

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3509/4dn  
PJK:jlg:kjf

December 16, 1999

I changed the wording slightly. In this version, instead of the tenant's *tenancy* posing a threat to safety or a substantial risk of damage to property, the tenant's *behavior* poses the threat or substantial risk. When the tenant's own guests were added to the list of persons whose threatened safety could result in eviction of the tenant, it no longer made sense for the tenant's tenancy to be the culprit. (It makes no sense to say that someone's tenancy poses a threat to the safety of his or her own guests.)

As I mentioned to Sara, I think that adding a tenant's own guests to the list may have unintended consequences. If a tenant's behavior is so outrageous that the safety of his or her own guests, who are there voluntarily and who can, presumably, leave voluntarily, is threatened, the safety of other tenants is probably threatened also, or damage to the property is probably also at risk. In addition, it does not seem to make sense to evict the tenant if the safety of his or her own guests is threatened; their safety will just be threatened elsewhere. The safety of the landlord or other tenants, and damage to the landlord's property or the property of the other tenant's, seems to be a legitimate concern of a landlord's, but not the safety of a tenant's guests or damage to their property. In any case, eviction of the tenant does not seem to be a reasonable or effective response to that concern, if it is a legitimate concern of a landlord's.

Don't lease provisions already give a landlord grounds for eviction if a tenant's behavior is so bad that it threatens another person's safety or property? (I thought even making a lot of noise was enough!) Surely such behavior would be a breach of a covenant or condition of the lease agreement. If not, it could be made a breach by addressing the issue in the lease.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us