

ASSEMBLY BILL 400 (LRB -2183)

An Act to amend 704.16 (title); and to create 704.16 (4) of the statutes; relating to: requiring landlords to change locks.

2009

- 08-26. A. Introduced by Representatives **Dexter, Parisi, Berceau, Bernard Schaber, Clark, Grigsby, Hebl, Milroy, A. Ott, Pasch, Pocan, Roys, Seidel, Shilling, Smith, Suder, A. Williams and Wood;** cosponsored by Senators **Holperin, Hansen, Kreitlow, Schultz and Taylor.**
- 08-26. A. Read first time and referred to committee on Housing 353
- 10-07. A. Public hearing held.
- 10-09. A. Assembly amendment 1 offered by Representative Dexter (**LRB a0592**) 425
- 10-13. A. Assembly amendment 2 offered by Representative Dexter (**LRB a0856**) 429
- 10-14. A. Executive action taken.
- 10-20. A. Report Assembly Amendment 1 adoption recommended by committee on Housing, Ayes 7, Noes 0 435
- 10-20. A. Report Assembly Amendment 2 adoption recommended by committee on Housing, Ayes 7, Noes 0 435
- 10-20. A. Report passage as amended recommended by committee on Housing, Ayes 7, Noes 0 435
- 10-20. A. Referred to committee on Rules 435
- 10-27. A. Placed on calendar 10-29-2009 by committee on Rules.
- 10-29. A. Read a second time 476
- 10-29. A. Assembly amendment 1 **adopted** 476
- 10-29. A. Assembly amendment 2 **adopted** 476
- 10-29. A. Ordered to a third reading 476
- 10-29. A. Rules suspended 476
- 10-29. A. Read a third time and **passed**, Ayes 94, Noes 0 476
- 10-29. A. Ordered immediately messaged 476
- 10-29. S. Received from Assembly 393
- 11-03. S. Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing 399

2010

- 01-19. S. Executive action taken.
- 01-19. S. Report concurrence recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0.
- 01-19. S. Available for scheduling.
- 01-19. S. Rules suspended to withdraw from committee on Senate Organization and take up.
- 01-19. S. Read a second time.
- 01-19. S. Ordered to a third reading.
- 01-19. S. Rules suspended.
- 01-19. S. Read a third time and **concurred in.**
- 01-19. S. Ordered immediately messaged.
- 01-19. A. Received from Senate concurred in.

AMB

2009
ENROLLED BILL

09en A B-400

ADOPTED DOCUMENTS:


Orig Engr SubAmdt 09 /

Amendments to above (if none, write "NONE"): AA1- a0592/1
AA2 - a0856/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

1-20-10
Date


Enrolling Drafter



2009 ASSEMBLY BILL 400

August 26, 2009 - Introduced by Representatives DEXTER, PARISI, BERCEAU, BERNARD SCHABER, CLARK, GRIGSBY, HEBL, MILROY, A. OTT, PASCH, POCAN, ROYS, SEIDEL, SHILLING, SMITH, SUDER, A. WILLIAMS and WOOD, cosponsored by Senators HOLPERIN, HANSEN, KREITLOW, SCHULTZ and TAYLOR. Referred to Committee on Housing.

- 1 **AN ACT** *to amend* 704.16 (title); and *to create* 704.16 (4) of the statutes; **relating**
2 **to:** requiring landlords to change locks.

Analysis by the Legislative Reference Bureau

Under current law, 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 abuse offense against the tenant.

This bill requires a landlord to change the locks to a tenant's premises, or to give a tenant permission to do so, regardless of whether the tenant is terminating his or her tenancy, if the tenant requests it and provides the landlord with a certified copy of one of the documents that the tenant must provide under current law to terminate his or her tenancy because the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. The landlord must change the locks, or give the tenant permission to do so, within 48 hours after receiving the request and certified copy of the document. The tenant is responsible for the cost of having the locks changed.

The bill provides an exception from the requirement to change the locks. If the person who is the subject of the document that the tenant provides a certified copy

ASSEMBLY BILL 400

of to the landlord is also a tenant of the premises for which the locks are to be changed, the landlord is not required to change the locks unless the document is: 1) an injunction directing that other tenant to avoid the residence of the tenant requesting that the locks be changed; or 2) a condition of release ordering that other tenant not to contact the tenant requesting that the locks be changed.

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

1 SECTION 1. 704.16 (title) of the statutes is amended to read:

2 704.16 (title) **Termination of tenancy for imminent threat of serious**
3 **physical harm; changing locks.**

4 SECTION 2. 704.16 (4) of the statutes is created to read:

5 704.16 (4) CHANGING LOCKS. (a) Subject to pars. (b) and (c), regardless of
6 whether sub. (1) applies, at the request of a residential tenant who provides the
7 landlord with a certified copy of a document specified in sub. (1) (b) 1. to 7., a landlord
8 shall change the locks to the tenant's premises.

9 (b) A landlord shall have the locks changed, or may give the tenant permission
10 to change the locks, within 48 hours after receiving a request and certified copy under
11 par. (a). The tenant shall be responsible for the cost of changing the locks.

INSERT
AA2

12 ~~(e)~~ **INSERT AA1-1** If the person who is the subject of the document provided to the landlord
13 under par. (a) is also a tenant of the specific premises for which the locks are
14 requested to be changed, the landlord is not required to change the locks under this
15 subsection unless the document provided by the tenant requesting that the locks be
16 changed is any of the following:

INS. AA1-2

17 ~~1.~~ A document specified in sub. (1) (b) 1., 2., or 3. that directs the tenant who
18 is the subject of the document to avoid the residence of the tenant requesting that
19 the locks be changed.

ASSEMBLY BILL 400

INSERT AA1-3

- 1
- 2
- 3
- 4
- 5
- 6
- 7

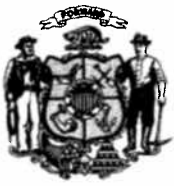
~~1.~~ A document specified in sub. (1) (b) 4. that orders the tenant who is the subject of the document not to contact the tenant requesting that the locks be changed.

INSERT AA1-4

SECTION 3. Initial applicability.

(1) This act first applies to requests to change locks that are received on the effective date of this subsection.

(END)



**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 400**

October 9, 2009 - Offered by Representative DEXTER.

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

2 **1.** Page 2, line 12: delete "(c) If" and substitute:

3 "(c) 1. If".

AA1-1

4 **2.** Page 2, line 17: delete "1. A" and substitute:

5 "a. A".

AA1-2

6 **3.** Page 3, line 1: delete "2." and substitute:

7 "b."

AA1-3

AA1-4

8 **4.** Page 3, line 3: after that line insert:

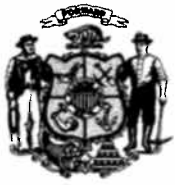
9 "2. Nothing in this subsection shall be construed to relieve a tenant who is the
10 subject of the document provided to the landlord under par. (a) from any obligation
11 under a rental agreement or any other liability to the landlord.

AA1-4

1
2
3

(d) A landlord is not liable for civil damages for any action taken to comply with this subsection.”.

(END)



**ASSEMBLY AMENDMENT 2,
TO 2009 ASSEMBLY BILL 400**

October 13, 2009 – Offered by Representative DEXTER.

AA 2

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

2 **1.** Page 2, line 11: after “locks.” insert “If the landlord gives the tenant
3 permission to change the locks, within a reasonable time after any lock has been
4 changed the tenant shall provide the landlord with a key for the changed lock.”

5 (END)