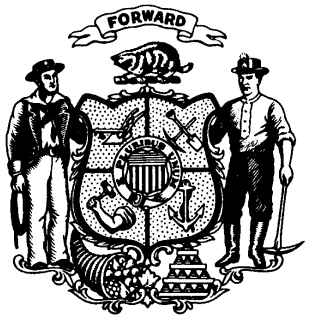
State of Wisconsin



Date of enactment: **April 16, 2018**
2017 Assembly Bill 771 Date of publication*: **April 17, 2018**

2017 WISCONSIN ACT 317

AN ACT ***to repeal*** 66.0104 (2) (d) 2. c., 66.0104 (2) (g) and 106.50 (2r) (bm); ***to renumber*** 66.0104 (1) (a), 704.17 (1) and 799.06 (3); ***to renumber and amend*** 66.0809 (5) (am) and 704.07 (3) (a); ***to amend*** 59.69 (4m) (a), 60.64 (1), 62.23 (7) (em) 1., 66.0104 (2) (e) 1., 66.0104 (2) (e) 2. a., 66.0104 (2) (e) 4., 66.0104 (3) (c), 66.0602 (2m) (b) 2., 66.0602 (2m) (b) 3., 66.0809 (3m) (a), 66.0809 (5) (b), 66.0821 (4) (a), 101.132 (2) (a) (intro.), 106.50 (2r) (c), 175.403 (2), 196.643 (title), 704.07 (4), 799.206 (3), 799.40 (4) (a) and 802.05 (2m); and ***to create*** 59.69 (4m) (bm), 60.64 (2m), 62.23 (7) (em) 2m., 66.0104 (1) (ah), 66.0104 (2) (e) 1m., 66.0104 (2) (e) 2. am., 66.0104 (2m), 66.0628 (2m), 68.125, 101.02 (7w), 106.50 (1m) (im), 106.50 (1m) (mx), 106.50 (2r) (bg) and (br), 196.643 (3), 196.643 (4), 704.07 (3) (a) 1. and 2., 704.07 (5), 704.085, 704.10, 704.17 (1g), 704.17 (4m), 758.20, 799.06 (3) (b), 799.40 (1g) and 799.40 (1s) of the statutes; **relating to:** the authority of political subdivisions to regulate rental properties and historic properties and of municipalities to inspect dwellings, public utility service to rental dwelling units, landlord and tenant regulations, fees imposed by a political subdivision, certain levy limit reductions, certain procedural changes in eviction actions, information available on the consolidated court automated Internet site, discrimination in housing against individuals who keep certain animals, falsely claiming an animal to be a service animal, municipal administrative procedure, enforcement of the rental unit energy efficiency program, and providing penalties.

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

SECTION 1. 59.69 (4m) (a) of the statutes is amended to read:

59.69 **(4m)** (a) Subject to ~~par.~~ pars. (b) and (bm), a county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to pars. (b), (bm), and (c), the county may create a landmarks commission to designate historic landmarks and establish historic districts. Subject to ~~par.~~ pars. (b) and (bm), the county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 2. 59.69 (4m) (bm) of the statutes is created to read:

59.69 **(4m)** (bm) In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this subsection, a county shall permit an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

* Section 991.11, WISCONSIN STATUTES: 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."

SECTION 3. 60.64 (1) of the statutes is amended to read:

60.64 **(1)** Subject to ~~sub.~~ subs. (2) and (2m), the town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subs. (2), (2m), and (3), the town board may create a landmarks commission to designate historic landmarks and establish historic districts. Subject to ~~sub.~~ subs. (2) and (2m), the board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

SECTION 4. 60.64 (2m) of the statutes is created to read:

60.64 **(2m)** In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this section, the town board shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

SECTION 5. 62.23 (7) (em) 1. of the statutes is amended to read:

62.23 **(7)** (em) 1. Subject to ~~subd.~~ subds. 2. and 2m., a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subds. 2., 2m., and 3., a city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. Subject to ~~subd.~~ subds. 2. and 2m., the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

SECTION 6. 62.23 (7) (em) 2m. of the statutes is created to read:

62.23 **(7)** (em) 2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

SECTION 7. 66.0104 (1) (a) of the statutes is renumbered 66.0104 (1) (ax).

