

2011 DRAFTING REQUEST

Bill

Received: **02/03/2011**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Janine Hale**

May Contact:

Drafter: **pkahler**

Subject: **Real Estate - landlord/tenant**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit ordinances regarding certain landlord practices

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/11/2011	edt_sbasford 02/23/2011 jdye 02/23/2011		_____			
/P1			phenry 02/23/2011	_____	mbarman 02/23/2011		
/1	pkahler 03/14/2011	edt_sbasford 03/17/2011	rschlue 03/18/2011	_____	lparisi 03/18/2011		

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/2	pkahler 03/21/2011	edt_sbasford 03/22/2011	rschluet 03/23/2011	_____	sbasford 03/23/2011		
/3	pkahler 04/18/2011	edt_sbasford 04/19/2011	jfrantze 04/19/2011	_____	ggodwin 04/19/2011	lparisi 05/06/2011	

FE Sent For:

None

<END>

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/3	pkahler 04/18/2011	edt_sbasford 04/19/2011	jfrantze 04/19/2011	_____	ggodwin 04/19/2011		

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/P1		3 4 19 jld	phenry 02/23/2011	_____	mbarman 02/23/2011		
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3/19

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/2	pkahler 03/21/2011	edt_sbasford 03/22/2011	rschluet 03/23/2011	_____	sbasford 03/23/2011		

FE Sent For:

13 SBB
4/1/8

<END>

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		jdyer 02/23/2011					
/P1		<i>1/2 3/22 jld</i> phenry 02/23/2011			mbarman 02/23/2011		
/1	pkahler 03/14/2011	edt_sbasford 03/17/2011	rschluet 03/18/2011	<i>MD</i> <i>PH</i>	lparisi 03/18/2011		
<i>12</i>		<i>SBB</i> <i>3/21</i>	<i>9</i> <i>3/21</i>				

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1/1
FE Sent For: SBB 1/3/15 jld 3/7/11 3/18 <END>

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1/?	pkahler	PI SBB PI JLD	2/3 Ph	2/3 ph/15			
FE Sent For:							

<END>

Kahler, Pam

From: Kahler, Pam
Sent: Thursday, February 03, 2011 3:10 PM
To: Rep.Vos
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

Janine:

I'm not sure what the first addition means (timelines on showing or leasing apartments). Can you give me some examples? Thanks.

From: Rep.Vos
Sent: Thursday, February 03, 2011 2:51 PM
To: Kahler, Pam
Subject: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

Pam,

Rep. Vos would like to request a re-draft of 2009 LRB 4436/2 relating to prohibiting ordinances that limit a landlord's ability to obtain certain information.

He'd like the bill drafted with the same language with a few additions:

Add language that would not allow local ordinances to impose timelines in showing apartments and leasing apartments.
Add language that would not allow local ordinances to prohibit limits on the length of time for landlords to look back at credit, convictions, and previous housing of potential tenants.

Please let me know if you have any questions.

Thank you,
Janine Hale

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...



DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: PJK) (Date: 2 / 11 / 11)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for

2009 LRB 4436 (For: Rep. / Sen. Vos)

to the drafting file for

2011 LRB 1296 (For: Rep. / Sen. Vos)

-----OR-----



Please copy the drafting file for

2011 LRB _____ (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2011 LRB _____ (For: Rep. / Sen. _____)



Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file: _____



2011
2009 BILL

(in 2-11)
by Monday 2-28,
please

Regen place certain limits on landlords ✓

1 AN ACT to create 66.0104 of the statutes; relating to: prohibiting ordinances
2 that limit a landlord's ability to obtain certain information.

Insert A

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county from enacting an ordinance that prohibits or limits a landlord from obtaining or using various types of information about a tenant or prospective tenant, such as household income, occupation, court records, rental history, and credit information.

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

3 SECTION 1. 66.0104 of the statutes is created to read: place certain limits on
4 66.0104 Prohibiting ordinances that limit a landlord's ability to obtain
5 information. (1) No city, village, town, or county may enact an ordinance that
6 (a) prohibits a landlord from, or that places limitations on a landlord with respect to,
7 obtaining and using or attempting to obtain and use any of the following information
8 with respect to a tenant or prospective tenant: ✓

places any of the following limitations on a residential landlord:

BILL

1 ~~¶ 1.~~ (a) Monthly household income.

