

2013 DRAFTING REQUEST

Senate Amendment (SA-SB179)

Received: 7/17/2013 Received By: pkahler
Wanted: Soon Same as LRB:
For: Luther Olsen (608) 266-0751 By/Representing: Amy Harriman
May Contact: Drafter: pkahler
Subject: Local Gov't - munis generally Addl. Drafters: emueller
Real Estate - landlord/tenant
Extra Copies:

Submit via email: YES
Requester's email: Sen.Olsen@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of domestic abuse protections and municipal landlord registry

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>
/?	emueller 7/17/2013	kfollett 7/17/2013	rschluet 7/17/2013	_____			
/1	pkahler 8/22/2013			_____	sbasford 7/17/2013	sbasford 7/17/2013	
/2		kfollett 8/22/2013	jmurphy 8/22/2013	_____	srose 8/22/2013	srose 8/22/2013	

FE Sent For:

<END>

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/1		12/5 8/22	jm 8/22	self	sbasford 7/17/2013	sbasford 7/17/2013	

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1?	pkahler	1/15/13					
11	7/17/13	7/17/13		SM			

FE Sent For:

<END>

Kahler, Pam

From: Harriman, Amy
Sent: Monday, July 15, 2013 5:00 PM
To: Mueller, Eric; Kahler, Pam
Subject: RE: Amendment to SB179

I should clarify:

- ✓1- Continues to allow a landlord registry. The municipalities will continue to be allowed to charge a fee for this service.

Thanks,

Amy Harriman

Senator Luther Olsen

14th Senate District

608-266-0751

amy.harriman@legis.wisconsin.gov

[Senator Olsen on Facebook](#)

From: Harriman, Amy
Sent: Monday, July 15, 2013 4:57 PM
To: Mueller, Eric; Kahler, Pam
Cc: Tony Gibart (tonyg@wcadv.org)
Subject: Amendment to SB179

Senator Olsen would like to draft an amendment to SB 179 that does the following:

- ✓1- Continues to allow a landlord registry. The municipalities would continue to be allowed to do this at a cost to the landlords.
- ✓2- Remove changes to 704.44 in regards to domestic violence, stalking and sexual assault. This would mean the bill would not repeal 704.44 (9) and would stay as it currently is in statute.
- ✓3- Add further protections for victims of domestic violence, stalking and sexual assault that would create a statute to read:

704.14 of the statues to create to read:

704.14 Notice of domestic abuse protections. A residential agreement shall include the following notice in the agreement or in an addendum to the agreement:

NOTICE OF DOMESTIC ABUSE PROTECTIONS

- (1) As provided in section 106.50(5m)(dm) of the Wisconsin Statutes, a tenant may be able to stop an eviction action if the tenant can prove that the landlord knew (or should have known) that the tenant is a victim of domestic violence, sexual assault or stalking and that the eviction was based on conduct related to domestic violence, sexual assault, or stalking committed by a person who either:
 - (a) Was not the tenant's invited guest; or
 - (b) Was the tenants invest guest but the tenant has either:
 1. Sought an injunction barring the person from the premises; or
 2. Provided a written statement to the landlord stating that the person will no longer be the tenant's invited guest and the tenant does not subsequently invite the person to be the tenant's guest.

(2) A tenant who is a victim of domestic violence, sexual assault or stalking may have the right to terminate the rental agreement in certain limited situations as provided in section 704.16 of the Wisconsin statutes. If the tenant has safety concerns, the tenant should contact a local victim service provider or law enforcement agency.

Tenant is advised that this notice is only a summary of the tenant's rights and the specific language of the statutes shall govern in all instances.

If you have any questions in regards to the domestic violence, sexual assault, or stalking parts, please feel free to contact myself as well as Tony Gibart who has been CC'ed to this email. Other questions on the registry is just me.

Thanks,

Amy Harriman

Senator Luther Olsen

14th Senate District

608-266-0751

amy.harriman@legis.wisconsin.gov

[Senator Olsen on Facebook](#)



rm not seen

INSERT

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT ,

TO SENATE BILL 179

Date today

7/17/13

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 16: after that line insert:

3 "SECTION 13b. 704.14 of the statutes is created to read:

4 **704.14 Notice of domestic abuse protections.** A residential rental
5 agreement shall include the following notice in the agreement or in an addendum to
6 the agreement:

7 **NOTICE OF DOMESTIC ABUSE PROTECTIONS**

8 (1) As provided in section 106.50 (5m) (d) of the Wisconsin statutes, a tenant
9 may be able to stop an eviction action if the tenant can prove that the landlord knew,
10 or should have known, the tenant is a victim of domestic violence, sexual assault, or
11 stalking and that the eviction action is based on conduct related to domestic violence,
12 sexual assault, or stalking committed by either of the following:

INS
1-2

1 (a) A person who was not the tenant's invited guest.

