

2009 DRAFTING REQUEST

Bill

Received: **02/18/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Kristen Dexter (608) 266-9172**

By/Representing: **Ilsa Peterson**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require landlord to change locks for victims of domestic abuse

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>
/?	pkahler 03/02/2009	jdye 03/04/2009		_____			
/P1			rschluet 03/04/2009	_____	sbasford 03/04/2009		
/P2	pkahler 04/02/2009	jdye 04/03/2009	phenry 04/03/2009	_____	cduerst 04/03/2009		
	pkahler 07/09/2009			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	pkahler 07/17/2009	jdye 07/20/2009	rschluet 07/20/2009	_____	mbarman 07/20/2009	mbarman 07/20/2009	

FE Sent For:

<END>

↳ Not
Needed

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/P2	pkahler 04/02/2009 pkahler 07/09/2009	jdye 04/03/2009	phenry 04/03/2009	_____	cduerst 04/03/2009		

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/P1		1/7/20 jld	rschluet 03/04/2009	_____	sbasford 03/04/2009		
/P2	pkahler 04/02/2009 pkahler 07/09/2009	jdyer 04/03/2009	phenry 04/03/2009	_____	cduerst 04/03/2009		

please jacket "1/1" per Ilsa

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/1 pkahler lrb_editor _____
07/17/2009 _____

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 02/18/2009

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Mike Murray**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **Anne.Sappenfield@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require landlord to change locks for victims of domestic abuse

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>
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/P2	pkahler 04/02/2009	jdye 04/03/2009	phenry 04/03/2009	_____	cduerst 04/03/2009		

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Addl. Drafters:

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/?	pkahler 03/02/2009	jdyer 03/04/2009		_____			
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/P1		<i>P2 4/3 jld</i>	rschluet 03/04/2009	<i>4/3</i>	sbasford 03/04/2009		
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FE Sent For:

*4/3
pk*

MD
<END>

*JF
4/3*

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/?	pkahler	PI 3/4 jld					
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FE Sent For:

END

Kahler, Pam

From: Sappenfield, Anne
Sent: Wednesday, February 25, 2009 9:49 AM
To: Malaise, Gordon; Kahler, Pam
Subject: Housing draft

Hi Gordon and Pam,

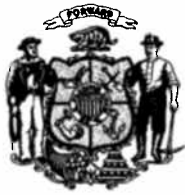
Could you please draft the housing provisions I called you about recently as separate drafts for Rep. Parisi? Thanks!

Anne Sappenfield
Senior Staff Attorney
WI Legislative Council
(608) 267-9485

Require landlord to change locks at
a tenant's request and expense
(domestic violence / abuse)

w/ ~ 10 days

tenant needs to show document specified
in s. 704.16(1)(b)



PI
Jld
run not run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*J-note
(in 3-2)*

you cat ✓

4

1

AN ACT ...; **relating 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 the tenant's premises, or to give the tenant permission to do so, if the tenant requests it and provides the landlord with a certified copy of one of the documents that the tenant must provide 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 ten days after receiving the request and certified copy of the document. The tenant is responsible for the cost of having the locks changed.

under current law ✓

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

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

PI
LRB-2183/dn
PJK: :...

date

Jld

believes ✓

Do you want to change the amount of time that the landlord has to change the locks? ✓

I have required that the tenant provide the landlord with a certified copy of a document under s. 704.16 (1) (b). You could require something different, such as that the tenant ~~believes~~ that he or she faces an imminent threat of serious physical harm from another person if the locks are not changed, or nothing more than a request. ✓

merely ✓

A copy of this draft has gone to Anne Sappenfield.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2183/P1dn
PJK:jld:rs

March 4, 2009

Do you want to change the amount of time that the landlord has to change the locks?

I have required that the tenant provide the landlord with a certified copy of a document under s. 704.16 (1) (b). You could require something different, such as that the tenant merely believes that he or she faces an imminent threat of serious physical harm from another person if the locks are not changed, or nothing more than a request.

A copy of this draft has gone to Anne Sappenfield.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Murray, Mike
Sent: Tuesday, March 31, 2009 4:26 PM
To: Kahler, Pam
Cc: 'Tony Gibart'
Subject: RE: Draft review: LRB 09-2183/P1 Topic: Require landlord to change locks for victims of domestic abuse
Attachments: Locks drafting memo.doc

Hi Pam,

Thanks so much for getting this drafted for Rep. Parisi. I shared the draft with the policy person over at the WI Coalition Against Domestic Violence and they had some feedback that we were hoping you would be able to incorporate into the draft. I have attached a memo from WCADV to this email. If you have any questions about WCADV's comments, please feel free to contact their lobbyist, Tony Gibart, who I have copied to this email. Tony wrote the attached memo regarding the draft.