2 ~~¶ 2.~~ (b) Occupation.

3 ~~¶ 3.~~ (c) Rental history.

4 ~~¶ 4.~~ (d) Credit information.

5 ~~¶ 5.~~ (e) Court records, including arrest and conviction records, to which there is
6 public access.

7 ~~¶ 6.~~ (f) Social security number or other proof of identity. ✓

8 (2) If a city, village, town, or county has in effect on the effective date of this
9 subsection ✓.... [LRB inserts date], an ordinance that is inconsistent with sub. (1), the
10 ordinance does not apply and may not be enforced. ✓

11 (END)

Insert 2-7 ✓

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-1296/ins
PJK:.....
SBB

INSERT A

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft. ✓

(END OF INSERT A)

INSERT 2-7

1 (b) Imposes time limits on showing or leasing apartments. ✓

****NOTE: I do not know what this language means. I can think of several meanings for imposing time limits on showing apartments, many of which would be very reasonable, such as no showings after 10 pm, but I can't think of any meaning for imposing time limits on leasing apartments that makes sense. Can you give me some examples of what you have in mind for each (showing and leasing) so that I can draft the language more accurately?

2 (c) Limits how far back in time a prospective tenant's credit information,

3 conviction record, or previous housing may be taken into account by a landlord. ✓

(END OF INSERT 2-7)

Kahler, Pam

From: Hale, Janine
Sent: Thursday, March 10, 2011 2:23 PM
To: Kahler, Pam
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability... 11-1296

Pam,

Please turn this preliminary draft into a /1 with the following changes:

Page 2 line 8

- (b) Prohibits a landlord from showing an apartment to a prospective tenant during an existing lease term, other than: (i) requiring at least 12 advance notice of the showing to the existing tenant, and (ii) requiring the landlord to show the apartment between the hours of 8:00 a.m. and 8:00 p.m.
- (c) Prohibits a landlord from leasing an apartment for a subsequent term at any time during an existing lease term.
- (d) Limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be taken into account by a landlord.

Please note that this change splits (b) in the preliminary draft into (b) and (c). Then the old (c) becomes the new (d).

If you have any questions, please contact me at Janine.hale@legis.wi.gov.
Please send me a draft of LRB 1296/1 before it is jacketed.

Thank you,
Janine

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

From: Kahler, Pam
Sent: Wednesday, February 23, 2011 11:37 AM
To: Hale, Janine
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

I will do that. Thanks.

From: Hale, Janine
Sent: Wednesday, February 23, 2011 11:36 AM
To: Kahler, Pam
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

Pam,

Thanks for the reply. I can understand the busyness of the times. I apologize, but I did not see your email about the vague language addition. Things have been crazy over here so I'm guessing it got lost in the shuffle. I guess we can work from the first draft and clear up anything as we go. Can you please ask the editors to have something available by Monday



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1296/1
PJK:sbb&jld:ph

v m m m (to "/>)

2011 BILL

*D-note
(in 3-14)*

4

regen

1 AN ACT *to create* 66.0104 of the statutes; **relating to:** prohibiting ordinances
2 that place certain limits on landlords. ✓

*Insert
A*

✓

Analysis by the Legislative Reference Bureau

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

3 SECTION 1. 66.0104 ✓ of the statutes is created to read:
4 **66.0104 Prohibiting ordinances that place certain limits on a landlord.**

5 (1) No city, village, town, or county may enact an ordinance that places any of the
6 following limitations on a residential landlord:

7 (a) Prohibits a landlord from, or places limitations on a landlord with respect
8 to, obtaining and using or attempting to obtain and use any of the following
9 information with respect to a tenant or prospective tenant:

10 1. Monthly household income.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1296/lins
PJK:.....

INSERT A

4 This bill prohibits a city, village, town, or county from enacting an ordinance that does any of the following with respect to a residential landlord: 1) prohibits or limits the landlord from obtaining or using various types of information about a tenant or prospective tenant, such as household income, occupation, court records, rental history, and credit information; 2) limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be considered by the landlord; or 3) prohibits the landlord from showing a rental property to a prospective tenant, or from entering into a rental agreement for a rental property with a prospective tenant, while the current tenant is living there. Under the bill, an ordinance may, however, require a residential landlord to give at least 12 hours' advance notice before showing a rental property and may limit the hours during which the landlord may show a rental property to between 8 a.m. and 8 p.m.

