is good from their end I am a good tenant. However my landlord charges for water and sewer unlike most other landlords in town and has had a sewer pipe in my yard since February that leaked on multiple occasions.”

“He’s good at fixing things but bad at responding.”

“Defective appliances and rundown apartment.”

“My current landlord is supportive, but I’ve run into previous landlords who were not helpful with house problems and have had some difficulty finding affordable and well-kept housing.”

“Slow to react to claims.”

“We actually are struggling with our landlord fulfilling our requests and work orders.”

“Landlords not responding to maintenance calls, resulting in unsafe living conditions.”

“They [Landlords] hold the power when it comes to situations.”

“I am moving out of a current house into a new place in the next week, and I have to juggle all of that on top of working and maintaining classwork.”

“Our landlord does not follow the lease.”

“My landlord is indifferent about the problems that I face in the house.”

“My landlord is overbearing and has unlawful practices.”

