



State of Wisconsin
2015 – 2016 LEGISLATURE

LRBs0249/1
ALL:emw/wlj/kjf

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 445**

January 20, 2016 – Offered by Senator LASEE.

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber* 706.22 (2) (a) 1.,
2 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to renumber and amend* 66.1019 (3) (a),
3 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; *to amend* 20.505 (7) (h), 59.69
4 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m)
5 (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19
6 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1);
7 and *to create* 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c),
8 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m.,
9 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes;
10 **relating to:** terminating a tenancy for criminal activity or drug-related
11 criminal activity; disposition of personal property left in rental property by a
12 trespasser; preexisting sprinkler ordinances that are stricter than the
13 multifamily dwelling code; towing vehicles illegally parked on private property;

1 terminating certain tenancies for breaches other than failure to pay rent;
2 limitations on the authority of political subdivisions to regulate rental units
3 and historic properties; prohibiting local governmental units from imposing
4 real property purchase or residential real property occupancy requirements;
5 creating a criminal penalty; and making an appropriation.

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

6 **SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:

7 20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on
8 real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
9 received under s. ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
10 shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

11 **SECTION 2.** 59.69 (4m) of the statutes is renumbered 59.69 (4m) (a) and
12 amended to read:

13 59.69 (4m) (a) ~~A~~ Subject to par. (b), a county, as an exercise of its zoning and
14 police powers for the purpose of promoting the health, safety and general welfare of
15 the community and of the state, may regulate by ordinance any place, structure or
16 object with a special character, historic interest, aesthetic interest or other
17 significant value, for the purpose of preserving the place, structure or object and its
18 significant characteristics. ~~The Subject to par. (b), the~~ county may create a
19 landmarks commission to designate historic landmarks and establish historic
20 districts. ~~The Subject to par. (b), the~~ county may regulate all historic landmarks and
21 all property within each historic district to preserve the historic landmarks and
22 property within the district and the character of the district.

23 **SECTION 3.** 59.69 (4m) (b) of the statutes is created to read:

1 59.69 (4m) (b) 1. a. If a county proposes to designate a place, structure, or object
2 as a historic landmark or to establish a historic district that includes the place,
3 structure, or object, the county shall notify the owner of the place, structure, or object
4 of the determination and provide a form by which the owner may vote for or against
5 the designation or inclusion. The county shall allow not less than 60 days following
6 the notice for an owner to provide his or her vote.

7 b. In the case of a proposed historic landmark designation, if the owner of the
8 place, structure, or object has not voted against the establishment of the landmark
9 within 60 days after the county has provided the notice under subd. 1. a., the county
10 may designate the place, structure, or object as proposed. In the case of a proposed
11 historic district establishment, if not less than two-thirds of the owners of principal
12 structures, counting one vote per principal structure, who have cast votes within 60
13 days after the county has provided the notice under subd. 1. a. have voted in favor
14 of the establishment of the district, the county may establish the district as proposed.

15 c. Except as provided in this paragraph, if a county proposed under subd. 1. a.
16 to designate a place, structure, or object as a historic landmark or to establish a
17 historic district that includes the place, structure, or object and the designation or
18 establishment was not authorized under subd. 1. b., the county may not require or
19 prohibit any action by an owner of the place, structure, or object related to the
20 preservation of special character, historic or aesthetic interest, or any other
21 significant value of the place, structure, or object without the consent of the owner.
22 This subdivision does not affect the terms of any agreement between the owner of a
23 place, structure, or object and the county.

24 d. If the county is not authorized to designate a historic landmark or establish
25 a historical district under subd. 1. b., the county may not propose the designation of

1 the same historic landmark or establishment of the same historic district for one
2 year.

3 2. If, under subd. 1., a place, structure, or object is designated a historic
4 landmark or included within a historic district, the designation or inclusion of the
5 place, structure, or object may not be terminated without the consent of the county.

6 3. If any person has received a tax credit related to historic preservation of the
7 place, structure, or object or if the place, structure, or object is listed in the national
8 register of historic places in Wisconsin or the state register of historic places, a vote
9 by the owner of the place, structure, or object against designation or establishment
10 may not be counted under subd. 1. b.

