

1999 DRAFTINGREQUEST

Bill

Received: **08/25/1999**

Received By: **nelsorpl**

Wanted: **As time permits**

Identical to LRB:

For: **Tom Sykora (608) 266-1194**

By/Representing: **Sara**

This file may be shown to any legislator: NO

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Require eviction of tenant who lies about having committed serious crimes.

**Instructions:**

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp 1 09/28/1999 kahlepj 1 1/03/1999	jgeller 1 1/04/1999		_____			
/P1			kfollet 1 1/04/1999	_____	lrb_docadmin 1 1/04/1999		
/P2	kahlepj 1 1/11/1999	jgeller 11/12/1999	mclark 1 1/12/1999	_____	lrb_docadmin 1 1/12/1999		

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			jfrantze 12/13/1999	_____			
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		4 12/16 jg	12/16 kyf	12/16 KJF/mrc			

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FE Sent For:			MRC 11/11	MRC/JF 11/11			

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Extra Copies: *PJA*

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PI  
JLg

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D. note

per cut

1 AN ACT ~~...~~; relating to: termination of tenancy for providing false information  
2 about crime conviction. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, every application for the rental of residential property must require the applicant to indicate whether he or she has ever been convicted of a crime, when the conviction occurred and the crime of which the applicant was convicted. If a landlord discovers that a tenant has provided false information on the application about his or her criminal record, the bill requires the landlord to terminate the tenancy of the tenant by giving notice to the tenant ~~that his or her tenancy is terminated~~ on or before five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy and of the basis on which the landlord determined that the tenant had provided false information.

to vacate the property

at least

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

3 SECTION 1. 704.04<sup>✓</sup> of the statutes is created to read:



1           **704.04 Criminal record on application.** Every application for the rental of  
2 residential property shall require the applicant to indicate whether he or she has  
3 ever been convicted of a crime and to specify when the conviction occurred and the  
4 crime of which the applicant was convicted.

5           SECTION 2. 704.17 (1) (d) <sup>X</sup> of the statutes is created to read:

6           704.17 (1) (d) If a landlord discovers that <sup>✓</sup> a week-to-week or month-to-month  
7 tenant provided, on his or her application for the rental of the property, false  
8 information regarding his or her criminal record, the landlord shall terminate the  
9 tenancy by giving the tenant written notice requiring the tenant to vacate on or  
10 before a date at least 5 days after the giving of the notice. The notice shall state the  
11 reason for the termination of the tenancy and the basis on which the landlord  
12 determined that the tenant provided false information on the application.

13           SECTION 3. 704.17 (2) (d) <sup>X</sup> of the statutes is created to read:

14           704.17 (2) (d) If a landlord discovers that a tenant under a lease for a term of  
15 one year or less, or a year-to-year tenant provided, on his or her application for the  
16 rental of the property, false information regarding his or her criminal record, the  
17 landlord shall terminate the tenancy by giving the tenant written notice requiring  
18 the tenant to vacate on or before a date at least <sup>✓</sup> 5 days after the giving of the notice.  
19 The notice shall state the reason for the termination of the tenancy and the basis on  
20 which the landlord determined that the tenant provided false information on the  
21 application.

22           SECTION 4. 704.17 (3) (c) <sup>X</sup> of the statutes is created to read:

23           704.17 (3) (c) If a landlord discovers that a tenant under a lease for a term of  
24 <sup>✓</sup> more than one year provided, on his or her application for the rental of the property,  
25 false information regarding his or her criminal record, the landlord shall terminate

1 the tenancy by giving the tenant written notice requiring the tenant to vacate on or  
2 before a date at least 5 days after the giving of the notice. The notice shall state the  
3 reason for the termination of the tenancy and the basis on which the landlord  
4 determined that the tenant provided false information on the application.

5 SECTION 5. 704.19 (3m) <sup>x</sup> of the statutes is created to read:

6 **704.19 (3m) TERMINATION OF TENANCY FOR FALSE INFORMATION.** Notwithstanding  
7 subs. (2) and (3), <sup>✓</sup> if a landlord discovers that a periodic tenant or a tenant at will  
8 provided, on his or her application for the rental of the property, false information  
9 regarding his or her criminal record, the landlord shall terminate the tenancy by  
10 giving the tenant written notice requiring the tenant to vacate on or before a date at  
11 least 5 days after the giving of the notice. The notice shall state the reason for the  
12 termination of the tenancy and the basis on which the landlord determined that the  
13 tenant provided false information on the application.

6 PROVIDING ✓

14 (END)

D. vote

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

LRB-3509/1 dn  
PJK.....

1. Do you want to delay the effective date to provide some time for updating rental applications?

2. The drafting instructions **require** a landlord to terminate the tenancy of a tenant (evict) for providing false information on an application. Would you prefer to **authorize** termination of tenancy? Do you want to make any distinctions among types of crimes about which a tenant may have lied (in other words, do you want to require eviction only if the falsehood relates to certain types of crimes)? Do you want to require that only certain crimes or certain types of crimes must be disclosed on the application?

3. Do you want to prohibit a landlord from using the criminal record information on the application for certain purposes, such as refusing to rent? Or do you want to allow the landlord to use the information in any way the landlord sees fit (which would be the case under the current language, since a landlord is not explicitly prohibited from using the information for any particular purpose)?

4. Do you want to authorize or require eviction for lying about <sup>ⓔ</sup> anything on the application, not just about one's criminal record?

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

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

LRB-3509/P1dn  
PJK:jlg:kjf

November 4, 1999

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3. Do you want to prohibit a landlord from using the criminal record information on the application for certain purposes, such as refusing to rent? Or do you want to allow the landlord to use the information in any way the landlord sees fit (which would be the case under the current language, since a landlord is not explicitly prohibited from using the information for any particular purpose)?
4. Do you want to authorize or require eviction for lying about **anything** on the application, not just about one's criminal record?

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



*r m is run*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*D = info*

*regenerate*

*posing threat of physical harm or injury*

- 1 AN ACT to create 704.04, 704.17 (1) (d), 704.17 (2) (d), 704.17 (3) (c) and 704.19
- 2 (3m) of the statutes; relating to: termination of tenancy for ~~providing false~~
- 3 ~~information about crime conviction.~~

**Analysis by the Legislative Reference Bureau**

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, every application for the rental of residential property must require the applicant to indicate whether he or she has ever been convicted of a crime, when the conviction occurred and the crime of which the applicant was convicted. If a landlord discovers that a tenant has provided false information on the application about his or her criminal record, the bill requires the landlord to terminate the tenancy of the tenant by giving notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy and of the basis on which the landlord determined that the tenant had provided false information.