SECTION 8. 66.0104 (1) (ah) of the statutes is created to read:

66.0104 **(1)** (ah) "Habitability violation" means any of the following conditions if the condition constitutes an ordinance violation:

1. The rental property or rental unit lacks hot or cold running water.

2. Heating facilities serving the rental property or rental unit are not in safe operating condition or are not capable of maintaining a temperature, in all living areas of the property or unit, of at least 67 degrees Fahrenheit during all seasons of the year in which the property or unit may be occupied. Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.

3. The rental property or rental unit is not served by electricity, or the electrical wiring, outlets, fixtures, or other components of the electrical system are not in safe operating condition.

4. Any structural or other conditions in the rental property or rental unit that constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the property or unit other than negligent use or abuse of the property or unit by the tenant.

5. The rental property or rental unit is not served by plumbing facilities in good operating condition.

6. The rental property or rental unit is not served by sewage disposal facilities in good operating condition.

7. The rental property or rental unit lacks working smoke detectors or carbon monoxide detectors.

8. The rental property or rental unit is infested with rodents or insects.

9. The rental property or rental unit contains excessive mold.

SECTION 9. 66.0104 (2) (d) 2. c. of the statutes is repealed.

SECTION 10. 66.0104 (2) (e) 1. of the statutes is amended to read:

66.0104 **(2)** (e) 1. Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of ~~regularly scheduled~~ inspections ~~conducted in compliance with~~ under subd. 1m., under s. 66.0119, ~~as applicable,~~ or as required under state or federal law.

SECTION 11. 66.0104 (2) (e) 1m. of the statutes is created to read:

66.0104 **(2)** (e) 1m. A city, village, town, or county may establish a rental property inspection program under this subdivision. Under the program, the governing body

of the city, village, town, or county may designate districts in which there is evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single−family home conversions to rental units. A city, village, town, or county may require that a rental property or rental unit located in a district designated under this subdivision be initially inspected and periodically inspected. If no habitability violation is discovered during a program inspection or if a habitability violation is discovered during a program inspection and the violation is corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may not perform a program inspection of the property for at least 5 years. If a habitability violation is discovered during a program inspection and the violation is not corrected within the period established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If a habitability violation is discovered during an inspection conducted upon a complaint and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If, at a rental property or unit subject to annual program inspections, no habitability violation is discovered during 2 consecutive annual program inspections, the city, village, town, or county, except as provided in this subdivision, may not perform a program inspection of the property for at least 5 years. No rental property or unit that is less than 8 years old may be inspected under this subdivision. A city, village, town, or county may provide a period of less than 30 days for the correction of a habitability violation under this subdivision if the violation exposes a tenant to imminent danger. A city, village, town, or county shall provide an extension to the period for correction of a habitability violation upon a showing of good cause. A city, village, town, or county shall provide in a notice of a habitability violation an explanation of the violation including a specification of the violation and the exact location of the violation. No inspection of a rental unit may be conducted under this subdivision if the occupant of the unit does not consent to allow access unless the inspection is under a special inspection warrant under s. 66.0119.

Section 12. 66.0104 (2) (e) 2. a. of the statutes is amended to read:

66.0104 **(2)** (e) 2. a. The amount of the fee ~~is uniform for residential rental inspections~~ does not exceed $75 for an inspection of a vacant unit under subd. 1m. or an inspection of the exterior and common areas of a property under subd. 1m., $90 for any other initial program inspection under subd. 1m., or $150 for any other 2nd or subsequent program inspection under subd. 1m. No fee may be charged for a program inspection under subd. 1m. if no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for an inspection of the exterior and common areas if the property owner voluntarily allows access for the inspection and no habitability violation is discovered during the inspection or, if a violation is discovered during the inspection, the violation is corrected within the period established by the city, village, town, or county under subd. 1m. No fee may be charged for a reinspection that occurs after a habitability violation has been corrected. No fee may be charged to a property owner if a program inspection does not occur because an occupant of the property does not allow access to the property. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. a. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

Section 13. 66.0104 (2) (e) 2. am. of the statutes is created to read:

66.0104 **(2)** (e) 2. am. The amount of the fee does not exceed $150 for an inspection under s. 66.0119, except that if a habitability violation is discovered during the inspection and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the fee may not exceed $300. No fee may be charged for an inspection under s. 66.0119 if no habitability violation is discovered. Annually, a city, village, town, or county may increase the fee amounts under this subd. 2. am. by not more than the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the federal department of labor, for the previous year or 2 percent, whichever is greater.