11 **SECTION 4.** 60.64 of the statutes is renumbered 60.64 (1) and amended to read:

12 60.64 (1) The Subject to sub. (2), the town board, in the exercise of its zoning
13 and police powers for the purpose of promoting the health, safety and general welfare
14 of the community and of the state, may regulate any place, structure or object with
15 a special character, historic interest, aesthetic interest or other significant value for
16 the purpose of preserving the place, structure or object and its significant
17 characteristics. The Subject to sub. (2), the town board may create a landmarks
18 commission to designate historic landmarks and establish historic districts. The
19 Subject to sub. (2), the board may regulate all historic landmarks and all property
20 within each historic district to preserve the historic landmarks and property within
21 the district and the character of the district.

22 **SECTION 5.** 60.64 (2) of the statutes is created to read:

23 60.64 (2) (a) 1. If a town board proposes to designate a place, structure, or object
24 as a historic landmark or to establish a historic district that includes the place,
25 structure, or object, the town board shall notify the owner of the place, structure, or

1 object of the determination and provide a form by which the owner may vote for or
2 against the designation or inclusion. The town board shall allow not less than 60
3 days following the notice for an owner to provide his or her vote.

4 2. In the case of a proposed historic landmark designation, if the owner of the
5 place, structure, or object has not voted against the establishment of the landmark
6 within 60 days after the town board has provided the notice under subd. 1., the town
7 board may designate the place, structure, or object as proposed. In the case of a
8 proposed historic district establishment, if not less than two-thirds of the owners of
9 principal structures, counting one vote per principal structure, who have cast votes
10 within 60 days after the town board has provided the notice under subd. 1. have voted
11 in favor of the establishment of the district, the town board may establish the district
12 as proposed.

13 3. Except as provided in this subsection, if a town board proposed under subd.
14 1. to designate a place, structure, or object as a historic landmark or to establish a
15 historic district that includes the place, structure, or object and the designation or
16 establishment was not authorized under subd. 2., the town board may not require
17 or prohibit any action by an owner of the place, structure, or object related to the
18 preservation of special character, historic or aesthetic interest, or any other
19 significant value of the place, structure, or object without the consent of the owner.
20 This paragraph does not affect the terms of any agreement between the owner of a
21 place, structure, or object and the town board.

22 4. If the town board is not authorized to designate a historic landmark or
23 establish a historical district under subd. 2., the town board may not propose the
24 designation of the same historic landmark or establishment of the same historic
25 district for one year.

1 (b) If, under par. (a), a place, structure, or object is designated a historic
2 landmark or included within a historic district, the designation or inclusion of the
3 place, structure, or object may not be terminated without the consent of the town.

4 (c) If any person has received a tax credit related to historic preservation of the
5 place, structure, or object or if the place, structure, or object is listed in the national
6 register of historic places in Wisconsin or the state register of historic places, a vote
7 by the owner of the place, structure, or object against designation or establishment
8 may not be counted under par. (a) 2.

9 **SECTION 6.** 62.23 (7) (em) of the statutes is renumbered 62.23 (7) (em) 1. and
10 amended to read:

11 62.23 (7) (em) 1. ~~A~~ Subject to subd. 2., a city, as an exercise of its zoning and
12 police powers for the purpose of promoting the health, safety and general welfare of
13 the community and of the state, may regulate by ordinance, or if a city contains any
14 property that is listed on the national register of historic places in Wisconsin or the
15 state register of historic places shall, not later than 1995, enact an ordinance to
16 regulate, any place, structure or object with a special character, historic,
17 archaeological or aesthetic interest, or other significant value, for the purpose of
18 preserving the place, structure or object and its significant characteristics. ~~A~~
19 Subject to subd. 2., a city may create a landmarks commission to designate historic
20 or archaeological landmarks and establish historic districts. ~~The~~ Subject to subd. 2.,
21 the city may regulate, or if the city contains any property that is listed on the national
22 register of historic places in Wisconsin or the state register of historic places shall
23 regulate, all historic or archaeological landmarks and all property within each
24 historic district to preserve the historic or archaeological landmarks and property
25 within the district and the character of the district.

