



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 95
[2009 Senate Bill 204]

Victim Fair Housing Act

2009 Wisconsin Act 95 relates to prohibiting discrimination in housing because of domestic abuse victim status.

Prior to Act 95, state law prohibited discrimination in housing on the basis of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry. Each of these is considered to be a protected class.

The Act expressly adds victims of domestic abuse, sexual assault, or stalking to the list of protected classes. A victim is a person who is seeking to rent or purchase housing, or a member or prospective member of that person's household, and who has been or is believed by the landlord, seller, mortgage lender, or realtor to be a victim of domestic abuse, sexual assault, sexual assault of a child, repeated sexual assault of a child, or stalking.

In addition to prohibiting discrimination, the Act prohibits an owner of housing from requiring that a person, seeking to rent or buy, supply information concerning the person's status as a victim of domestic abuse, sexual assault, or stalking.

The Act permits a landlord to bring an action for eviction based on a violation of the rental agreement or state law. A victim may defend against eviction if the victim shows that the landlord knew or should have known of the victim's status, and the violation that was the basis for the eviction action was related to conduct by a perpetrator who was either: (1) not invited on the premises; or (2) invited on the premises but the victim has sought a restraining order against the perpetrator or has given the landlord a written statement that the perpetrator will not be invited on the premises again.

Effective date: Act 95 became effective on December 29, 2009.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.