2 (b) A person who was the tenant's invited guest, but the tenant has done either
3 of the following:

4 1. Sought an injunction barring the person from the premises.

5 2. Provided a written statement to the landlord stating that the person will no
6 longer be an invited guest of the tenant and the tenant has not subsequently invited
7 the person to be the tenant's guest.

8 (2) A tenant who is a victim of domestic violence, sexual assault, or stalking
9 may have the right to terminate the rental agreement in certain limited situations,
10 as provided in section 704.16 of the Wisconsin statutes. If the tenant has safety
11 concerns, the tenant should contact a local victim service provider or law
12 enforcement agency.

13 (3) A tenant is advised that this notice is only a summary of the tenant's rights
14 and the specific language of the statutes governs in all instances.".

15 2. Page 11, line 14: delete that line.

16 3. Page 20, line 22: after that line insert:

17 "(7) NOTICE OF PROTECTIONS IN RENTAL AGREEMENTS. The treatment of section
18 704.14 of the statutes first applies to rental agreements that are entered into or
19 renewed on the effective date of this subsection.".

20 (END)

D - note

INSERT 1-2

#. Page 6, line 13: after that line insert: ~~§~~

" C. The information is collected for the purpose of creating or maintaining a landlord registry."

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

LRBa0710/1/21/dn

PJK:..../1/21

run not run

Date

+

From the placement of the “that’s” in the suggested language, I wasn’t sure whether a tenant had to prove that the eviction action was based on conduct related to domestic violence, etc. in order to stop it. Since that interpretation was more reasonable, though, than that the landlord knew or should have known that the eviction action was based on conduct related to domestic violence, etc., I have drafted the amendment in such a way that the basis for the eviction action is something that the tenant must prove in order to stop it.

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

LRBa0710/1dn
PJK:kjf:rs

July 17, 2013

From the placement of the “thats” in the suggested language, I wasn’t sure whether a tenant had to prove that the eviction action was based on conduct related to domestic violence, etc. in order to stop it. Since that interpretation was more reasonable, though, than that the landlord knew or should have known that the eviction action was based on conduct related to domestic violence, etc., I have drafted the amendment in such a way that the basis for the eviction action is something that the tenant must prove in order to stop it.

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

Kahler, Pam

From: Tony Gibart <tonyg@wcadv.org>
Sent: Thursday, August 22, 2013 11:54 AM
To: Harriman, Amy
Cc: Kahler, Pam
Subject: RE: Amendment to SB 179 and AB183

Yes, absolutely. The bolded 1. and 2. and a. and b. do not need to be in the amendment. The language above does. I see now that wasn't clear given the way I formatted my original email. Sorry about that. So, we just need:

704.14 Notice of domestic abuse protections. A residential rental agreement shall include the following notice in the agreement or in an addendum to the agreement:

NOTICE OF DOMESTIC ABUSE PROTECTIONS

(1) A tenant who is a victim of domestic abuse, sexual assault, or stalking has the protections provided in section 106.50 (5m) (d) of the Wisconsin statutes and cannot be evicted on the basis of any of the following:

(a) Conduct that is related to the commission of domestic abuse, sexual assault, or stalking by a person who was not the invited guest of the tenant, including a person who was another tenant.

(b) Conduct that is related to the commission of domestic abuse, sexual assault, or stalking by a person who was the invited guest of the tenant if either of the following applies:

1. The tenant has sought an injunction barring the person from the premises.
2. The tenant provides a written statement to the landlord stating that the person will no longer be an invited guest of the tenant and the tenant does not subsequently invite the person to be a guest of the tenant.

From: Harriman, Amy [mailto: Amy.Harriman@legis.wisconsin.gov]
Sent: Thursday, August 22, 2013 10:14 AM
To: Tony Gibart
Subject: FW: Amendment to SB 179 and AB183

Can you help me out with #1?

Amy Harriman

Senator Luther Olsen
14th Senate District
608-266-0751
amy.harriman@legis.wisconsin.gov
[Senator Olsen on Facebook](#)

From: Kahler, Pam
Sent: Wednesday, August 21, 2013 5:32 PM
To: Harriman, Amy
Subject: RE: Amendment to SB 179 and AB183



2
stays victim
eeer

**SENATE AMENDMENT ,
TO SENATE BILL 179**

today please

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 13: after that line insert:

3 "c. The information is collected for the purpose of creating or maintaining a
4 landlord registry."