(END OF INSERT A)

INSERT 2-9

tenancy of ←

1 (c) Prohibits a landlord from entering into a rental agreement for a premises
2 with a prospective tenant during the term of the rental agreement with the current
3 tenant of the premises.

4 (d) Prohibits a landlord from showing a premises to a prospective tenant during
5 the tenancy of the current tenant of the premises, except that an ordinance may do
6 any of the following:

7 1. Require a landlord to provide to the current tenant at least 12 hours' advance
8 notice of a showing.

9 2. Limit the hours during which a landlord may show the premises to
10 prospective tenants to between 8 a.m. and 8 p.m.

(END OF INSERT 2-9)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1296/1dn

PJK:.....

SBB

4

JLD

Date

I think that proposed s. 66.0104 (1) (d) 1. ✓ could be interpreted to mean two ✓ different things: 1) that an ordinance may state that "a landlord must give at least 12 hours' advance notice," in which case a landlord would probably give 12 hours' notice; or 2) that an ordinance may require a landlord to give a specified amount of advance notice that is not less than 12 hours long, such as requiring 48 hours' advance notice. Is this

ok?
==

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1296/1dn
PJK:sbb/jld:rs

March 17, 2011

I think that proposed s. 66.0104 (1) (d) 1. could be interpreted to mean two different things: 1) that an ordinance may state that "a landlord must give at least 12 hours' advance notice," in which case a landlord would probably give 12 hours' notice; or 2) that an ordinance may require a landlord to give a specified amount of advance notice that is not less than 12 hours long, such as requiring 48 hours' advance notice. Is this OK?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1296/2
PJK:sbb&jld:rs

✓ in is run
SBB

2011 BILL

(in 3-21)

D-note

regen

1 AN ACT to create 66.0104 of the statutes; relating to: prohibiting ordinances
2 that place certain limits on landlords. ✓

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county from enacting an ordinance that does any of the following with respect to a residential landlord: 1) prohibits or limits the landlord from obtaining or using various types of information about a tenant or prospective tenant, such as household income, occupation, court records, rental history, and credit information; 2) limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be considered by the landlord; or 3) prohibits the landlord from showing a rental property to a prospective tenant, or from entering into a rental agreement for a rental property with a prospective tenant, while the current tenant is living there. Under the bill an ordinance may, however, require a residential landlord to give at least 12 hours' advance notice before showing a rental property and may limit the hours during which the landlord may show a rental property to between 8 a.m. and 8 p.m.

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

3 SECTION 1. 66.0104 ✓ of the statutes is created to read:

BILL

66.0104 Prohibiting ordinances that place certain limits on a landlord.

Insert 2-2
(1) No city, village, town, or county may enact an ordinance that places any of the following limitations on a residential landlord:

(a) Prohibits a landlord from, or places limitations on a landlord with respect to, obtaining and using or attempting to obtain and use any of the following information with respect to a tenant or prospective tenant:

1. Monthly household income.
2. Occupation.
3. Rental history.
4. Credit information.
5. Court records, including arrest and conviction records, to which there is public access.
6. Social security number or other proof of identity.

(b) Limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be taken into account by a landlord.

(c) Prohibits a landlord from entering into a rental agreement for premises with a prospective tenant during the tenancy of the current tenant of the premises.

(d) Prohibits a landlord from showing a premises to a prospective tenant during the tenancy of the current tenant of the premises, except that an ordinance may do any of the following:

1. Require a landlord to provide to the current tenant at least 12 hours' advance notice of a showing.
2. Limit the hours during which a landlord may show a premises to prospective tenants to between 8 a.m. and 8 p.m.

BILL

1 ³ If a city, village, town, or county has in effect on the effective date of this
 2 subsection ... [LRB inserts date], an ordinance that is inconsistent with sub. (1), the
 3 ordinance does not apply and may not be enforced.

4

(END)

D - note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1296/2ins
PJK:.....

INSERT 2-2

1
2
3
4
5

not

In this section: ✓

(a) "Premises" has the meaning given in s. 704.01 (3). ✓

(b) "Rental agreement" has the meaning given in s. 704.01 (3m). ✓

(c) "Tenancy" has the meaning given in s. 704.01 (4). ✓

+

(2)

NO
A

(END OF INSERT 2-2)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1296/2dn

PJK:.....