*J*  
*Insert A-1*

*Insert A-2*

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

1 SECTION 1. 704.04 of the statutes is created to read:

2 704.04 Criminal record on application. Every application for the rental of  
3 residential property shall require the applicant to indicate whether he or she has  
4 ever been convicted of a crime and to specify when the conviction occurred and the  
5 crime of which the applicant was convicted.

6 SECTION 2. 704.17 (1) (d) of the statutes is created to read:

*has reason to believe*

7 704.17 (1) (d) If a landlord ~~discovers~~ that a week-to-week or month-to-month  
8 tenant ~~provided, on his or her application for the rental of the property, false~~  
9 ~~information regarding his or her criminal records,~~ the landlord ~~shall~~ terminate the  
10 tenancy by giving the tenant written notice requiring the tenant to vacate on or  
11 before a date at least 5 days after the giving of the notice. The notice shall state the  
12 reason for the termination of the tenancy ~~and~~ the basis on which the landlord  
13 ~~determined that the tenant provided false information on the application.~~

*of the tenant posing the threat*

14 SECTION 3. 704.17 (2) (d) of the statutes is created to read:

15 704.17 (2) (d) If a landlord ~~discovers~~ that a tenant under a lease for a term of  
16 one year or less, or a year-to-year tenant ~~provided, on his or her application for the~~  
17 ~~rental of the property, false information regarding his or her criminal records,~~ the  
18 landlord ~~shall~~ terminate the tenancy by giving the tenant written notice requiring  
19 the tenant to vacate on or before a date at least 5 days after the giving of the notice.  
20 The notice shall state the reason for the termination of the tenancy ~~and~~ the basis on  
21 which the landlord ~~determined that the tenant provided false information on the~~  
22 ~~application.~~

*insert B*

23 SECTION 4. 704.17 (3) (c) of the statutes is created to read:

24 704.17 (3) (c) If a landlord ~~discovers~~ that a tenant under a lease for a term of  
25 more than one year ~~provided, on his or her application for the rental of the property,~~

*insert B*

*insert C*

*insert C*

of the tenant posing the threat

1 ~~if~~ false information regarding his or her criminal record, the landlord shall terminate  
 2 the tenancy by giving the tenant written notice requiring the tenant to vacate on or  
 3 before a date at least 5 days after the giving of the notice. The notice shall state the  
 4 reason for the termination of the tenancy ~~and~~ the basis on which the landlord  
 5 ~~determined that the tenant provided false information on the application.~~ <sup>insert C</sup>

SECTION 5. 704.19 (3m) of the statutes is created to read:

704.19 (3m) TERMINATION OF TENANCY FOR ~~PROVIDING FALSE INFORMATION~~

8 Notwithstanding subs. (2) and (3), if a landlord ~~discovers~~ that a periodic tenant or  
 9 a tenant at will ~~provided false information on the application for the rental of the property false~~  
 10 ~~information regarding his or her criminal record,~~ the landlord shall terminate the  
 11 tenancy by giving the tenant written notice requiring the tenant to vacate on or  
 12 before a date at least 5 days after the giving of the notice. The notice shall state the  
 13 reason for the termination of the tenancy ~~and~~ the basis on which the landlord  
 14 ~~determined that the tenant provided false information on the application.~~ <sup>insert C</sup>

(END)

has reason to believe

D-note

CS  
POSING THREAT OF HARM

insert B  
may

insert C

insert B  
may

insert C

**INSERT A-i**

a landlord may terminate the tenancy of a tenant if the landlord has reason to believe that the tenant poses a threat of physical harm or injury to the landlord or to another tenant. The landlord must provide <sup>NO</sup>~~FP~~

**(END OF INSERT A-1)**

**INSERT A-2**

believes that the tenant poses a threat of physical harm or injury and of the tenant's right to contest the termination of tenancy in an eviction action <sup>NO</sup>~~FP~~

**(END OF INSERT A-2)**

**INSERT B**

poses a threat of physical harm or injury to the landlord or to another tenant <sup>NO</sup>~~FP~~

**(END OF INSERT B)**

**INSERT c**

believes that the tenant poses a threat of physical harm or injury and the right of the tenant' to contest the termination of tenancy in an eviction action under ch.599 <sup>NO</sup>~~FP~~

**(END OF INSERT C)**





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

LRB-3509/P2dn  
PJK:jlj:kjf

Here is another version of the draft. I changed the basis for termination of tenancy, made it discretionary, rather than mandatory, and added that the notice must advise the tenant of his or her right to contest the termination of tenancy in an eviction action. Let me know if you want anything changed.

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

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

LRB-3509/P2dn  
PJK;jlg:mrc

November 12, 1999

Here is another version of the draft. I changed the basis for termination of tenancy, made it discretionary, rather than mandatory, and added that the notice must advise the tenant of his or her right to contest the termination of tenancy in an eviction action. Let me know if you want anything changed.

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

## Kahler, Pam

---

**From:** Jermstad, Sara  
**Sent:** Tuesday, November 23, 1999 10:37 AM  
**To:** Kahler, Pam  
**Subject:** FW: Direct Threat Language

Do you understand this?

-----Original Message-----

From: Staff, Rick -VP Legal Services [mailto:rikstaff@wra.org]  
Sent: Tuesday, November 23, 1999 10:13 AM  
To: 'sara.jermstad@legis.state.wi.us'  
Cc: Murray, Joe - Pol Affairs Dir; Theo, Mike - VP Public Affairs;  
Conrad, Debbie - Attorney  
Subject: Direct Threat Language

Sara,

I would propose the existing "direct threat" standard from the fair housing laws as a better standard than the "reason to know" standard in the current proposal. Given that it is in existing law, persons objecting to it will have a tougher time saying it is "unfair." The landlords might think the standard is too tough, but given the challenge of passing expedited eviction procedures, they may want to approach it from the angle that this standard can be more easily justified.

106.04 (5m) EXEMPTIONS AND EXCLUSIONS. (a) 1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual which caused harm or damage, which directly threatened harm or damage or which caused a reasonable fear of harm or damage to other t-persons employed on the property or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in s. 813.12 (1) (a).



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRE3509/12

PJK;jlg:mrc

*r m is run*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*regenerate*

1 **AN ACT to create 704.17 (1) (d), 704.17 (2) (d), 704.17 (3) (c) and 704.19 (3m) of**  
2 **the statutes; relating to:** termination of tenancy for posing threat of physical  
3 **harm or injury.**

**Analysis by the Legislative Reference Bureau**

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant if the landlord has reason to believe that the tenant poses a threat of physical harm or injury to the landlord ~~or~~ another tenant. The landlord must provide notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy, of the basis on which the landlord believes that the tenant poses a threat of physical harm or injury and of the tenant's right to contest the termination of tenancy in an eviction action.