Section 14. 66.0104 (2) (e) 4. of the statutes is amended to read:

66.0104 **(2)** (e) 4. Except as provided in this subdivision, requires that a rental property or rental unit be certified, registered, or licensed or requires that a residential rental property owner register or obtain a certification or license related to owning or managing the residential rental property. A city, village, town, or county may require that a rental unit or residential rental property owner be registered if the registration ~~consists~~ requires only ~~of providing the~~ one name of ~~the~~ an owner ~~and an~~ or authorized contact person and an address ~~and~~, telephone number, and, if available, an electronic mail address or other information necessary to receive communications by other electronic means at which the ~~contact~~ person may be contacted. No city, village, town, or county, except a 1st class city, may charge a fee for registration under this subdivision except a one−time registration fee that reflects the actual costs of operating a registration

program, but that does not exceed $10 per building, and a one−time fee for the registration of a change of ownership or management of a building or change of contact information for a building that reflects the actual and direct costs of registration, but that does not exceed $10 per building.

Section 15. 66.0104 (2) (g) of the statutes is repealed.

Section 16. 66.0104 (2m) of the statutes is created to read:

66.0104 **(2m)** If a city, village, town, or county has in effect an ordinance that authorizes the inspection of a rental property or rental unit upon a complaint from an inspector or other employee or elected official of the city, village, town, or county, the city, village, town, or county shall maintain for each inspection performed upon a complaint from an employee or official a record of the name of the person making the complaint, the nature of the complaint, and any inspection conducted upon the complaint.

Section 17. 66.0104 (3) (c) of the statutes is amended to read:

66.0104 **(3)** (c) If a city, village, town, or county has in effect on March 2, 2016, an ordinance that is inconsistent with sub. (2) (e), or (f), ~~or (g),~~ the ordinance does not apply and may not be enforced.

Section 18. 66.0602 (2m) (b) 2. of the statutes is amended to read:

66.0602 **(2m)** (b) 2. Except as provided in subd. 4., if a political subdivision receives revenues that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.

Section 19. 66.0602 (2m) (b) 3. of the statutes is amended to read:

66.0602 **(2m)** (b) 3. Except as provided in subd. 4., if a political subdivision receives payments in lieu of taxes that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the current year by the estimated amount of payments in lieu of taxes received by the political subdivision to pay for the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.

Section 20. 66.0628 (2m) of the statutes is created to read:

66.0628 **(2m)** A political subdivision may not impose a fee or charge related to the political subdivision enforcing an ordinance related to noxious weeds, electronic waste, or other building or property maintenance standards unless the political subdivision first notifies the person against whom the fee or charge is to be imposed that the fee or charge may be imposed. If the notice relates to a building that is not owner−occupied, the notice shall be provided to the owner by 1st class mail or electronic mail. If the owner of a property provides an electronic mail address to a political subdivision, the political subdivision may not impose a fee or charge related to the political subdivision enforcing an ordinance related to noxious weeds, electronic waste, or other building or property maintenance standards at that property unless the political subdivision first notifies the owner of the property using the electronic mail address provided. This subsection does not apply to a fee or charge related to the clearing of snow or ice from a sidewalk or to an ordinance violation that creates an immediate danger to public health, safety, or welfare.

Section 21. 66.0809 (3m) (a) of the statutes is amended to read:

66.0809 **(3m)** (a) If sub. (5) applies, the municipal utility is complying with sub. (5) (am) 1., and a notice of arrears under sub. (3) (a) is given or past−due charges are certified to the comptroller under s. 62.69 (2) (f), on the date the notice of arrears is given, or the past−due charges are certified under s. 62.69 (2) (f), the municipality has a lien upon the assets of each tenant of a rental dwelling unit who is responsible for arrears in the amount of the arrears, including any penalty assessed pursuant to the rules of the utility.

