

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB277)

Received: **09/21/2009**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Joe Parisi (608) 266-5342**

By/Representing: **Mike Murray**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Parisi@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Housing discrimination based on domestic abuse, sexual abuse, or stalking victim status; exception

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 09/21/2009	jdye 09/22/2009		_____			
/1			rschluet 09/22/2009	_____	sbasford 09/22/2009	sbasford 09/22/2009	

FE Sent For:

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FE Sent For:

<END>

Malaise, Gordon

From: Murray, Mike
Sent: Thursday, September 17, 2009 2:21 PM
To: Malaise, Gordon
Subject: Amendment for AB 277
Attachments: Discrimination DV -- Amendment.doc

Hi Gordon,

This is Mike Murray from Rep. Parisi's office. Joe wanted me to submit the attached drafting memo for an amendment to AB 277 to get drafted as quickly as possible. If you have any questions about it, please let me know and I'll do my best to answer them.

Thanks,

Mike

106.50 (5m)(h) is created to read

(h) It is not discrimination based on status as a victim of domestic abuse, sexual abuse, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or a violation of a statutory provision that entitles the landlord to possession of the premises, unless the landlord knew or should have known that either 1. or 2. applies. If either 1. or 2. applies, the tenant has a defense to an eviction action brought by the landlord.

1. The tenant is a victim of domestic abuse, sexual abuse or stalking and the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse or stalking by another person who was not the guest or invitee of the tenant.

2. The tenant is a victim of domestic abuse, sexual abuse or stalking and the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse or stalking by another person who was the guest or invitee of the tenant and either a. or b. applies.

a.. the tenant has sought an injunction under s. 813.12, 813.122, 813.123, or 813.125, enjoining the other person from appearing on the premises; or

b. upon receiving notice under s. 704.17, the tenant provides a written statement to the landlord that the individual will no longer be an invited guest of the tenant and the other person is not subsequently an invited guest.

3. The tenant must prove 1. or 2. above by a preponderance of the evidence.



State of Wisconsin
2009 - 2010 LEGISLATURE

IN 9121
5000

LRBa0767 (1)
GMM.....
Jld

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 277

1 At the locations indicated, amend the bill as follows: ✓

2 1. Page 8, line 6: after that line insert: ✓

3 "SECTION 16g. ✓ 106.50 (5m) (dm) ✓ of the statutes is created to read:

4 106.50 (5m) (dm) It is not discrimination based on status as a victim of

5 domestic abuse, sexual abuse, or stalking ✓ for a landlord to bring an action for eviction

6 of a tenant based on a violation of the rental agreement or of a statute that entitles

7 the landlord to possession of the premises, unless subd. 1. or 2. ✓ applies. A tenant has

8 a defense to an action for eviction brought by a landlord if the tenant proves by a

9 preponderance of the evidence that the landlord knew or should have known any of

10 the following: ✓

11 1. That the tenant is a victim of domestic abuse, sexual abuse, or stalking ✓ and

12 that the basis for the action for eviction is conduct that related to the commission of

1 ✓ domestic abuse, sexual abuse, or stalking by a person who was not the invited guest
2 of the tenant.

3 2. That the tenant is a victim of ✓ domestic abuse, sexual abuse, or stalking, that
4 the basis for the action for eviction is conduct that related to the commission of
5 domestic abuse, sexual abuse, or stalking by a person who was the invited guest of
6 the tenant, and that the tenant has done one of the following: ✓

7 a. ✓ Sought an injunction under s. 813.12, 813.122, ✓ 813.123, ✓ or 813.125 ✓ enjoining
8 ~~that~~ ^{the} person from appearing on the premises. ✓

9 b. ✓ Upon receiving notice under s. 704.17, ✓ provided a written statement to the
10 landlord indicating that the person will no longer be an invited guest of the tenant
11 and has not subsequently invited the person to be a guest of the tenant.” ✓

12

(END)