*the landlord's agent, another tenant or a guest of*

**The people of the state of Wisconsin, represented in senate and assembly, do enact a-s follows:**

4 **SECTION 1.** 704.17 (1) (d) of the statutes is created to read:

1 704.17 (1) (d) If a landlord has reason to believe that a week-t-week or  
 2 month-to-month tenant poses a threat of physical harm or injury to the landlord  
 3 ~~or~~ another tenant, the landlord may terminate the tenancy of the tenant posing the  
 4 threat by giving the tenant written notice requiring the tenant to vacate on or before  
 5 a date at least 5 days after the giving of the notice. The notice shall state the reason  
 6 for the termination of the tenancy, the basis on which the landlord believes that the  
 7 tenant poses a threat of physical harm or injury and the right of the tenant to contest  
 8 the termination of tenancy in an eviction action under ch. 799.

9 **SECTION 2.** 704.17 (2) (d) of the statutes is created to read:

10 704.17 (2) (d) If a landlord has reason to believe that a tenant under a lease for  
 11 a term of one year or less, or a year-to-year tenant poses a threat of physical harm  
 12 or injury to the landlord ~~or~~ another tenant, the landlord may terminate the  
 13 tenancy of the tenant posing the threat by giving the tenant written notice requiring  
 14 the tenant to vacate on or before a date at least 5 days after the giving of the notice.  
 15 The notice shall state the reason for the termination of the tenancy, the basis on  
 16 which the landlord believes that the tenant poses a threat of physical harm or injury  
 17 and the right of the tenant to contest the termination of tenancy in an eviction action  
 18 under ch. 799.

19 **SECTION 3.** 704.17 (3) (c) of the statutes is created to read:

20 704.17 (3) (c) If a landlord has reason to believe that a tenant under a lease for  
 21 a term of more than one year poses a threat of physical harm or injury to the landlord  
 22 ~~or~~ another tenant, the landlord may terminate the tenancy of the tenant posing  
 23 the threat by giving the tenant written notice requiring the tenant to vacate on or  
 24 before a date at least 5 days after the giving of the notice. The notice shall state the  
 25 reason for the termination of the tenancy, the basis on which the landlord believes

*the landlord's agent, another tenant or a guest of*

1 that the tenant poses a threat of physical harm or injury and the right of the tenant  
2 to contest the termination of tenancy in an eviction action under ch. 799.

3 SECTION 4, 704.19 (3m) of the statutes is created to read:

4 704.19 (3m) TERMINATION OF TENANCY FOR POSING THREAT OF HARM.

5 Notwithstanding subs. (2) and (3), if a landlord has reason to believe that a periodic  
6 tenant or a tenant at will poses a threat of physical harm or injury to the landlord

7 ~~or~~ another tenant, the landlord may terminate the tenancy of the tenant posing  
8 the threat by giving the tenant written notice requiring the tenant to vacate on or  
9 before a date at least 5 days after the giving of the notice. The notice shall state the  
10 reason for the termination of the tenancy, the basis on which the landlord believes  
11 that the tenant poses a threat of physical harm or injury and the right of the tenant  
12 to contest the termination of tenancy in an eviction action under ch. 799.

13 (END)

✓  
the landlord's agent, another  
tenant or a guest of



*in is run*

# 1999 BILL

*D-note*

*Regen*

*direct*

1 A N **ACT to create** 704.17 (1)(d), 704.17 (2) (d), 704.17 (3) (c) and 704.19 (3m) of  
2 the statutes; **relating to:** termination of tenancy for posing threat of physical  
3 harm or injury.

### Analysis by the Legislative Reference Bureau

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant if the ~~landlord has reason to believe that the tenant~~ poses a threat ~~of physical harm or injury~~ to the landlord, the landlord's agent, ~~the~~ other tenant or a guest of ~~an~~ other tenant. The landlord must provide notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy, of the basis on which the landlord believes that the tenant poses a threat ~~of physical harm or injury~~ and of the tenant's right to contest the termination of tenancy in an eviction action. *Insert A*

*tenants tenancy*

*the safety of*

*direct*

*tenancy*

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



BILL

whose tenancy poses a direct

is substituted for business purposes with the safety of

tenants' tenancy of business

1 SECTION 1. 704.17 (1) (d) of the statutes is created to read:  
 2 7b4.17 (1) (d) If ~~an~~ <sup>the tenancy of</sup> ~~landlord~~ <sup>landlord</sup> has reason to believe that a week-t-week or  
 3 month-to-month tenant poses a threat <sup>direct</sup> of ~~physical harm or injury~~ <sup>physical harm or injury</sup> to the landlord,  
 4 the landlord's agent, ~~another~~ <sup>other</sup> tenant or a guest of ~~another~~ <sup>other</sup> tenant, the landlord may  
 5 terminate the tenancy of the tenant ~~because~~ <sup>because</sup> threat by giving the tenant written  
 6 notice requiring the tenant to vacate on or before a date at least 5 days after the  
 7 giving of the notice. The notice shall state the reason for the termination of the  
 8 tenancy, the basis on which the landlord believes that the ~~tenant~~ <sup>tenant</sup> poses a threat <sup>direct</sup>  
 9 ~~of physical harm or injury~~ <sup>of physical harm or injury</sup> and the right of the tenant to contest the termination of  
 10 tenancy in an eviction action under ch. 799. tenants' tenancy

11 SECTION 2. 704.17 (2) (d) of the statutes is created to read:  
 12 704.17 (2) (d) If ~~an~~ <sup>the tenancy of</sup> ~~landlord~~ <sup>landlord</sup> has reason to believe that a tenant under a lease for  
 13 a term of one year or less, or a year-to-year tenant poses a threat <sup>direct</sup> of ~~physical harm~~ <sup>physical harm</sup>  
 14 ~~or injury~~ <sup>or injury</sup> to the landlord, the landlord's agent, ~~another~~ <sup>other</sup> tenant or a guest of ~~another~~ <sup>other</sup>  
 15 tenant, the landlord may terminate the tenancy of the tenant ~~because~~ <sup>because</sup> threat by  
 16 giving the tenant written notice requiring the tenant to vacate on or before a date at  
 17 least 5 days after the giving of the notice. The notice shall state the reason for the  
 18 termination of the tenancy, the basis on which the landlord believes that the ~~tenant~~ <sup>tenant</sup>  
 19 <sup>direct</sup> poses a threat <sup>of physical harm or injury</sup> and the right of the tenant to contest the  
 20 termination of tenancy in an eviction action under ch. 799. the tenancy of

