

2007 SENATE BILL 269

September 21, 2007 – Introduced by Senators COGGS, SULLIVAN, CARPENTER, LASSA, DARLING, PLALE, OLSEN, RISSER, HANSEN, KREITLOW, SCHULTZ, ROESSLER and HARSDORF, cosponsored by Representatives SUDER, GRIGSBY, RICHARDS, KESSLER, SINICKI, PARISI, MUSSER, ZEPNICK, BERCEAU, A. WILLIAMS, TURNER, TOWNSEND, A. OTT, STRACHOTA, NERISON, TAUCHEN, SMITH, SEIDEL, POCAN, KAUFERT, HONADEL, DAVIS, LEMAHIEU, KLEEFISCH, MOULTON, NYGREN and PETROWSKI. Referred to Committee on Labor, Elections and Urban Affairs.

1 **AN ACT** *to renumber and amend* 704.19 (2) (b); and *to create* 66.0627 (7),
2 704.16 and 704.44 of the statutes; **relating to:** terminating a tenancy for
3 imminent threat of serious physical harm, making leases that restrict access
4 to certain services void and unenforceable, and prohibiting the imposition of
5 fees for local government emergency services.

Analysis by the Legislative Reference Bureau

Landlord-tenant relations

Under current law, if leased premises become untenable because of damage by fire, water, or other casualty, because of a condition that is hazardous to the tenant's health, or because the tenant's health or safety is materially affected by lack of repairs to the premises, the tenant may remove from the premises and is not responsible for rent for the period after the premises became untenable. This bill provides that a tenant may terminate his or her tenancy and remove from the premises if the tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. The tenant must provide notice to the landlord and a certified copy of: 1) an injunction order protecting the tenant or the child from the person; 2) a condition of release ordering the person not to contact the tenant; 3) a criminal complaint alleging that the person sexually assaulted or stalked the tenant or the child; or 4) a criminal complaint filed against the person as a result of an arrest for committing a domestic

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abuse offense against the tenant. If the tenant provides the required certified copy and proper notice of the termination of the tenancy to the landlord and removes from the premises, the tenant is not responsible for any rent after the end of the month in which he or she provides the notice or removes from the premises, whichever is later.

Under current law, a landlord may not increase rent, decrease services, bring an action for possession of the premises, refuse to renew a lease, or threaten to do any of those things, if there is a preponderance of evidence that the landlord's action or inaction is in retaliation against the tenant for making a good faith complaint about a defect in the premises to a public official or housing code enforcement agency, for complaining about a violation of a local housing code, or for exercising a legal right related to residential tenancies. This bill provides that a lease is void and unenforceable if it allows a landlord to increase rent, decrease services, bring an action for possession of the premises, refuse to renew a lease, or threaten to do any of those things, because the tenant has contacted an entity for law enforcement services, health services, or safety services.

Local government emergency services

Under current law, a municipality (a city, village, or town) may impose a special charge against real property for current services rendered, including services such as snow and ice removal, weed elimination, and sidewalk repair. This bill prohibits a municipality or a county from imposing a fee on the owner or occupant of property for a call for assistance that is made by the owner or occupant requesting law enforcement, fire protection, or other emergency services from the municipality or county.

For further information see the *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.** 66.0627 (7) of the statutes is created to read:
- 2 66.0627 (7) Notwithstanding sub. (2), no city, village, town, or county may
- 3 enact an ordinance, or enforce an existing ordinance, that imposes a fee on the owner
- 4 or occupant of property for a call for assistance that is made by the owner or occupant
- 5 requesting law enforcement, fire protection, or other emergency services that are
- 6 provided by the city, village, town, or county.
- 7 **SECTION 2.** 704.16 of the statutes is created to read:

SENATE BILL 269**1 704.16 Termination of tenancy for imminent threat of serious physical****2 harm. (1) TERMINATING TENANCY.** A tenant may terminate his or her tenancy and**3 remove from the premises if both of the following apply:****4 (a)** The tenant or a child of the tenant faces an imminent threat of serious
5 physical harm from another person if the tenant remains on the premises.**6 (b)** The tenant provides the landlord with notice in the manner provided under
7 s. 704.21 and with a certified copy of any of the following:**8 1.** An injunction order under s. 813.12 (4) protecting the tenant from the person.**9 2.** An injunction order under s. 813.122 protecting a child of the tenant from
10 the person.**11 3.** An injunction order under s. 813.125 (4) protecting the tenant or a child of
12 the tenant from the person, based on the person's engaging in an act that would
13 constitute sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s.
14 940.32, or attempting or threatening to do the same.**15 4.** A condition of release under ch. 969 ordering the person not to contact the
16 tenant.**17 5.** A criminal complaint alleging that the person sexually assaulted the tenant
18 or a child of the tenant under s. 940.225, 948.02, or 948.025.**19 6.** A criminal complaint alleging that the person stalked the tenant or a child
20 of the tenant under s. 940.32.**21 7.** A criminal complaint that was filed against the person as a result of the
22 person being arrested for committing a domestic abuse offense against the tenant
23 under s. 968.075.**24 (2) NOT LIABLE FOR RENT.** If a tenant removes from the premises because of a
25 threat of serious physical harm to the tenant or to a child of the tenant from another

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1 person and provides the landlord with a certified copy specified under sub. (1) and
2 with notice that complies with s. 704.21, the tenant shall not be liable for any rent
3 after the end of the month in which he or she provides the notice or removes from the
4 premises, whichever is later.

5 **SECTION 3.** 704.19 (2) (b) of the statutes is renumbered 704.19 (2) (b) 1. and
6 amended to read:

7 704.19 (2) (b) 1. A periodic tenancy can be terminated by notice under this
8 section only at the end of a rental period. In the case of a tenancy from year-to-year
9 the end of the rental period is the end of the rental year even though rent is payable
10 on a more frequent basis. ~~Nothing~~

11 2. Notwithstanding subd. 1., nothing in this section prevents termination of a
12 tenancy before the end of a rental period because of an imminent threat of serious
13 physical harm, as provided in s. 704.16, or for nonpayment of rent or breach of any
14 other condition of the tenancy, as provided in s. 704.17.

15 **SECTION 4.** 704.44 of the statutes is created to read:

16 **704.44 Lease that restricts access to certain services is void.** A lease is
17 void and unenforceable if it allows a landlord in a residential tenancy to do any of the
18 following because a tenant has contacted an entity for law enforcement services,
19 health services, or safety services:

20 (1) Increase rent.

21 (2) Decrease services.

22 (3) Bring an action for possession of the premises.

23 (4) Refuse to renew a lease.

24 (5) Threaten to take any action under subs. (1) to (4).

25 **SECTION 5. Initial applicability.**

