2009 DRAFTING REQUEST

Assembly Amendment (AA-AB277)

Received: 09/21/2009 Wanted: Soon For: Joe Parisi (608) 266-5342 This file may be shown to any legislator: NO May Contact:				Received By: gmalaise					
					Identical to LRB:				
				By/Representing: Mike Murray					
					Drafter: gmalaise				
				Addl. Drafters:					
Subject: Discrimination					Extra Copies:				
Submit	via email: YES								
Request	er's email:	Rep.Parisi	@legis.wise	consin.gov					
Carbon	copy (CC:) to:								
Pre To	pic:								
No spec	cific pre topic gi	ven							
Topic:									
Housing	g discrimination	based on dome	estic abuse,	sexual abuse,	or stalking victim	status; exception	on		
Instruc	etions:								
See atta	ched								
Draftin	ng History:								
Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required		
/?	gmalaise 09/21/2009	jdyer 09/22/2009							
/1			rschluet 09/22/20	09	sbasford 09/22/2009	sbasford 09/22/2009			
FE Sent	For:								

<END>

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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:				
Vers. Drafted Reviewed Typed Proofed /? gmalaise / 22 2	Submitted Jacketed Required			

<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,

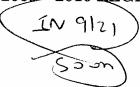
Mike

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 Misconsin 2009 - 2010 LEGISLATURE





ASSEMBLY AMENDMENT, TO 2009 ASSEMBLY BILL 277

At the locations indicated, amend the bill as follows:

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

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

106.50 (5m) (dm) 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 of a statute that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

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

- 2. That the tenant is a victim of domestic abuse, sexual abuse, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual abuse, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:
- a. Sought an injunction under s. 813.12, 813.122, 813.123, or 813.125 enjoining that person from appearing on the premises.
- b. Upon receiving notice under s. 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.".

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(END)