21 SECTION 3. 704.17 (3) (c) of the statutes is created to read:  
 22 704.17 (3) (c) If ~~an~~ <sup>the tenancy of</sup> ~~landlord~~ <sup>landlord</sup> has reason to believe that a tenant under a lease for  
 23 a term of more than one year poses a threat <sup>direct</sup> of ~~physical harm or injury~~ <sup>physical harm or injury</sup> to the landlord,  
 24 the landlord's agent, ~~another~~ <sup>other</sup> tenant or a guest of ~~another~~ <sup>other</sup> tenant, the landlord may  
 25 terminate the tenancy of the tenant ~~because~~ <sup>because</sup> threat by giving the tenant written

BILL

Insert 3-5 ✓

whose tenancy poses a direct

tenants tenancy poses a direct threat

1 notice requiring the tenant to vacate on or before a date at least 5 days after the  
 2 giving of the notice. The notice shall state the reason for the termination of the  
 3 tenancy, the basis on which the landlord believes that the ~~tenant~~ poses a <sup>direct</sup> threat  
 4 ~~physical harm or injury~~ and the right of the tenant to contest the termination of  
 5 tenancy in an eviction action under ch. 799.

6 SECTION 4. 704.19 (3m) of the statutes is created to read:

7 704.19 (3m) TERMINATION OF TENANCY FOR POSING THREAT <sup>of tenancy</sup>  
 8 (a) Notwithstanding subs. (2) and (3), if ~~the landlord has reasonable cause to believe that~~ a periodic  
 9 tenant or a tenant at will poses a <sup>direct</sup> threat <sup>to the</sup> ~~to the~~ safety of the landlord,  
 10 the landlord's agent, ~~another tenant~~ or ~~a~~ guest of ~~another tenant~~, the landlord may  
 11 terminate the tenancy of the tenant ~~whose~~ threat by giving the tenant written  
 12 notice requiring the tenant to vacate on or before a date at least 5 days after the  
 13 giving of the notice. The notice shall state the reason for the termination of the  
 14 tenancy, the basis on which the landlord believes that the <sup>tenant's tenancy</sup> ~~tenant~~ poses a <sup>direct</sup> threat  
 15 ~~physical harm or injury~~ and the right of the tenant to contest the termination of  
 16 tenancy in an eviction action under ch. 799.

17 (END)

Insert 3-16 ✓

- notes

100

INSERT A

*not* → The bill provides that a claim of a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior that caused harm or injury, that directly threatened harm or injury or that caused a reasonable fear of harm or injury to the landlord, the landlord's agent, another tenant or a guest of another tenant.

( ENDOFINsertA )

INSERT 3-5

*X*  
SECTION 1 . 704.17 (6) of the statutes is created to read:

704.17 (6) EVIDENCE OF DIRECT THREAT. *✓* Under this section, a claim that a tenant's tenancy poses a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior ~~by~~ that tenant that caused harm or injury, that directly threatened harm or injury or that caused a reasonable fear of harm or injury to the landlord, the landlord's agent, another tenant or a guest of another tenant. *of*

( ENDOFKNSERT3-5 )

INSERT 3-16

(b) Under par. (a), *✓* a claim that a tenant's tenancy poses a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior ~~by~~ *of* that tenant that caused harm or injury, that directly threatened harm or injury or that caused a reasonable fear of harm or injury to the landlord, the landlord's agent, another tenant or a guest of another tenant.

(END OF INSERT 3-16)

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

LRB-3509/2dn  
PJK:jlj:mrc

This version of the draft combines the language from the previous version and the language related to a person's tenancy posing a direct threat to safety under s. 106.04 (5m) (d). ✓ This language addresses harm or injury to persons. Do you also want a landlord to be able to terminate a tenancy based on behavior that threatens or causes a reasonable fear of damage to property? (Under current law, a landlord may already terminate the tenancy of a tenant who actually damages property.) Also, s. 106.04 (5m) (d) provides that a claim of a direct threat may not be based on the fact that a tenant has been or may be the victim of domestic abuse. Do you want that language included in this draft? (I'm not sure what that would mean in this context.)

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

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

LRB-3509/2dn  
PJK:jlg:mrc

December 2, 1999

This version of the draft combines the language from the previous version and the language related to a person's tenancy posing a direct threat to safety under s. 106.04 (5m) (d). This language addresses harm or injury to persons. Do you also want a landlord to be able to terminate a tenancy based on behavior that threatens or causes a reasonable fear of damage to property? (Under current law, a landlord may already terminate the tenancy of a tenant who actually damages property.) Also, s. 106.04 (5m) (d) provides that a claim of a direct threat may not be based on the fact that a tenant has been or may be the victim of domestic abuse. Do you want that language included in this draft? (I'm not sure what that would mean in this context.)

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

Sand - Sykora

redraft 3509

to include property damage

poss direct threat, evidence is

threat of prop dam

"

(current law already allows  
ten year for waste)



# 1999 BILL

Regen

1 AN ACT to create 704.17(1)(d), 704.17(2)(d), 704.17(3)(c), 704.17(6) and 704.19  
2 (3m) of the statutes; relating to: termination of tenancy for posing direct  
3 threat of physical harm or injury.

✓ to persons or substantial risk of physical damage to property

✓  
or if the tenant's tenancy poses a substantial risk of physical damage to the property of others

### Analysis by the Legislative Reference Bureau

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant if the tenant's tenancy poses a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants. The landlord must provide notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy, of the basis on which the landlord believes that the tenant's tenancy poses a direct threat and of the tenant's right to contest the termination of tenancy in an eviction action. The bill provides that a claim of a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior that caused harm or injury, that directly threatened harm or injury or that caused a

✓ or substantial risk



**BILL**

reasonable fear of harm or injury to the landlord, the landlord's agent, another tenant or a guest of another tenant. *Insert A*

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

*Insert 2-4*

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

2 704.17 (1) (d) If the tenancy of a week-t-week or month-to-month tenant

3 poses a direct threat to the safety of the landlord, the landlord's agent, other tenants

4 or guests of other tenants, the landlord may terminate the tenancy of the tenant

5 whose tenancy poses a direct threat by giving the tenant written notice requiring the

6 tenant to vacate on or before a date at least 5 days after the giving of the notice. The

7 notice shall state the reason for the termination of the tenancy, the basis on which

8 the landlord believes that the tenant's tenancy poses a direct threat and the right of

9 the tenant to contest the termination of tenancy in an eviction action under ch. 799.

