



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

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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.

12 (c) 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:

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.