5 **2.** Page 10, line 16: after that line insert:

6 "SECTION 13b. 704.14 of the statutes is created to read:

7 **704.14 Notice of domestic abuse protections.** A residential rental
8 agreement shall include the following notice in the agreement or in an addendum to
9 the agreement:

10 **NOTICE OF DOMESTIC ABUSE PROTECTIONS**

11 (1) As provided in section 106.50 (5m) (d) of the Wisconsin Statutes, a tenant
12 may be able to stop an eviction action if the tenant can prove that the landlord knew,
13 or should have known, the tenant is a victim of domestic violence, sexual assault, or

9

1 stalking and that the eviction action is based on conduct related to domestic violence,
2 sexual assault, or stalking committed by either of the following:

3 (a) A person who was not the tenant's invited guest.

4 (b) A person who was the tenant's invited guest, but the tenant has done either
5 of the following:

6 1. Sought an injunction barring the person from the premises.

7 2. Provided a written statement to the landlord stating that the person will no
8 longer be an invited guest of the tenant and the tenant has not subsequently invited
9 the person to be the tenant's guest.

10 (2) A tenant who is a victim of domestic violence, sexual assault, or stalking
11 may have the right to terminate the rental agreement in certain limited situations,
12 as provided in section 704.16 of the Wisconsin statutes. If the tenant has safety
13 concerns, the tenant should contact a local victim service provider or law
14 enforcement agency.

15 (3) A tenant is advised that this notice is only a summary of the tenant's rights
16 and the specific language of the statutes governs in all instances.”.

17 **3.** Page 11, line 14: delete that line.

18 **4.** Page 20, line 22: after that line insert:

19 “(7) NOTICE OF PROTECTIONS IN RENTAL AGREEMENTS. The treatment of section
20 704.14 of the statutes first applies to rental agreements that are entered into or
21 renewed on the effective date of this subsection.”.

22 (END)

Insert 2-9

9



**SENATE AMENDMENT ,
TO SENATE BILL 179**

Insert 2-9

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 16: after that line insert:

3 "SECTION 13b. 704.14 of the statutes is created to read:

4 **704.14 Notice of domestic abuse protections.** A residential rental
5 agreement shall include the following notice in the agreement or in an addendum to
6 the agreement:

7 **NOTICE OF DOMESTIC ABUSE PROTECTIONS**

8 (1) A tenant who is a victim of domestic abuse, sexual assault, or stalking has
9 the protections provided in section 106.50 (5m) (d) of the Wisconsin statutes and
10 cannot be evicted on the basis of any of the following:

11 (a) Conduct that is related to the commission of domestic abuse, sexual assault,
12 or stalking by a person who was not the invited guest of the tenant, including a
13 person who was another tenant.

Cont'd

Insert 2-9 cover

1 (b) Conduct that is related to the commission of domestic abuse, sexual assault,
2 or stalking by a person who was the invited guest of the tenant if either of the
3 following applies:

- 4 1. The tenant has sought an injunction barring the person from the premises.
- 5 2. The tenant provides a written statement to the landlord stating that the
- 6 person will no longer be an invited guest of the tenant and the tenant does not
- 7 subsequently invite the person to be a guest of the tenant.

8 (2) A tenant who is a victim of domestic abuse, sexual assault, or stalking may
9 have the right to terminate the rental agreement in certain limited situations, as
10 provided in section 704.16 of the Wisconsin statutes. If the tenant has safety
11 concerns, the tenant should contact a local victim service provider or law
12 enforcement agency.”

13 **2.** Page 12, line 17: after that line insert:

14 “SECTION 22m. 799.12 (3) of the statutes is amended to read:

15 799.12 (3) If authorized by court rule under sub. (2), service may be made by
16 mail by leaving the original and necessary copies of the summons with the clerk of
17 court, together with the fee prescribed in s. 814.62 (4). The court ~~may by rule~~ shall
18 require the use of certified mail with return receipt requested, in which event for all
19 eviction cases for which service by mail is authorized under sub. (2), and for all other
20 cases may by rule require the use of certified mail with return receipt requested.
21 Whenever the use of certified mail is required, the additional fee prescribed in s.
22 814.62 (4) shall be paid for each defendant. The clerk shall mail a copy to each
23 defendant at the last-known address as specified in the summons. Service of the
24 summons is considered completed when it is mailed, unless the envelope enclosing