10 SECTION 2. 704.17 (2) (d) of the statutes is created to read:

11 704.17 (2) (d) If the tenancy of a tenant under a lease for a term of one year or

12 less, or a year-to-year tenant poses a direct threat to the safety of the landlord, the

13 landlord's agent, other tenants or guests of other tenants, the landlord may

14 terminate the tenancy of the tenant whose tenancy poses a direct threat by giving

15 the tenant written notice requiring the tenant to vacate on or before a date at least

16 5 days after the giving of the notice. The notice shall state the reason for the

17 termination of the tenancy, the basis on which the landlord believes that the tenant's

18 tenancy poses a direct threat and the right of the tenant to contest the termination

19 of tenancy- in an eviction action under ch. 799.

20 SECTION 3. 704.17 (3) (c) of the statutes is created to read:

*or substantial risk*

**BILL**

1 704.17 (3) (c) If the tenancy of a tenant under a lease for a term of more than  
 2 one year poses a direct threat to the safety of the landlord, the landlord's agent, other  
 3 tenants or guests of other tenants, the landlord may terminate the tenancy of the  
 4 tenant whose tenancy poses a direct threat <sup>or substantial risk</sup> by giving the tenant written notice  
 5 requiring the tenant to vacate on or before a date at least 5 days after the giving of  
 6 the notice. The notice shall state the reason for the termination of the tenancy, the  
 7 basis on which the landlord believes that the tenant's tenancy poses a direct threat,  
 8 and the right of the tenant to contest the termination of tenancy in an eviction action  
 9 under ch. 799.

10 SECTION 4. 704.17 (6) of the statutes is created to read:  
 11 704.17 (6) EVIDENCE OF DIRECT THREAT Under this section <sup>CS</sup> a claim that a  
 12 tenant's tenancy poses a direct threat to the safety of the landlord, the landlord's  
 13 agent, other tenants or guests of other tenants must be evidenced by behavior of that  
 14 tenant that caused harm or injury, that directly threatened harm or injury or that  
 15 caused a reasonable fear of harm or injury to the landlord, the landlord's agent,  
 16 another tenant or a guest of another tenant.

17 SECTION 5. 704.19 (3m) of the statutes is created to read:  
 18 704.19 (3m) TERMINATION OF TENANCY FOR POSING DIRECT THREAT TO SAFETY (a)  
 19 Notwithstanding subs. (2) and (3), if a landlord has reason to believe that a periodic  
 20 tenant or a tenant at will poses a <sup>direct</sup> threat <sup>to the safety of</sup> to the landlord,  
 21 the landlord's agent, another tenant or a guest of another tenant, the landlord may  
 22 terminate the tenancy of the tenant <sup>posing the threat</sup> by giving the tenant written  
 23 notice requiring the tenant to vacate on or before a date at least 5 days after the  
 24 giving of the notice. The notice shall state the reason for the termination of the  
 25 tenancy, the basis on which the landlord believes that the <sup>tenant's tenancy</sup> <sup>poses a</sup> <sup>direct</sup> threat <sup>to</sup>

Insert 2-4

Insert 3-1b

Insert 3-1b

the tenancy of

whose tenancy poses a direct threat or substantial risk

**BILL**

*or substantial risk ✓*

①

~~physical harm or injury~~ and the right of the tenant to contest the termination of  
2 tenancy in an eviction action under ch. 799.

③

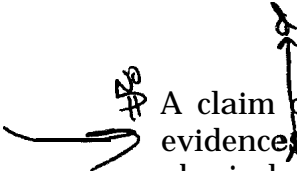
(b) Under par. (a) <sup>41. A</sup><sub>a</sub> claim that a tenant's tenancy poses a direct threat to the  
4 safety of the landlord, the landlord's agent, other tenants or guests of other tenants  
5 must be evidenced by behavior of that tenant that caused harm or injury, that  
6 directly threatened harm or injury or that caused a reasonable fear of harm or injury  
7 to the landlord, the landlord's agent, another tenant or a guest of another tenant.

8

**(END)**


*Insert 4-7 ✓*

**INSERT A**

 A claim of substantial risk of physical damage to the property of others must be evidenced by behavior that caused physical damage, that directly threatened physical damage or that caused a reasonable fear of physical damage to the property of others.

(END OF INSERT A)

**INSERT 2-4**

 or poses a substantial risk of physical damage to the property of others. 

(END OF INSERT 2-4)

**INSERT 3-16**

(b) A claim that a tenant's tenancy poses a substantial risk of physical damage to the property of others must be evidenced by behavior of that tenant that caused physical damage, that directly threatened physical damage or that caused a reasonable fear of physical damage to the property of others.

(END OF INSERT 3-16)

**INSERT 3-18**

 OR SUBSTANTIAL RISK OF DAMAGE

(END OF INSERT 3-18)

**INSERT 4-7**

2. A claim that a tenant's tenancy poses a substantial risk of physical damage to the property of others must be evidenced by behavior of that tenant that caused physical damage, that directly threatened physical damage or that caused a reasonable fear of physical damage to the property of others.

(END OF INSERT 4-7)

Sara

12-15

add to 3509 ↓

guests of tenant posing threat

& charge prop or others to

just persons included

in safety portion



*v m's run*

# 1999 BILL

*D-note*

1 **AN ACT to create** *Register* ~~the~~ (1)(d), 704.17 (2) (d), 704.17 (3) (c), 704.17 (6) and 704.19  
 2 (3m) of the statutes; **relating to:** termination of tenancy for posing direct  
 3 threat of physical harm or injury to persons or substantial risk of physical  
 4 damage to property.

### Analysis by the Legislative Reference Bureau

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant if the tenant's ~~tenancy~~ poses a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants, or if the tenant's ~~tenancy~~ poses a substantial risk of physical damage to the property of ~~others~~. The landlord must provide notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy, of the basis on which the landlord believes that the tenant's ~~behavior~~ poses a direct threat or substantial risk and of the tenant's right to contest the termination of tenancy in an eviction action. The bill provides that a claim of a direct threat to the safety of the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior that caused harm or injury, that directly threatened harm or injury or that caused a reasonable fear of harm or injury to the

*his or her guests or of*

*Landlord*

*behavior*

*a tenant's own guests;*

*a guest of the tenant or to*

**BILL**

✓  
Ins A-2

✓  
Ins A-3

landlord, the landlord's agent, another tenant or a guest of another tenant. A claim of substantial risk of physical damage to the property of ~~others~~ must be evidenced by behavior that caused physical damage, that directly th ~~reatened~~ physical damage or that caused a reasonable fear of physical damage to the property of ~~others~~.