Section 22. 66.0809 (5) (am) of the statutes is renumbered 66.0809 (5) (am) 1. and amended to read:

66.0809 **(5)** (am) 1. A municipal public utility shall send bills for water or electric service to a customer who is a tenant in the tenant's own name.

2. If a customer who is a tenant vacates his or her rental dwelling unit, and the owner of the rental dwelling unit provides the municipal public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice that contains a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the utility shall continue to send past−due notices to the customer at his or her forwarding address until the past−due charges are paid or until notice has been provided under sub. (3) (a) or the past−due charges have been certified to the comptroller under s. 62.69 (2) (f).

Section 23. 66.0809 (5) (b) of the statutes is amended to read:

66.0809 **(5)** (b) A municipal public utility may use sub. (3) or, if s. 62.69 applies, s. 62.69 (2) (f), to collect arrearages incurred after the owner of a rental dwelling unit has provided the utility with written notice under par. (a) if the municipal public utility is complying with par. (am) 1. and serves notice of the past−due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges became past due. The

municipal public utility shall serve notice in the manner provided in s. 801.14 (2).

SECTION 24. 66.0821 (4) (a) of the statutes is amended to read:

66.0821 **(4)** (a) The governing body of the municipality may establish sewerage service charges in an amount to meet all or part of the requirements for the construction, reconstruction, improvement, extension, operation, maintenance, repair, and depreciation of the sewerage system, and for the payment of all or part of the principal and interest of any indebtedness incurred for those purposes, including the replacement of funds advanced by or paid from the general fund of the municipality. Service charges made by a metropolitan sewerage district to any town, village, or city shall be levied by the town, village, or city against the individual sewer system users within the corporate limits of the municipality, and the municipality shall collect the charges and promptly remit them to the metropolitan sewerage district. Delinquent charges shall be collected in accordance with sub. (4) (d). The governing body of a municipality may not establish any charge under this paragraph that is not related to providing sewerage service.

SECTION 25. 68.125 of the statutes is created to read:

68.125 Refund of fees. If in an administrative appeal under s. 68.10, the municipal authority's order is overturned or the municipal authority withdraws the order that was the subject of the appeal, the municipality and municipal authority shall refund any fee paid to it by the appellant as a condition of filing the appeal.

SECTION 26. 101.02 (7w) of the statutes is created to read:

101.02 **(7w)** (a) In this subsection, "aesthetic considerations" means considerations relating to color and texture and design considerations that do not relate to health or safety.

(b) Notwithstanding subs. (7) (a) and (7r), no city, village, or town may enact or enforce an ordinance, or otherwise impose any requirement, that includes aesthetic considerations for purposes of inspection criteria for the interior of any structure or part of a structure that is used or intended to be used as a home, residence, or sleeping place.

SECTION 27. 101.132 (2) (a) (intro.) of the statutes is amended to read:

101.132 **(2)** (a) *Design and construction of covered multifamily housing.* (intro.) In addition to discrimination prohibited under s. 106.50 (2), (2m) and (2r) (b), (bg), and ~~(bm)~~ (br), no person may design or construct covered multifamily housing unless it meets all of the following standards:

SECTION 28. 106.50 (1m) (im) of the statutes is created to read:

106.50 **(1m)** (im) "Emotional support animal" means an animal that provides emotional support, well–being, comfort, or companionship for an individual but that is not trained to perform tasks for the benefit of an individual with a disability.

SECTION 29. 106.50 (1m) (mx) of the statutes is created to read:

106.50 **(1m)** (mx) "Licensed health professional" means a physician, psychologist, social worker, or other health professional who satisfies all of the following:

1. He or she is licensed or certified in this state.

2. He or she is acting within the scope of his or her license or certification.

SECTION 30. 106.50 (2r) (bg) and (br) of the statutes are created to read:

106.50 **(2r)** (bg) *Animals that do work or perform tasks for individuals with disabilities.* 1. If an individual has a disability and a disability–related need for an animal that is individually trained to do work or perform tasks for the individual, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an animal that is individually trained to do work or perform tasks in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability–related need for the animal, unless the disability is readily apparent or known. If the disability is readily apparent or known but the disability–related need for the animal is not, the individual may be requested to submit reliable documentation of the disability–related need for the animal.

