2007 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB520)

Received: **10/15/2007**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Landlord/tenant relations when domestic abuse and personal safety issues are involoved

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Instructions:

See Attached. Remove all the local government material; all of Bill Section 1, and sub. (2) of Section 4

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mshovers 10/15/2007	csicilia 10/15/2007		_____ _____			
/1			jfrantze 10/15/2007	_____ _____	sbasford 10/15/2007	sbasford 10/15/2007	

FE Sent For:

<END>

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/?	mshovers	/1 cjs 10/15/07		10/15			

/1 MES 10/15/07

FE Sent For:

<END>

Shovers, Marc

From: de Felice, David Patrick
Sent: Monday, October 15, 2007 10:17 AM
To: Shovers, Marc
Cc: Adam Plotkin; Anne Emerson; Bob Anderson; Josh Freker - (WI Coalition Against Dom. Viol.); Luke Hilgemann; Mike Murray
Subject: SB 269 (LRB 2269)

Marc,

Please proceed with drafting a substitute amendment to SB 269 (LRB 2269).

As we discussed, Sen. Coggs would like Section 1 and subsection (2) of Section 4 eliminated.

Thank you,

Dave de Felice
Office of Sen. Coggs
608-266-2500 phone
608-282-3546 fax

10/15 Anne called & requested a companion for Rep. Suder - AB 520

2007 – 2008 LEGISLATURE

LRB-3020/1
PJK&MES:cs:jf

2007 ASSEMBLY BILL 520

October 4, 2007 – Introduced by Representatives SUDER, BERCEAU, DAVIS, GRIGSBY, HONADEL, KAUFERT, KESSLER, KLEEFISCH, LEMAHIEU, MOULTON, MUSSER, NERISON, NYGREN, A. OTT, PARISI, PETROWSKI, POCAN, RICHARDS, SEIDEL, SINICKI, SMITH, STRACHOTA, TAUCHEN, TOWNSEND, TURNER, A. WILLIAMS and ZEPNICK, cosponsored by Senators COGGS, CARPENTER, DARLING, HANSEN, HARSDORF, KREITLOW, LASSA, OLSEN, PLALE, RISSER, ROESSLER, SCHULTZ and SULLIVAN. Referred to Committee on Housing.

AN ACT ***to renumber and amend*** 704.19 (2) (b); and ***to create*** 66.0627 (7), 704.16 and 704.44 of the statutes; **relating to:** terminating a tenancy for imminent threat of serious physical harm; making leases that restrict access to certain services void and unenforceable; and prohibiting the imposition of fees for local government emergency services.

Analysis by the Legislative Reference Bureau

Landlord–tenant relations

Under current law, if leased premises become untenantable because of damage by fire, water, or other casualty, because of a condition that is hazardous to the tenant's health, or because the tenant's health or safety is materially affected by lack of repairs to the premises, the tenant may remove from the premises and is not responsible for rent for the period after the premises became untenantable. This bill provides that a tenant may terminate his or her tenancy and remove from the premises if the tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. The tenant must provide notice to the landlord and a certified copy of: 1) an injunction order protecting the tenant or the child from the person; 2) a condition of release ordering the person not to contact the tenant; 3) a criminal complaint alleging that the person sexually assaulted or stalked the tenant or the child; or 4) a criminal complaint filed against the person as a result of an arrest for committing a domestic

abuse offense against the tenant. If the tenant provides the required certified copy and proper notice of the termination of the tenancy to the landlord and removes from the premises, the tenant is not responsible for any rent after the end of the month in which he or she provides the notice or removes from the premises, whichever is later.

substitute amendment

Under current law, a landlord may not increase rent, decrease services, bring an action for possession of the premises, refuse to renew a lease, or threaten to do any of those things, if there is a preponderance of evidence that the landlord's action or inaction is in retaliation against the tenant for making a good faith complaint about a defect in the premises to a public official or housing code enforcement agency, for complaining about a violation of a local housing code, or for exercising a legal right related to residential tenancies. This bill provides that a lease is void and unenforceable if it allows a landlord to increase rent, decrease services, bring an action for possession of the premises, refuse to renew a lease, or threaten to do any of those things, because the tenant has contacted an entity for law enforcement services, health services, or safety services.