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

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

2 704.17 (1) (d) If the ~~tenancy~~ <sup>behavior</sup> of a week-to-week or month-to-month tenant  
3 poses a direct threat to the safety of the landlord, the landlord's agent, other tenants  
4 or guests of other tenants, or poses a substantial risk of physical damage to the  
5 property of ~~others~~ <sup>insert x-s</sup> the landlord may terminate the tenancy of the tenant whose  
6 ~~tenancy~~ <sup>behavior</sup> poses a direct threat or substantial risk by giving the tenant written notice  
7 requiring the tenant to vacate on or before a date at least 5 days after the giving of  
8 the notice. The notice shall state the reason for the termination of the tenancy, the  
9 basis on which the landlord believes that the tenant's ~~tenancy~~ <sup>behavior</sup> poses a direct threat  
10 or substantial risk and the right of the tenant to contest the termination of tenancy  
11 in an eviction action under ch. 799.

✓  
his or her guests or of

1 2 SECTION 2. 704.17 (2) (d) of the statutes is created to read:

3 704.17 (2) (d) If the ~~tenancy~~ <sup>behavior</sup> of a tenant under a lease for a term of one year or  
4 less or a year-t-year tenant poses a direct threat to the safety of the landlord, the  
5 landlord's agent, other tenants or guests of other tenants, or poses a substantial risk  
6 of physical damage to the property of ~~others~~ <sup>insert 2-5</sup> the landlord may terminate the tenancy  
7 of the tenant whose ~~tenancy~~ <sup>behavior</sup> poses a direct threat or substantial risk by giving the  
8 tenant written notice requiring the tenant to vacate on or before a date at least 5 days  
9 after the giving of the notice. The notice shall state the reason for the termination  
10 of the tenancy, the basis on which the landlord believes that the tenant's ~~tenancy~~ <sup>behavior</sup>

behavior ✓

**BILL**

1 poses a direct threat or substantial risk and the right of the tenant to contest the  
2 termination of tenancy in an eviction action under ch. 799.

3 SECTION 3. 704.17 (3) (c) of the statutes is created to read:

4 704.17 (3) (c) If the ~~tenancy~~ of a tenant under a lease for a term of more than  
 5 one year poses a direct t hreat to the safety of the landlord, the landlord's agent, other  
 6 tenants or guests of other tenants, or poses a substantial risk of physical damage to  
 7 the property of ~~the~~ <sup>insert 2-5</sup> the landlord may terminate the tenancy of the tenant whose  
 8 ~~tenancy~~ poses a direct threat or substantial risk by giving the tenant written notice  
 9 requiring the tenant to vacate on or before a date at least 5 days after the giving of  
 10 the notice. The notice shall state the reason for the termination of the tenancy, the

11 basis on which the landlord believes that the tenant's ~~tenancy~~ poses a direct threat  
12 or substantial risk and the right of the tenant to contest the termination of tenancy  
13 in an eviction action under ch. 799.

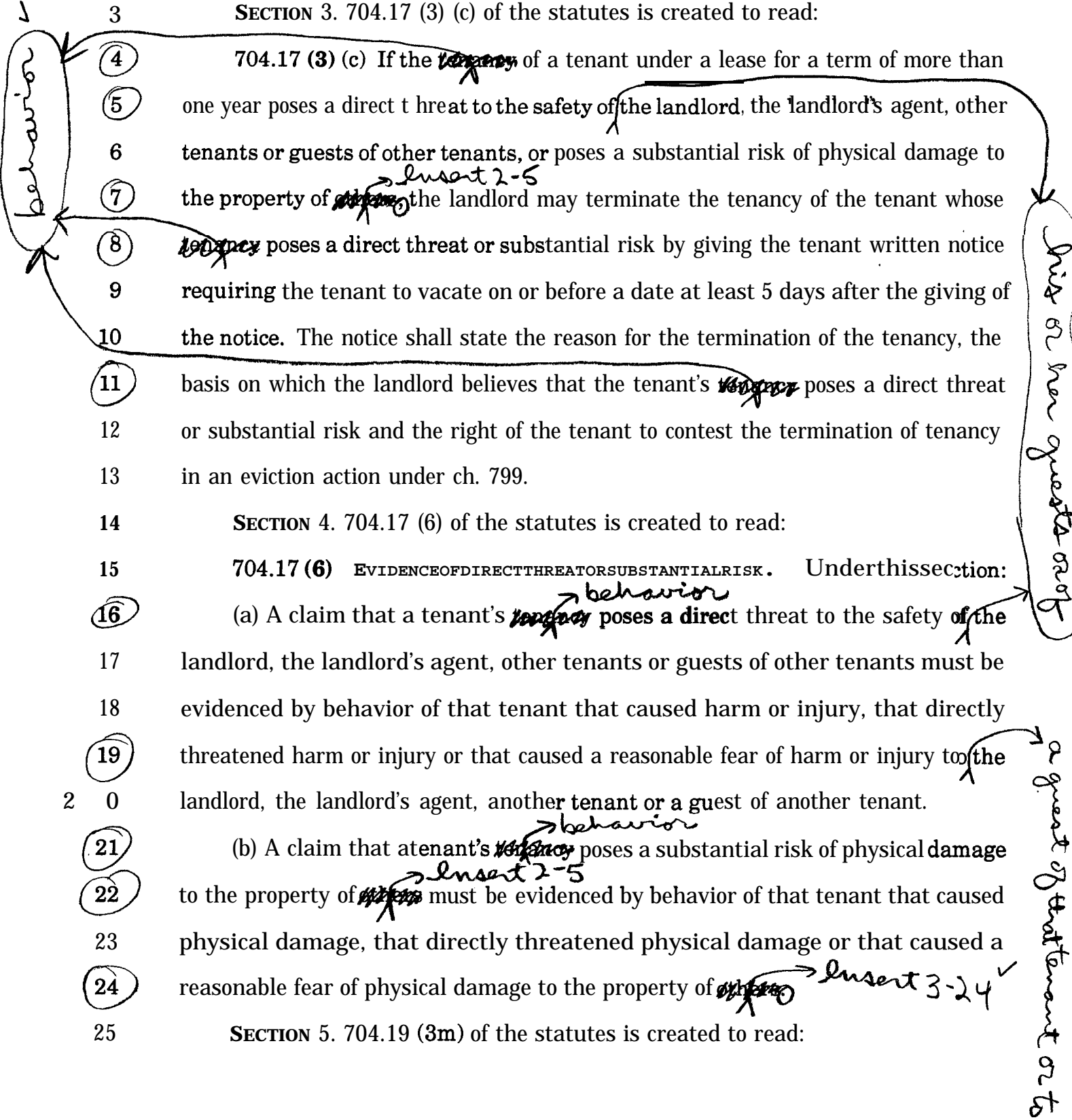
14 SECTION 4. 704.17 (6) of the statutes is created to read:

15 704.17 (6) EVIDENCEOFDIRECTTHREATORSUBSTANTIALRISK. Underthissection:

16 (a) A claim that a tenant's ~~tenancy~~ <sup>behavior</sup> poses a direct threat to the safety of the  
 17 landlord, the landlord's agent, other tenants or guests of other tenants must be  
 18 evidenced by behavior of that tenant that caused harm or injury, that directly  
 19 threatened harm or injury or that caused a reasonable fear of harm or injury to the  
 20 landlord, the landlord's agent, another tenant or a guest of another tenant.