3. An individual with a disability who keeps an animal that is individually trained to do work or perform tasks in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability–related need for the animal, or fails to provide the documentation requested under subd 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

(br) *Emotional support animals.* 1. If an individual has a disability and a disability–related need for an emotional support animal, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an emotional support animal in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability–related need for the emotional support animal from a licensed health professional.

3. An individual with a disability who keeps an emotional support animal in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability–related need for the animal, or fails to provide the documentation requested under subd 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

5. An individual shall forfeit not less than $500 if he or she, for the purpose of obtaining housing, intentionally misrepresents that he or she has a disability or misrepresents the need for an emotional support animal to assist with his or her disability.

6. A licensed health professional shall forfeit not less than $500 if he or she, for the purpose of allowing the patient to obtain housing, misrepresents that his or her patient has a disability or misrepresents his or her patient's need for an emotional support animal to assist with his or her patient's disability.

SECTION 31. 106.50 (2r) (bm) of the statutes is repealed.

SECTION 32. 106.50 (2r) (c) of the statutes is amended to read:

106.50 **(2r)** (c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b), (bg), and ~~(bm)~~ (br) and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets the standards specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

SECTION 33. 175.403 (2) of the statutes is amended to read:

175.403 **(2)** ~~Each~~ By July 1, 2018, each law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

SECTION 34. 196.643 (title) of the statutes is amended to read:

196.643 (title) **~~Owner responsibility for~~ Public utility service to rental dwelling unit.**

SECTION 35. 196.643 (3) of the statutes is created to read:

196.643 **(3)** NOTIFICATIONS; ELECTRIC SERVICE. (a) If requested by the owner of a rental dwelling unit and authorized by the tenant residing in the unit as provided in par. (b), all of the following apply to the public utility that provides electric service to the tenant:

1. The public utility shall notify the owner in the same manner as the tenant of any pending disconnection of service to the unit that is due to nonpayment of past due charges.

2. The public utility may provide information about the status of a disconnection described in subd. 1. to the owner by telephone.

(b) A public utility or owner may obtain from a tenant the authorization required under par. (a), except that an owner must obtain the authorization in a separate written document.

SECTION 36. 196.643 (4) of the statutes is created to read:

196.643 **(4)** RESUMPTION OF SERVICE. No public utility may require the owner of a rental dwelling unit to provide proof of eviction or other evidence that a tenant has vacated the unit as a condition for providing or resuming public utility service to the unit if the service is placed and maintained solely in the owner's name.

SECTION 37. 704.07 (3) (a) of the statutes is renumbered 704.07 (3) (a) (intro.) and amended to read:

704.07 **(3)** (a) (intro.) If the premises are damaged, including by an infestation of insects or other pests, due to the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the remediation, repair, or redecoration, and in such case the tenant must reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proved otherwise by the tenant. Reasonable costs include any of the following:

SECTION 38. 704.07 (3) (a) 1. and 2. of the statutes are created to read:

704.07 **(3)** (a) 1. Materials provided or labor performed by the landlord.

2. At a reasonable hourly rate, time the landlord spends doing any of the following:

a. Purchasing or providing materials.

b. Supervising an agent of the landlord.

c. Hiring a 3rd−party contractor.

SECTION 39. 704.07 (4) of the statutes is amended to read:

704.07 **(4)** UNTENANTABILITY. If the premises become untenantable because of damage by fire, water, or other casualty or because of any condition hazardous to health, or if there is a substantial violation of sub. (2) materially affecting the health or safety of the tenant, the tenant may remove from the premises unless the landlord proceeds promptly to repair or rebuild or eliminate the health hazard or the substantial violation of sub. (2) materially affecting the health or safety of the tenant; or the tenant may remove if the inconvenience to the tenant by reason of the nature and period of repair, rebuilding, or elimination would impose undue hardship on the tenant. If the tenant remains in possession and the condition materially affects the health or safety of the tenant or substantially affects the use and occupancy of the premises, rent abates to the extent the tenant is deprived of the full normal use of the premises. This section does not authorize rent to be withheld in full, if the tenant remains in possession. If the tenant justifiably moves out under this subsection, the tenant is not liable for rent after the premises become untenantable and the landlord must repay any rent paid in advance apportioned to the period after the premises become untenantable. This subsection is inapplicable if the damage or condition is caused by negligence or improper use by the tenant.

