



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1160/2
MES&SWB:jld&amn

2015 SENATE BILL 446

December 10, 2015 – Introduced by Senator LASEE, cosponsored by Representatives ALLEN, CRAIG, JARCHOW, KULP, MURPHY, ROHRKASTE and R. BROOKS. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to amend* 97.01 (7); and *to create* 66.1014, 97.01 (1g) (g), 97.01 (14d),
2 97.01 (14f) and 97.01 (15k) (d) of the statutes; **relating to:** lodging
3 establishments and restricting a local government’s ability to prohibit or
4 restrict a person from renting out of the person’s residential dwelling.

Analysis by the Legislative Reference Bureau

This bill prohibits any city, village, town, or county (political subdivision) from enacting or enforcing an ordinance that prohibits, regulates the duration or frequency of, or unreasonably restricts the rental of a residential dwelling for seven consecutive days or longer. The bill defines “residential dwelling” as any building or structure, or part thereof, that is primarily used and occupied for human habitation or intended to be so used. If any political subdivision has such an ordinance in effect on the effective date of the bill, the ordinance does not apply and may not be enforced.

Under current law, as of July 1, 2016, the Department of Agriculture, Trade and Consumer Protection regulates a variety of types of lodging establishments, including hotels, bed and breakfast establishments, and tourist rooming houses. This bill excludes from the definitions of “hotel,” “bed and breakfast establishment,” and “tourist rooming house” a residential dwelling that is rented exclusively for periods that are seven consecutive days or longer. Thus, the bill provides that a residential dwelling that is rented exclusively for periods of seven consecutive days or longer does not qualify as a hotel, a bed and breakfast establishment, or a tourist rooming house and therefore is not subject to regulations that apply to such lodging establishments.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.1014 of the statutes is created to read:

2 **66.1014 Limits on residential dwelling rental prohibited.** (1) In this
3 section:

4 (a) "Political subdivision" means any city, village, town, or county.

5 (b) "Residential dwelling" has the meaning given in s. 97.01 (14d).

6 **(2)** (a) A political subdivision may not enact or enforce an ordinance that
7 prohibits, regulates the duration or frequency of, or unreasonably restricts the rental
8 of a residential dwelling for 7 consecutive days or longer.

9 (b) If a political subdivision has in effect on the effective date of this paragraph
10 [LRB inserts date], an ordinance that is inconsistent with par. (a), the ordinance
11 does not apply and may not be enforced.

12 (c) Nothing in this subsection limits the authority of a political subdivision to
13 enact an ordinance in any of the following areas:

14 1. Inspections of residential dwellings.

15 2. The imposition or payment of inspection fees for residential dwellings.

16 3. Room taxes that may be imposed on residential dwellings.

17 4. Annual license fees or other fees that may be imposed on persons who rent
18 out their residential dwellings.

19 5. Nuisances related to residential dwellings.

20 **SECTION 2.** 97.01 (1g) (g) of the statutes is created to read:

21 97.01 **(1g)** (g) Is not a residential dwelling rental.