Thanks again for your help.

Mike

Mike Murray
Office of Representative Joe Parisi

From: Basford, Sarah
Sent: Wednesday, March 04, 2009 10:03 AM
To: Rep.Parisi
Subject: Draft review: LRB 09-2183/P1 Topic: Require landlord to change locks for victims of domestic abuse

Following is the PDF version of draft LRB 09-2183/P1 and drafter's note.

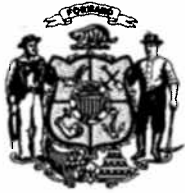
From: Tony Gibart, WCADV
To: Rep. Parisi and Mike Murray
Re: LRB-2183/P1

Thank you for drafting LRB-2183. WCADV recommends three changes.

1. Under the current drafting, the relationship between the termination of tenancy provisions and the lock changing provision is potentially confusing. For example, the title of sec. 704.16 makes it appear that the termination and locks provisions are part and parcel of one another when they are not and in many situations would not be used in combination. If possible, the structure or language of the draft should make clear that the tenant need not give notice to terminate her tenancy before requesting the locks be changed.
2. The time period for the landlord to change the locks or to give the tenant permission to do so should be shortened. This bill will provide more effective protection if the victim does not have to wait over a week for the locks to be changed. WCADV recommends a period of 48 hours. Many emergency situations (floods, broken furnaces, etc.) require landlords to respond promptly. Landlords should be capable of granting a victim permission to change locks in a short amount of time.
3. The bill should contain an exception to the lock changing provision for situations in which the defendant or respondent resides in same unit as the victim. The landlord should not be required to change the locks when the defendant or respondent is also a legal tenant of the unit, unless:
 - a. the victim provides a copy of an injunction which directs the respondent to avoid the victim's residence; or
 - b. a copy of a condition of release under ch. 969 ordering the defendant not to contact the victim.

Thank you again and please contact me with questions or concerns.





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(w 4-2)

✓ Regen

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 the tenant's premises, or to give the tenant permission to do so, 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 ten days after receiving the request and certified copy of the document. The tenant is responsible for the cost of having the locks changed.

Regardless of whether the tenant is terminating his or her tenancy

✓ 48 hours

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

Insert A ✓

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 par^a (b), at the request of a residential
6 tenant who provides the landlord with a certified copy of a document specified in sub.
7 (1) (b) 1. to 7., a landlord shall change the locks to the tenant's premises.

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

11 SECTION 3. **Initial applicability.**

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

14 (END)

Insert 2-10 ✓

and (c)
regardless of whether sub. (1) applies

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2183/P2ins
PJK:.....

INSERT A

4 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 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. *

(END OF INSERT A)

INSERT 2-10

- 1 (c) If the person who is the subject of the document provided to the landlord
2 under par. (a) is also a tenant of the specific premises for which the locks are
3 requested to be changed, the landlord is not required to change the locks under this
4 subsection unless the document provided by the tenant requesting that the locks be
5 changed is any of the following:
- 6 1. A document specified in sub. (1) (b) 1., 2., or 3. that directs the tenant who
7 is the subject of the document to avoid the residence of the tenant requesting that
8 the locks be changed.
 - 9 2. A document specified in sub. (1) (b) 4. that orders the tenant who is the
10 subject of the document not to contact the tenant requesting that the locks be
11 changed.

(END OF INSERT 2-10)

Kahler, Pam

From: Murray, Mike
Sent: Thursday, July 09, 2009 11:03 AM
To: Kahler, Pam
Cc: Peterson, Ilsa
Subject: Please Transfer LRB 2183/P2 to Rep. Dexter's office

Hi Pam,

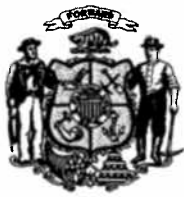
Rep. Dexter is going to take over on LRB 2183/P2, the lock changing bill for victims of domestic violence. Rep. Parisi just wanted me to make sure that her office had full control over the bill draft from this point on.

I have copied Ilsa Peterson from Rep. Dexter's office to this email.

If you need anything else, please let me know. Thanks,

Mike

Mike Murray
Office of Representative Joe Parisi



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2183/12

PJK:jld:ph

r m is run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

9
no changes
(in 7-17)

X

Regen

- 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

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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

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.

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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.