SECTION 40. 704.07 (5) of the statutes is created to read:

704.07 **(5)** RESTRICTION OF REGULATION OF ABATEMENT. An ordinance enacted by a city, town, village, or county regulating abatement of rent shall permit abatement only for conditions that materially affect the health or safety of the tenant or substantially affect the use and occupancy of the premises.

SECTION 41. 704.085 of the statutes is created to read:

704.085 Credit and background checks. (1) (a) Except as provided under par. (b), a landlord may require a prospective tenant to pay the landlord's actual cost, up to $25, to obtain a consumer credit report on the prospective tenant from a consumer credit reporting agency that compiles and maintains files on consumers on a nationwide basis. The landlord shall notify the prospective tenant of the charge before requesting the consumer credit report, and shall provide the prospective tenant with a copy of the report.

(b) A landlord may not require a prospective tenant to pay for a consumer credit report under par. (a) if, before the landlord requests a consumer credit report, the prospective tenant provides the landlord with a consumer credit report, from a consumer credit reporting agency that compiles and maintains files on consumers on a nationwide basis, that is less than 30 days old.

(2) A landlord may require a prospective tenant who is not a resident of this state to pay the landlord's actual cost, up to $25, to obtain a background check on the prospective tenant. The landlord shall notify the prospective tenant of the charge before requesting the background check and shall provide the prospective tenant with a copy of the report.

SECTION 42. 704.10 of the statutes is created to read:

704.10 Electronic delivery. A rental agreement may include a provision that permits the landlord to provide and indicate agreement by electronic means any of the following:

(1) A copy of the rental agreement and any document related to the rental agreement.

(2) A security deposit and any documents related to the accounting and disposition of the security deposit and security deposit refund.

(3) A promise made before the initial rental agreement to clean, repair, or otherwise improve any portion of the premises.

(4) Advance notice of entry under s. 704.05 (2).

SECTION 43. 704.17 (1) of the statutes is renumbered 704.17 (1p).

SECTION 44. 704.17 (1g) of the statutes is created to read:

704.17 **(1g)** DEFINITION. In this section, "rent" includes any rent that is past due and any late fees owed for rent that is past due.

SECTION 45. 704.17 (4m) of the statutes is created to read:

704.17 **(4m)** EFFECT OF INCORRECT AMOUNT IN NOTICE. A notice for failure to pay rent or any other amount due under the rental agreement that includes an incorrect statement of the amount due is valid unless any of the following applies:

(a) The landlord's statement of the amount due is intentionally incorrect.

(b) The tenant paid or tendered payment of the amount the tenant believes to be due.

SECTION 46. 758.20 of the statutes is created to read:

758.20 Consolidated court automation programs. **(1)** In this section, "Wisconsin Circuit Court Access Internet site" means the Internet site of the consolidated court automation programs, which is the statewide electronic circuit court case management system established under s. 758.19 (4) and maintained by the director of state courts, that provides information regarding the cases heard in the circuit courts.

(2) The director of state courts may not remove case management information from the Wisconsin Circuit Court Access Internet site for a civil case that is not a closed, confidential, or sealed case for the following periods:

(a) If a writ of restitution has been granted in an eviction action, a period of at least 10 years.

(b) If an eviction action has been dismissed and no money judgment has been docketed, a period of at least 2 years.

SECTION 47. 799.06 (3) of the statutes is renumbered 799.06 (3) (a).

SECTION 48. 799.06 (3) (b) of the statutes is created to read:

799.06 **(3)** (b) A court may not require that a person filing a summons or complaint under this chapter have the summons or complaint notarized.

SECTION 49. 799.206 (3) of the statutes is amended to read:

799.206 **(3)** When all parties appear in person or by their attorneys on the return date in an eviction, garnishment, or replevin action and any party ~~claims that~~ raises valid legal grounds for a contest ~~exists~~, the matter shall be forthwith scheduled for a hearing, to be held as soon as possible before a judge and in the case of an eviction action, not more than 30 days after the return date.

