

State of Wisconsin



1997 Assembly Bill 46

Date of enactment: **June 30, 1998**
Date of publication*: **July 14, 1998**

1997 WISCONSIN ACT 312

AN ACT *to repeal* 106.04 (1m) (u) and 106.04 (5m) (a) 1e. a.; *to renumber and amend* 106.04 (5m) (f); *to amend* 106.04 (5m) (a) 1e. (intro.) and 106.04 (5m) (a) 1e. c.; and *to create* 106.04 (5m) (f) 2. and 106.04 (5m) (g) of the statutes; **relating to:** the exemption for housing for older persons from the law prohibiting discrimination in housing based on age or family status.

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

SECTION 1. 106.04 (1m) (u) of the statutes is repealed.

SECTION 1m. 106.04 (5m) (a) 1e. (intro.) of the statutes is amended to read:

106.04 (5m) (a) 1e. (intro.) Under this paragraph, housing under sub. (1m) (m) 3. may qualify as housing for older persons only if the owner of the housing ~~provides the department with written certification~~ maintains records containing written verification that all of the following factors apply to the housing:

SECTION 2. 106.04 (5m) (a) 1e. a. of the statutes is repealed.

SECTION 2m. 106.04 (5m) (a) 1e. c. of the statutes is amended to read:

106.04 (5m) (a) 1e. c. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under sub. (1m) (m) 3. for persons 55 years of age or older. The owner or manager may document compliance with this subd. 1e. c. by maintaining records containing written verification of the ages of the occupants of the housing.

SECTION 3m. 106.04 (5m) (f) of the statutes is renumbered 106.04 (5m) (f) 1. and amended to read:

106.04 (5m) (f) 1. Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed or, subject to subd. 2., age.

SECTION 3r. 106.04 (5m) (f) 2. of the statutes is created to read:

106.04 (5m) (f) 2. Notwithstanding subd. 1., an owner or agent may require that a person who seeks to buy or rent housing under sub. (1m) (m) 3. supply information concerning his or her age for the purpose of verifying compliance with par. (a) 1e. b.

SECTION 4. 106.04 (5m) (g) of the statutes is created to read:

106.04 (5m) (g) A person may not be held personally liable for monetary damages for a violation of sub. (2), (2m) or (2r) if the person reasonable relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons. For purposes of this paragraph, a person may show reasonable reliance, in

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

good faith, on the application of the exemption under this subsection relating to housing for older persons only if the person shows all of the following:

1. That he or she has no actual knowledge that the housing is not or will not be eligible for the exemption.

2. That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.
