

## 2009 DRAFTING REQUEST

### Assembly Amendment (AA-AB400)

Received: 08/11/2009

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  
Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Landlord immunity

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#### Instructions:

See attached

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#### 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 08/11/2009	jdye 08/19/2009		_____			
/P1			rschluet 08/19/2009	_____	cduerst 08/19/2009		
/1	pkahler 10/01/2009	jdye 10/01/2009	phenry 10/01/2009	_____	lparisi 10/01/2009	lparisi 10/01/2009	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Assembly Amendment (AA-ABU ~~LRB 018204~~) <sup>400</sup>

Received: 08/11/2009

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/?	pkahler 08/11/2009	jdyer 08/19/2009					
/P1		<i>110</i> <i>1</i> <i>jld</i>	rschluet 08/19/2009	<i>19</i> <i>ph</i>	cduerst 08/19/2009		
FE Sent For:			<i>ph</i>	<END>			

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB(LRBx2183/1))**

Received: 08/11/2009

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:

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**Pre Topic:**

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**Topic:**

Landlord immunity


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**Instructions:**

See attached

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/?	pkahler	PI 8/19 JLW		_____			

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Peterson, Ilsa  
**Sent:** Tuesday, August 11, 2009 10:55 AM  
**To:** Kahler, Pam  
**Subject:** RE: LRB-2183 (changing locks)

Pam-

Thank you. I think we are going to make the change in the amendment form. Here are some of my thoughts, let me know what you think and then we can do a preliminary draft of the amendment.

D.C. has a well drafted waiver of liability. It reads: "The housing provider shall not be liable to the perpetrator for any civil damages as a result of actions the housing provider takes to comply with this section." *D.C. Code § 42-3505.08(d)*.

To be even clearer and keep the language consistent with our bill, modifying language could read: "The landlord shall not be liable to a third party for any civil damages as a result of actions the landlord takes to comply with this section."

D.C also has a provision which makes clear the perpetrator is liable for rent. It reads, "This section shall not be construed to relieve the perpetrator of any obligation under a lease agreement or any other liability to the housing provider." *D.C. Code § 42-3505.08(e)*. I don't know if this is necessary, but it might be ok.

Thanks,  
Ilsa

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068

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**From:** Kahler, Pam  
**Sent:** Tuesday, August 11, 2009 10:32 AM  
**To:** Peterson, Ilsa  
**Subject:** RE: LRB-2183 (changing locks)

Thanks. I was just checking to make sure it was okay for them to request the same bill. If you are still working on resolving the "illegal eviction" issue, I will wait before getting their copy out to them.

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**From:** Peterson, Ilsa  
**Sent:** Tuesday, August 11, 2009 10:29 AM  
**To:** Kahler, Pam  
**Subject:** RE: LRB-2183 (changing locks)

There is. The Holperin office is going to be the Senate lead. I am in contact with them.

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068

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**From:** Kahler, Pam  
**Sent:** Tuesday, August 11, 2009 10:28 AM  
**To:** Peterson, Ilsa  
**Subject:** LRB-2183 (changing locks)

Hi, Ilsa:

I have a question for you. Do you know if there is a Senate office working on this same draft - as a companion to yours?  
Thanks.

Pam

*Pamela J. Kahler*  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608-266-2682

## Kahler, Pam

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**From:** Kahler, Pam  
**Sent:** Friday, July 31, 2009 1:40 PM  
**To:** Peterson, Ilsa  
**Subject:** RE: Please Transfer LRB 2183/P2 to Rep. Dexter's office

Ilsa:

This could be a problem. The "illegal eviction" aspect of it is that the tenant is excluded from the premises without benefit of an eviction action in court. In this situation, however, the landlord is not acting to exclude the abusing tenant, the landlord is only following a request from the other tenant. And then there is the fact that a court has already ordered the abusing tenant to avoid the residence of the other tenant, so even though there has been no eviction action, there has been court action ordering that tenant, essentially, to vacate the rental premises. Another problem is rent. Presumably, even if the abusing tenant cannot live there, because he or she signed the lease he or she would still be liable for rent. So, it's a hard call. You could simply make an exception to the requirement for the landlord to change the locks if the abuser is a tenant in the same apartment and avoid the whole "illegal eviction" problem. Another option, would be to provide immunity for a landlord in this situation.

Pam

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**From:** Peterson, Ilsa  
**Sent:** Friday, July 31, 2009 12:08 PM  
**To:** Kahler, Pam  
**Subject:** RE: Please Transfer LRB 2183/P2 to Rep. Dexter's office

Pam –

Thank you so much for the draft on this!

I received a question about the draft and I wanted to run it past in you in hopes of getting some clarification or more information. The individual stated that, currently, if two people are on a lease and one party changes the locks on the other that it is deemed an "illegal eviction" and the landlord can be punished. I am wondering if this is true. There is an exception from the requirement to change the locks if both parties live together and in that situation the victim has to provide a court order injunction or restraining order to have the locks changed. Is there somewhere in statue that would exempt the landlord from the "illegal eviction" of an abuser in the case of a court order injunction or restraining order?

Please let me know if I'm not making myself clear with these questions.

Thank you so much,  
Ilsa

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068

---

**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





SOON

LRBa0592/P  
PJK.....  
r must have jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO 2009 ASSEMBLY BILL (LRB-2183/1)**

D - vote  
(2-8-11)

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

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

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

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

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

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

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

(END)

D - vote

text: treat

text: treat

text: treat

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

date

LRBa0592/fdn<sup>PI</sup>

PJK:.....

jld

Here is a preliminary version<sup>✓</sup> of the amendment you requested giving a landlord immunity from civil damages and reinforcing that a tenant is still liable for rent.

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

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

LRBa0592/P1dn  
PJK:jld:rs

August 19, 2009

Here is a preliminary version of the amendment you requested giving a landlord immunity from civil damages and reinforcing that a tenant is still liable for rent.

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

**Kahler, Pam**

---

**From:** Peterson, Ilsa  
**Sent:** Thursday, October 01, 2009 8:33 AM  
**To:** Kahler, Pam  
**Cc:** Shannon-Bradley, Ian  
**Subject:** LRB 09a0592/P1 Topic: Landlord immunity

→ AB 400

Pam-

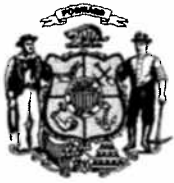
I would like to get LRBA0592/P1 drafted for amendment to LRB2183, right now I have the preliminary draft.

We are also going to need an amendment for the senate, Ian works for Senator Holperin and I have CD'ed him on this incase he needs to request the senate amendment.

Thank you so much!  
Ilsa

↘ SB 274

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068



LPS - Fix request  
sheet please

rm is run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL (LRB-2183/1)

SOON  
(-10-1)

400

- 1 At the locations indicated, amend the bill<sup>✓</sup> as follows:
- 2 **1.** Page 2, line 12: delete "(c) If" and substitute:
- 3 "(c) 1. If".
- 4 **2.** Page 2, line 17: delete "1. A" and substitute:
- 5 "a. A".
- 6 **3.** Page 3, line 1: delete "2." and substitute:
- 7 "b.".
- 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.