SBB
+
JK

Date

because I thought it advisable

I redrafted the draft to add some definitions from ch. 704. ✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1296/2dn
PJK:sbb&jld:rs

March 22, 2011

I redrafted the draft because I thought it advisable to add some definitions from ch. 704.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Hale, Janine
Sent: Friday, April 15, 2011 4:58 PM
To: Kahler, Pam
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

I'm sorry Pam...I was working off the /1.

Yes. Please draft a /3 that would put a period after "premises" on line 21 and then delete everything past that on page 2 through line 24. Then delete lines 1 and 2 on page 3.

Sorry for the confusion.

Janine Hale

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

From: Kahler, Pam
Sent: Friday, April 15, 2011 3:54 PM
To: Hale, Janine
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

Tha really doesn't make sense. Do you mean instead to get rid of all of par. (d)? Or do you mean instead to put a period after "premises" on line 21 and then get rid of the rest of par. (d)? (In either of those cases, lines 1 and 2 on page 3 must be removed, too.)

From: Hale, Janine
Sent: Friday, April 15, 2011 3:47 PM
To: Kahler, Pam
Subject: RE: DRAFT REQUEST: Re-draft of 2009 LRB 4436/2 re: prohibiting ordinances that limit a landlord's ability...

Pam,

Can you please draft a /2 to this bill with the following change:

On page 2 line 19 after ...premises add a period and delete everything through the end of line 24.

Thank you,

Janine Hale

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1296/3

PJK:sbb&jld:ra

✓ m is new

2011 BILL

(in 4-18)

✓

regen

1 AN ACT to create 66.0104 of the statutes; relating to: prohibiting ordinances
2 that place certain limits on landlords. ✓

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county from enacting an ordinance that does any of the following with respect to a residential landlord: 1) prohibits or limits the landlord from obtaining or using various types of information about a tenant or prospective tenant, such as household income, occupation, court records, rental history, and credit information; 2) limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be considered by the landlord; or 3) prohibits the landlord from showing a rental property to a prospective tenant, or from entering into a rental agreement for a rental property with a prospective tenant, while the current tenant is living there. ✓ Under the bill an ordinance may, however, require a residential landlord to give at least 12 hours' advance notice before showing a rental property and may limit the hours during which the landlord may show a rental property to between 8 a.m. and 8 p.m. ✓

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

3 SECTION 1. 66.0104 of the statutes is created to read:
4 **66.0104 Prohibiting ordinances that place certain limits on a landlord.**
5 (1) In this section:

BILL

1 (a) "Premises" has the meaning given in s. 704.01 (3).

2 (b) "Rental agreement" has the meaning given in s. 704.01 (3m).

3 (c) "Tenancy" has the meaning given in s. 704.01 (4).

4 (2) No city, village, town, or county may enact an ordinance that places any of
5 the following limitations on a residential landlord:

6 (a) Prohibits a landlord from, or places limitations on a landlord with respect
7 to, obtaining and using or attempting to obtain and use any of the following
8 information with respect to a tenant or prospective tenant:

9 1. Monthly household income.

10 2. Occupation.

11 3. Rental history.

12 4. Credit information.

13 5. Court records, including arrest and conviction records, to which there is
14 public access.

15 6. Social security number or other proof of identity.

16 (b) Limits how far back in time a prospective tenant's credit information,
17 conviction record, or previous housing may be taken into account by a landlord.

18 (c) Prohibits a landlord from entering into a rental agreement for a premises
19 with a prospective tenant during the tenancy of the current tenant of the premises.

20 (d) Prohibits a landlord from showing a premises to a prospective tenant during
21 the tenancy of the current tenant of the premises, except that an ordinance may do

22 any of the following:

23 1. Require a landlord to provide to the current tenant at least 12 hours' advance
24 notice of a showing.

BILL

1

2. Limit the hours during which a landlord may show a premises to prospective tenants to between 8 a.m. and 8 p.m.

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(3) If a city, village, town, or county has in effect on the effective date of this subsection [LRB inserts date], an ordinance that is inconsistent with sub. (2), the ordinance does not apply and may not be enforced.

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(END)

Godwin, Gigi

From: Hale, Janine
Sent: Friday, May 06, 2011 1:18 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1296/3 Topic: Prohibit ordinances regarding certain landlord practices

Please Jacket LRB 11-1296/3 for the ASSEMBLY.