



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 204

**Senate
Amendment 1**

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2009 Senate Bill 204 relates to prohibiting discrimination in housing because of domestic abuse, victim status, and provides a penalty.

Under current law, 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 is prohibited. Each of these are considered to be protected classes.

Senate Bill 204 prohibits discrimination in housing on the basis of a person's "status as a victim of domestic abuse, sexual assault, or stalking." This term is defined in the bill as the status of the person who is seeking to rent or purchase housing or a member or perspective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, sexual assault, sexual assault of a child, repeated sexual assault of a child, or stalking. Senate Bill 204 also prohibits an owner of housing from requiring that a person seeking to buy or rent housing supply information concerning the person's status as a victim of domestic abuse, sexual assault, or stalking. The statutes currently define "domestic abuse" as the intentional infliction of physical pain, physical injury, or illness, the intentional impairment of physical condition, sexual assault, criminal damage to property, or a threat to engage in any of that conduct, by an adult family member or household member against another adult family member or household member, by an adult caregiver against an adult who is under the caregiver's care, or by an adult against his or her former spouse, an adult with whom he or she has or has had a dating relationship, or an adult with whom he or she has a child in common.

Senate Amendment 1 to 2009 Senate Bill 204 amends the bill to provide that it is not discrimination based on status of the victim of domestic abuse, sexual abuse, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of their rental agreement or of a statute that entitles a landlord to possession of the premises unless certain conditions apply. Those conditions are specified in the amendment which provides the tenant with a defense to an action for eviction brought

by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known of any of the following:

1. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was not the invited guest of the tenant.
2. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:
 - a. The tenant has sought an injunction relating to domestic abuse, child abuse, protection for individuals at risk, or harassment enjoining the person from appearing on the premises.
 - b. That the tenant, upon receiving notice under s. 704.17, Stats., relating to notices terminating tenancy for failure to pay rent or other breach by the tenant, has provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

Legislative History

On October 29, 2009, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing adopted Senate Amendment 1 to Senate Bill 204 and recommended passage of the bill, as amended, both on votes of Ayes, 5; Noes, 0.

RS:jal