21 (b) A claim that a tenant's ~~tenancy~~ <sup>behavior</sup> poses a substantial risk of physical damage  
 22 to the property of ~~the~~ <sup>insert 2-5</sup> must be evidenced by behavior of that tenant that caused  
 23 physical damage, that directly threatened physical damage or that caused a  
 24 reasonable fear of physical damage to the property of ~~the~~ <sup>insert 3-24</sup>

25 SECTION 5. 704.19 (3m) of the statutes is created to read:





BILL

*behavior*

*1. his or her guests or of a guest of that tenant or to*

1           704.19 (3m) TERMINATION OF TENANCY FOR POSING DIRECT THREAT TO SAFETY OR  
 2           SUBSTANTIAL RISK OF DAMAGE. (a) Notwithstanding subs. (2) and (3), if the ~~tenancy~~ of  
 3           a periodic tenant or a tenant at will poses a direct threat to the safety of the landlord,  
 4           the landlord's agent, another tenant or a guest of another tenant, or poses a  
 5           substantial risk of physical damage to the property of ~~the~~ the landlord may  
 6           terminate the tenancy of the tenant whose ~~tenancy~~ *behavior* poses a direct threat or  
 7           substantial risk by giving the tenant written notice requiring the tenant to vacate  
 8           on or before a date at least 5 days after the giving of the notice. The notice shall state  
 9           the reason for the termination of the tenancy, the basis on which the landlord believes  
 10          that the tenant's ~~tenancy~~ *behavior* poses a direct threat or substantial risk and the right of the  
 11          tenant to contest the termination of tenancy in an eviction action under ch. 799.

(b) Under par. (a):

12           1. A claim that a tenant's ~~tenancy~~ *behavior* poses a direct threat to the safety of the  
 13           landlord, the landlord's agent, other tenants or guests of other tenants must be  
 14           evidenced by behavior of that tenant that caused harm or injury, that directly  
 15           threatened harm or injury or that caused a reasonable fear of harm or injury to the  
 16           landlord, the landlord's agent, another tenant or a guest of another tenant.

17           2. A claim that a tenant's ~~tenancy~~ *behavior* poses a substantial risk of physical damage  
 18           to the property of ~~the~~ must be evidenced by behavior of that tenant that caused  
 19           physical damage, that directly threatened physical damage or that caused a  
 20           reasonable fear of physical damage to the property of ~~the~~ *insert 3-24*

(END)

*note*

**INSERT A-1**

~~20~~ his or her guests or of the landlord, the landlord's agent, other tenants or guests of other tenants

**(END OF INSERT A-1)**

**INSERT A-2**

~~20~~ a tenant's <sup>own</sup> guests, the landlord, the landlord's agent, other tenants or guests of other tenants

**(END OF INSERT A-2)**

**INSERT A-3**

~~20~~ a guest of the tenant or of the landlord, the landlord's agent, another tenant or a guest of another tenant

**(END OF INSERT A-3)**

**INSERT 2-5**

~~20~~ his or her guests or of the landlord, the landlord's agent, other tenants or guests of other tenants

**(END OF INSERT 2-5)**

**INSERT 3-24**

~~30~~ a guest of that tenant or of the landlord, the landlord's agent, another tenant or a guest of another tenant

**(END OF INSERT 3-24)**

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

LRB-3509/4dn  
PJK:jlj:f

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 tenants, 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



## 1999 BILL

1     **AN ACT to create** 704.17 (1) (d), 704.17 (2) (d), 704.17 (3) (c), 704.17 (6) and 704.19  
2           (3m) of the statutes; **relating to:** termination of tenancy for posing direct  
3           threat of physical harm or injury to persons or substantial risk of physical  
4           damage to property.

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, a tenant's tenancy may be terminated by the landlord for nonpayment of rent, for committing waste, for breaching a covenant or condition of the tenant's rental agreement or if the property owner receives notice from a law enforcement agency that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant if the tenant's behavior poses a direct threat to the safety of his or her guests or of the landlord, the landlord's agent, other tenants or guests of other tenants, or if the tenant's behavior poses a substantial risk of physical damage to the property of his or her guests or of the landlord, the landlord's agent, other tenants or guests of other tenants. The landlord must provide notice to the tenant to vacate the property on or before at least five days after the giving of the notice. The notice must advise the tenant of the reason for termination of the tenancy, of the basis on which the landlord believes that the tenant's behavior poses a direct threat or substantial risk and of the tenant's right to contest the termination of tenancy in an eviction action. The bill provides that a claim of a direct threat to the safety of a tenant's own guests, the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by

## BILL

behavior that caused harm or injury, that directly threatened harm or injury or that caused a reasonable fear of harm or injury to a guest of the tenant or to the landlord, the landlord's agent, another tenant or a guest of another tenant. A claim of substantial risk of physical damage to the property of a tenant's own guests, the landlord, the landlord's agent, other tenants or guests of other tenants must be evidenced by behavior that caused physical damage, that directly threatened physical damage or that caused a reasonable fear of physical damage to the property of a guest of the tenant or of the landlord, the landlord's agent, another tenant or a guest of another tenant.

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

1           **SECTION 1.** 704.17 (1) (d) of the statutes is created to read:

2           704.17 (1) (d) If the behavior of a week-t-week or month-to-month tenant  
3 poses a direct threat to the safety of his or her guests or of the landlord, the landlord's  
4 agent, other tenants or guests of other tenants, or poses a substantial risk of physical  
5 damage to the property of his or her guests or of the landlord, the landlord's agent,  
6 other tenants or guests of other tenants, the landlord may terminate the tenancy of  
7 the tenant whose behavior poses a direct threat or substantial risk by giving the  
8 tenant written notice requiring the tenant to vacate on or before a date at least 5 days  
9 after the giving of the notice. The notice shall state the reason for the termination  
10 of the tenancy, the basis on which the landlord believes that the tenant's behavior  
11 poses a direct threat or substantial risk and the right of the tenant to contest the  
12 termination of tenancy in an eviction action under ch. 799.

