

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 711**

March 15, 2000 – Offered by Representatives SYKORA, MORRIS-TATUM and HEBL.

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.

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

4 **SECTION 1.** 704.17 (1) (d) of the statutes is created to read:  
5 704.17 **(1)** (d) If the behavior of a week-to-week or month-to-month tenant  
6 poses a direct threat to the safety of his or her guests or of the landlord, the landlord's  
7 agent, other tenants or guests of other tenants, the landlord may terminate the  
8 tenancy of the tenant whose behavior poses a direct threat by giving the tenant  
9 written notice requiring the tenant to vacate on or before a date at least 5 days after  
10 the giving of the notice. The notice shall state the reason for the termination of the  
11 tenancy, the basis on which the landlord believes that the tenant's behavior poses a  
12 direct threat and the right of the tenant to contest the termination of tenancy in an

1 eviction action under ch. 799. If the tenant contests the termination of tenancy, the  
2 tenancy may not be terminated without proof by the landlord by the greater  
3 preponderance of the credible evidence that the tenant's behavior poses a direct  
4 threat.

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

6 704.17 (2) (d) If the behavior of a tenant under a lease for a term of one year  
7 or less or of a year-to-year tenant poses a direct threat to the safety of his or her  
8 guests or of the landlord, the landlord's agent, other tenants or guests of other  
9 tenants, the landlord may terminate the tenancy of the tenant whose behavior poses  
10 a direct threat by giving the tenant written notice requiring the tenant to vacate on  
11 or before a date at least 5 days after the giving of the notice. The notice shall state  
12 the reason for the termination of the tenancy, the basis on which the landlord believes  
13 that the tenant's behavior poses a direct threat and the right of the tenant to contest  
14 the termination of tenancy in an eviction action under ch. 799. If the tenant contests  
15 the termination of tenancy, the tenancy may not be terminated without proof by the  
16 landlord by the greater preponderance of the credible evidence that the tenant's  
17 behavior poses a direct threat.

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

19 704.17 (3) (c) If the behavior of a tenant under a lease for a term of more than  
20 one year poses a direct threat to the safety of his or her guests or of the landlord, the  
21 landlord's agent, other tenants or guests of other tenants, the landlord may  
22 terminate the tenancy of the tenant whose behavior poses a direct threat by giving  
23 the tenant written notice requiring the tenant to vacate on or before a date at least  
24 5 days after the giving of the notice. The notice shall state the reason for the  
25 termination of the tenancy, the basis on which the landlord believes that the tenant's

1 behavior poses a direct threat and the right of the tenant to contest the termination  
2 of tenancy in an eviction action under ch. 799. If the tenant contests the termination  
3 of tenancy, the tenancy may not be terminated without proof by the landlord by the  
4 greater preponderance of the credible evidence that the tenant's behavior poses a  
5 direct threat.

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

7 704.17 **(6)** EVIDENCE OF DIRECT THREAT. Under this section, a claim that a  
8 tenant's behavior poses a direct threat to the safety of his or her guests or of the  
9 landlord, the landlord's agent, other tenants or guests of other tenants must be  
10 evidenced by behavior of that tenant that caused harm or injury, that directly  
11 threatened harm or injury or that caused a reasonable fear of harm or injury to a  
12 guest of that tenant or to the landlord, the landlord's agent, another tenant or a guest  
13 of another tenant.

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

15 704.19 **(3m)** TERMINATION OF TENANCY FOR POSING DIRECT THREAT TO SAFETY. (a)  
16 Notwithstanding subs. (2) and (3), if the behavior of a periodic tenant or a tenant at  
17 will poses a direct threat to the safety of his or her guests or of the landlord, the  
18 landlord's agent, another tenant or a guest of another tenant, the landlord may  
19 terminate the tenancy of the tenant whose behavior poses a direct threat by giving  
20 the tenant written notice requiring the tenant to vacate on or before a date at least  
21 5 days after the giving of the notice. The notice shall state the reason for the  
22 termination of the tenancy, the basis on which the landlord believes that the tenant's  
23 behavior poses a direct threat and the right of the tenant to contest the termination  
24 of tenancy in an eviction action under ch. 799. If the tenant contests the termination  
25 of tenancy, the tenancy may not be terminated without proof by the landlord by the

1 greater preponderance of the credible evidence that the tenant's behavior poses a  
2 direct threat.

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

9 (END)