



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: February 28, 2000

TO: REPRESENTATIVE TOM SYKORA, CHAIRPERSON, AND MEMBERS OF THE ASSEMBLY COMMITTEE ON HOUSING

FROM: Mary Matthias, Senior Staff Attorney

SUBJECT: LRB-1465/1, an Assembly Amendment to 1999 Assembly Bill 711, Relating to Termination of Tenancy for Posing a Direct Threat of Physical Harm or Injury to Persons or a Substantial Risk of Physical Damage to Property

This memorandum describes LRB-1465/1, an Assembly Amendment to 1999 Assembly Bill 711, relating to termination of tenancy for posing a direct threat of physical harm or injury to persons or substantial risk of physical damage to property. 1999 Assembly Bill 711 was introduced on February 3, 2000 by Representatives Sykora and others; cosponsored by Senator Welch and others. The bill was referred to the Assembly Committee on Housing, which held a hearing on the bill on February 23, 2000 and has scheduled an executive session on the bill on February 28, 2000.

A. 1999 ASSEMBLY BILL 711

1. Creation of Two New Grounds for the Termination of Tenancy

1999 Assembly Bill 711 creates ^{two new} grounds for the termination of the tenancy of a tenant by a landlord. Specifically, the bill provides that a landlord may terminate the tenancy of a tenant under either of the following circumstances:

a. If the behavior of the tenant poses a direct threat to the safety of the tenant's guests, the landlord, the landlord's agent, other tenants or guests of other tenants.

~~b. If the behavior of the tenant poses a substantial risk of physical damage to the property of the tenant's guests, the landlord, the landlord's agent, other tenants or guests of other tenants.~~

2. Notice Required to Terminate Tenancy

The bill provides that in order to terminate a tenancy under the circumstances set forth above, the landlord must provide notice to the tenant to vacate the property on or before a date at least five days after giving the notice. The notice must state the reason for the termination of the tenancy, the basis on which the landlord believes that the tenant's behavior poses a direct threat to safety or a substantial risk of physical damage, and must set forth the right of the tenant to contest the termination of tenancy in an eviction action in court.

3. Evidence Required to Terminate Tenancy for Behavior Posing a Direct Threat to Safety

The bill provides that a claim that a tenant's behavior poses a direct threat to the safety of any of the persons listed above must be evidenced by behavior of that tenant that either: (a) caused harm or injury to that person; (b) directly threatened harm or injury to that person; or (c) caused a reasonable fear of harm or injury to that person.

4. Evidence Required to Terminate a Tenancy for Behavior Posing a Substantial Risk of Physical Damage

~~The bill provides that a claim that a tenant's behavior poses a substantial risk of physical damage to the property of any of the persons listed above must be evidenced by behavior of that tenant that either: (a) caused physical damage to that property; (b) directly threatened physical damage to that property; or (c) caused a reasonable fear of physical damage to that property.~~

B. LRB-1465/1, AN ASSEMBLY AMENDMENT TO 1999 ASSEMBLY BILL 711

LRB-1465/1 deletes all provisions of the bill pertaining to the termination of a tenancy for behavior posing a substantial risk of physical damage to property. Thus, under the amendment, a landlord is not authorized to terminate a tenancy because of behavior of the tenant that poses a substantial risk of physical damage to property. Under the amendment, only one new ground for the termination of a tenancy is created: behavior of a tenant that poses a direct threat to the safety of the tenant's guests, or a landlord, the landlord's agent, other tenants or guests of other tenants.

Please contact me at the Legislative Council Staff offices if you have questions or would like more information. My direct telephone number is 266-0932; my e-mail address is mary.matthias@legis.state.wi.us.

MM:rv;tlu

- take a property issue raised by Hebl
- big dif b/w threat to damage & actual damage
- the one time house party can be construed as threat to safety
- § 89.01 would affect housing for 1000s of Wisconsin



TOM SYKORA
STATE REPRESENTATIVE

TO: Members of the Assembly

FROM: Representative Tom Sykora

DATE: March 14, 2000

RE: Assembly Bill 711, relating to tenant safety

On Wednesday, March 15, the Assembly will be voting on passage of Assembly Bill 711. The bill will give landlords more control over their rental property in cases where a tenant poses a direct threat of physical harm or injury to the landlord, another tenant or a guest of another tenant.

AB 711 was introduced in response to an incident in which an elderly woman was brutally raped by a fellow tenant. Under current law, the landlord was unable to evict the man, thus creating an undue threat to the other tenants. Attached you will find a newspaper article regarding this unfortunate incident.

As a landlord myself, I have encountered and know several other landlords who have encountered incidences where a tenant has threatened the safety of the other tenants, and there was nothing that could be done to evict that tenant. Assembly Bill 711 will help to improve the safety of renters, especially those who prove to be the most vulnerable, including the elderly and children.