Local government emergency services

Under current law, a municipality (a city, village, or town) may impose a special charge against real property for current services rendered, including services such as snow and ice removal, weed elimination, and sidewalk repair. This bill prohibits a municipality or a county from imposing a fee on the owner or occupant of property for a call for assistance that is made by the owner or occupant requesting law enforcement, fire protection, or other emergency services from the municipality or county.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0627 (7) of the statutes is created to read:

2 66.0627 **(7)** Notwithstanding sub. (2), no city, village, town, or county may
3 enact an ordinance, or enforce an existing ordinance, that imposes a fee on the owner
4 or occupant of property for a call for assistance that is made by the owner or occupant
5 requesting law enforcement, fire protection, or other emergency services that are
6 provided by the city, village, town, or county.

7 **SECTION 2.** 704.16 of the statutes is created to read:

704.16 Termination of tenancy for imminent threat of serious physical harm. (1) TERMINATING TENANCY. A tenant may terminate his or her tenancy and remove from the premises if both of the following apply:

(a) The tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises.

(b) The tenant provides the landlord with notice in the manner provided under s. 704.21 and with a certified copy of any of the following:

1. An injunction order under s. 813.12 (4) protecting the tenant from the person.

2. An injunction order under s. 813.122 protecting a child of the tenant from the person.

3. An injunction order under s. 813.125 (4) protecting the tenant or a child of the tenant from the person, based on the person's engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32, or attempting or threatening to do the same.

4. A condition of release under ch. 969 ordering the person not to contact the tenant.

5. A criminal complaint alleging that the person sexually assaulted the tenant or a child of the tenant under s. 940.225, 948.02, or 948.025.

6. A criminal complaint alleging that the person stalked the tenant or a child of the tenant under s. 940.32.

7. A criminal complaint that was filed against the person as a result of the person being arrested for committing a domestic abuse offense against the tenant under s. 968.075.

(2) NOT LIABLE FOR RENT. If a tenant removes from the premises because of a threat of serious physical harm to the tenant or to a child of the tenant from another

person and provides the landlord with a certified copy specified under sub. (1) and with notice that complies with s. 704.21, the tenant shall not be liable for any rent after the end of the month in which he or she provides the notice or removes from the premises, whichever is later.

SECTION 3. 704.19 (2) (b) of the statutes is renumbered 704.19 (2) (b) 1. and amended to read:

704.19 **(2)** (b) 1. A periodic tenancy can be terminated by notice under this section only at the end of a rental period. In the case of a tenancy from year–to–year the end of the rental period is the end of the rental year even though rent is payable on a more frequent basis. ~~Nothing~~

2. Notwithstanding subd. 1., nothing in this section prevents termination of a tenancy before the end of a rental period because of an imminent threat of serious physical harm, as provided in s. 704.16, or for nonpayment of rent or breach of any other condition of the tenancy, as provided in s. 704.17.

SECTION 4. 704.44 of the statutes is created to read:

704.44 Lease that restricts access to certain services is void. A lease is void and unenforceable if it allows a landlord in a residential tenancy to do any of the following because a tenant has contacted an entity for law enforcement services, health services, or safety services:

(1) Increase rent.

(2) Decrease services.

(3) Bring an action for possession of the premises.

(4) Refuse to renew a lease.

(5) Threaten to take any action under subs. (1) to (4).

SECTION 5. Initial applicability.

1 (1) TENANTS AND LANDLORDS. The treatment of sections 704.16, 704.19 (2) (b),
2 and 704.44 of the statutes first applies to leases entered into, modified, or renewed
3 on the effective date of this subsection.

4 ~~(2) LOCAL GOVERNMENT EMERGENCY SERVICES. The treatment of section 66.0627~~
5 ~~(7) of the statutes first applies to a call that is made for law enforcement, fire~~
6 ~~protection, or other emergency services on the effective date of this subsection.~~

7 **(END)**