13           **SECTION 2.** 704.17 (2) (d) of the statutes is created to read:

14           704.17 (2) (d) If the behavior of a tenant under a lease for a term of one year  
15 or less or <sup>of</sup> a year-to-year tenant poses a direct threat to the safety of his or her guests  
16 or of the landlord, the landlord's agent, other tenants or guests of other tenants, or  
17 poses a substantial risk of physical damage to the property of his or her guests or of

**BILL**

1 the landlord, the landlord's agent, other tenants or guests of other tenants, the  
2 landlord may terminate the tenancy of the tenant whose behavior poses a direct  
3 threat or substantial risk by giving the tenant written notice requiring the tenant  
4 to vacate on or before a date at least 5 days after the giving of the notice. The notice  
5 shall state the reason for the termination of the tenancy, the basis on which the  
6 landlord believes that the tenant's behavior poses a direct threat or substantial risk  
7 and the right of the tenant to contest the termination of tenancy in an eviction action  
8 under ch. 799.

9 **SECTION 3.** 704.17 (3) (c) of the statutes is created to read:

10 704.17 (3) (c) If the behavior of a tenant under a lease for a term of more than  
11 one year poses a direct threat to the safety of his or her guests or of the landlord, the  
12 landlord's agent, other tenants or guests of other tenants, or poses a substantial risk  
13 of physical damage to the property of his or her guests or of the landlord, the  
14 landlord's agent, other tenants or guests of other tenants, the landlord may  
15 terminate the tenancy of the tenant whose behavior poses a direct threat or  
16 substantial risk by giving the tenant written notice requiring the tenant to vacate  
17 on or before a date at least 5 days after the giving of the notice. The notice shall state  
18 the reason for the termination of the tenancy, the basis on which the landlord believes  
19 that the tenant's behavior poses a direct threat or substantial risk and the right of  
20 the tenant to contest the termination of tenancy in an eviction action under ch. 799.

21 **SECTION 4.** 704.17 (6) of the statutes is created to read:

22 **704.17 (6) EVIDENCE OF DIRECT THREAT OR SUBSTANTIAL RISK.** Under this section:

23 (a) A claim that a tenant's behavior poses a direct threat to the safety of his or  
24 her guests or of the landlord, the landlord's agent, other tenants or guests of other  
25 tenants must be evidenced by behavior of that tenant that caused harm or injury,

## BILL

1 that directly threatened harm or injury or that caused a reasonable fear of harm or  
2 injury to a guest of that tenant or to the landlord, the landlord's agent, another tenant  
3 or a guest of another tenant.

4 (b) A claim that a tenant's behavior poses a substantial risk of physical damage:  
5 to the property of his or her guests or of the landlord, the landlord's agent, other  
6 tenants or guests of other tenants must be evidenced by behavior of that tenant that  
7 caused physical damage, that directly threatened physical damage or that caused a  
8 reasonable fear of physical damage to the property of a guest of that tenant or of the  
9 landlord, the landlord's agent, another tenant or a guest of another tenant.

the property

10 SECTION 5. 704.19 (3m) of the statutes is created to read:

11 704.19 (3m) TERMINATION OF TENANCY FOR POSING DIRECT THREAT TO SAFETY OR  
12 SUBSTANTIAL RISK OF DAMAGE. (a) Notwithstanding subs. (2) and (3), if the behavior  
13 of a periodic tenant or a tenant at will poses a direct threat to the safety of his or her  
14 guests or of the landlord, the landlord's agent, another tenant or a guest of another  
15 tenant, or poses a substantial risk of physical damage to the property of his or her  
16 guests or of the landlord, the landlord's agent, other tenants or guests of other  
17 tenants, the landlord may terminate the tenancy of the tenant whose behavior poses  
18 a direct threat or substantial risk by giving the tenant written notice requiring the  
19 tenant to vacate on or before a date at least 5 days after the giving of the notice. The  
20 notice shall state the reason for the termination of the tenancy, the basis on which  
21 the landlord believes that the tenant's behavior poses a direct threat or substantial  
22 risk and the right of the tenant to contest the termination of tenancy in an eviction  
23 action under ch. 799.

24 (b) Under par. (a):

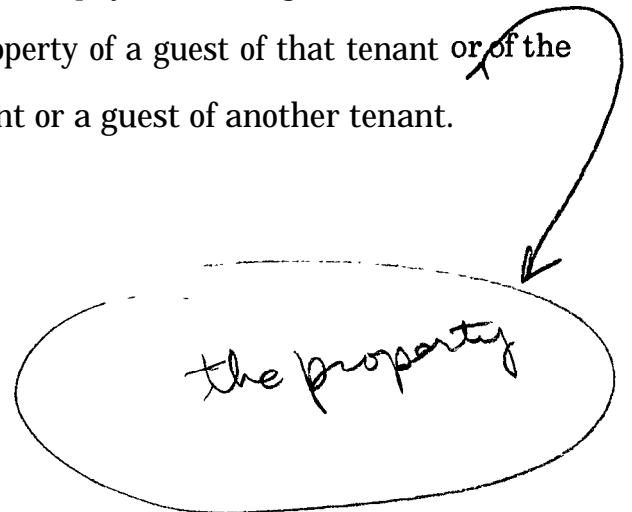
BILL

1           1. A claim that a tenant's behavior poses a direct threat to the safety of his or  
2 her guests or of the landlord, the landlord's agent, other tenants or guests of other  
3 tenants must be evidenced by behavior of that tenant that caused harm or injury,  
4 that directly threatened harm or injury or that caused a reasonable fear of harm or  
5 injury to a guest of that tenant or to the landlord, the landlord's agent, another tenant  
6 or a guest of another tenant.

7           2. A claim that a tenant's behavior poses a substantial risk of physical damage  
8 to the property of his or her guests or of the landlord, the landlord's agent, other  
9 tenants or guests of other tenants must be evidenced by behavior of that tenant that  
10 caused physical damage, that directly threatened physical damage or that caused a  
11 reasonable fear of physical damage to the property of a guest of that tenant ~~or of the~~  
12 landlord, the landlord's agent, another tenant or a guest of another tenant.

13

**(END)**





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

LRB-3509/4dn  
PJK:jlg:kjf

December 16, 1999

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Pamela J. Kahler  
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E-mail: Pam.Kahler@legis.state.wi.us

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 12/17/1999

**To:** Representative Sykora

**Relating to LRB drafting number:** LRB-3509

**Topic**

Require eviction of tenant who lies about having committed serious crimes.

**Subject(s)**

Courts - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_

*Tom Sykora*

in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

*Tom Sykora*

*Not  
Need*

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Pamela J. Kahler, Senior Legislative Attorney  
Telephone: (608) 266-2682