SECTION 50. 799.40 (1g) of the statutes is created to read:

799.40 **(1g)** NOTICE TERMINATING TENANCY. If a landlord gives a notice terminating tenancy under s. 704.16, 704.17, or 704.19 through certified mail in accordance with s. 704.21 (1) (d), proof of certified mailing from the United States post office shall be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

SECTION 51. 799.40 (1s) of the statutes is created to read:

799.40 **(1s)** NO WAIVER BY LANDLORD OR TENANT. It shall not be a defense to an action of eviction or a claim for damages that the landlord or tenant has previously waived any violation or breach of any of the terms of the rental agreement including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the rental agreement so as to waive or lessen the right of the landlord or tenant to insist upon strict performance of the terms of the rental agreement.

SECTION 52. 799.40 (4) (a) of the statutes is amended to read:

799.40 **(4)** (a) The court shall stay the proceedings in a civil action of eviction if the tenant applies for emergency assistance under s. 49.138. ~~The~~, except that no stay may be granted under this paragraph after a writ of restitution has been issued in the proceedings. If a stay is granted, the tenant shall inform the court of the outcome of the determination of eligibility for emergency assistance. The stay remains in effect until the tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance, except that the stay may not remain in effect for more than 10 working days, as defined in s. 227.01 (14).

SECTION 53. 802.05 (2m) of the statutes is amended to read:

802.05 **(2m)** ADDITIONAL REPRESENTATIONS TO COURT AS TO PREPARATION OF PLEADINGS OR OTHER DOCUMENTS. An attorney may draft or assist in drafting a pleading, motion, or document filed by an otherwise self−represented person. The attorney is not required to sign the pleading, motion, or document. Any such document must contain a statement immediately adjacent to the person's signature that "This document was prepared with the assistance of a lawyer.~~"~~," followed by the name of the attorney and the attorney's state bar number. The attorney providing such drafting assistance may rely on the otherwise self−represented person's representation of facts, unless the attorney has reason to believe that such representations are false, or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts.

SECTION 54. Cross−reference changes. In the sections of the statutes listed in Column A, the cross−references shown in Column B are changed to the cross−references shown in column C:

A Statute Sections	B Old Cross−Reference	C New Cross−Reference
704.17 (3m) (b) 1.	704.17 (1) (b)	704.17 (1p) (b)

710.15 (5r)	704.17 (1) (a)	704.17 (1p) (a)
710.15 (5r)	704.17 (1) (b)	704.17 (1p) (b)
893.34	704.17 (1) (c)	704.17 (1p) (c)

SECTION 55. Nonstatutory provisions.

(1) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; ORDERS VOID AND UNENFORCEABLE. An order or special order issued before the effective date of this subsection by the department of safety and professional services under its authority under section 101.122 of the statutes, as repealed by 2017 Wisconsin Act 59, is void and unenforceable.

(2) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; ENFORCEMENT RELATED TO PRIOR VIOLATIONS. The department of safety and professional services may not hold a hearing, issue a subpoena, issue a special order, or take any other enforcement action related to a violation of section 101.122 of the statutes, as repealed by 2017 Wisconsin Act 59, that occurs before the effective date of this subsection.

(3) RENTAL UNIT ENERGY EFFICIENCY PROGRAM; STIPULATIONS AND WAIVERS VOID AND UNENFORCEABLE. A stipulation under section 101.122 (4) (c) of the statutes, as repealed by 2017 Wisconsin Act 59, or a waiver under section 101.122 (4) (b) of the statutes, as repealed by 2017 Wisconsin Act 59, entered into before the effective date of this subsection is void and unenforceable.

SECTION 56. Initial applicability.

(1) LANDLORD AND TENANT. The treatment of sections 704.085, 704.10, and 704.17 (1), (1g), and (4m) of the statutes first applies to rental agreements entered into or renewed on the effective date of this subsection.

SECTION 57. Effective dates. This act takes effect on the day after publication, except as follows:

(1) RENTAL UNIT ENERGY EFFICIENCY. SECTION 55 (1), (2), and (3) of this act take effect on January 1, 2018.