1 **SECTION 7.** 62.23 (7) (em) 2. of the statutes is created to read:

2 62.23 (7) (em) 2. a. If a city proposes to designate a place, structure, or object
3 as a historic landmark or to establish a historic district that includes the place,
4 structure, or object, the city shall notify the owner of the place, structure, or object
5 of the determination and provide a form by which the owner may vote for or against
6 the designation or inclusion. The city shall allow not less than 60 days following the
7 notice for an owner to provide his or her vote. In the case of a proposed historic
8 landmark designation, if the owner of the place, structure, or object has not voted
9 against the establishment of the landmark within 60 days after the city has provided
10 the notice under this subd. 2. a., the place, structure, or object may be designated as
11 proposed. In the case of a proposed historic district establishment, if not less than
12 two-thirds of the owners of principal structures, counting one vote per principal
13 structure, who have cast votes within 60 days after the city has provided the notice
14 under this subd. 2. a. have voted in favor of the establishment of the district, the
15 district may be established as proposed. Except as provided in this subdivision, if
16 the city is not permitted to designate a landmark or establish a district under this
17 subd. 2. a., the city may not require or prohibit any action by an owner of the place,
18 structure, or object related to the preservation of special character, historic or
19 aesthetic interest, or any other significant value of the place, structure, or object
20 without the consent of the owner. This subdivision does not affect the terms of any
21 agreement between the owner of a place, structure, or object and the city. If the city
22 is not permitted to designate a landmark or establish a district under this subd. 2.
23 a., the city may not propose the designation of the same historic landmark or
24 establishment of the same historic district for one year.

1 b. If, under subd. 2. a., a place, structure, or object is designated a historic
2 landmark or included within a historic district, the designation or inclusion of the
3 place, structure, or object may not be terminated without the consent of the city.

4 c. If any person has received a tax credit related to historic preservation of the
5 place, structure, or object or if the place, structure, or object is listed in the national
6 register of historic places in Wisconsin or the state register of historic places, a vote
7 by the owner of the place, structure, or object against designation or establishment
8 may not be counted under subd. 2. a.

9 **SECTION 8.** 66.0104 (2) (e) of the statutes is created to read:

10 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
11 does any of the following:

12 1. Requires that a rental property or rental unit be inspected except upon a
13 complaint by any person, as part of a program of regularly scheduled inspections, or
14 as required under state or federal law.

15 2. Charges a fee for conducting an inspection of a residential rental property
16 unless all of the following are satisfied:

17 a. The amount of the fee is uniform for residential rental inspections.

18 b. The fee is charged at the time that the inspection is actually performed.

19 3. Charges a fee for a subsequent reinspection of a residential rental property
20 that is more than twice the fee charged for an initial reinspection.

21 4. Except as provided in this subdivision, requires that a rental property or
22 rental unit be certified, registered, or licensed. A city, village, town, or county may
23 require that a rental unit be registered if the registration consists only of providing
24 the name of the owner and a contact person and an address and telephone number
25 at which the contact person may be contacted.

1 **SECTION 9.** 66.0104 (2) (f) of the statutes is created to read:

2 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
3 transfer of tenancy fee on a rental unit.

4 **SECTION 10.** 66.0104 (2) (g) of the statutes is created to read:

5 66.0104 (2) (g) 1. Except as provided in subds. 2. and 3., no city, village, town,
6 or county may enact an ordinance that requires a residential rental property owner
7 to register or obtain a certification or license related to owning or managing the
8 residential rental property.

9 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
10 residential rental property owners, including owners of owner–occupied rental
11 property.

12 3. Subdivision 1. does not prohibit a city, village, town, or county from requiring
13 that a landlord be registered if the registration consists only of providing the name
14 of the landlord and a contact person and an address and telephone number at which
15 the contact person may be contacted.

16 **SECTION 11.** 66.0104 (3) (c) of the statutes is created to read:

17 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
18 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
19 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

20 **SECTION 12.** 66.0809 (9) of the statutes is amended to read:

21 66.0809 (9) A municipal utility is not required to offer a customer who is a
22 tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding
23 ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a
24 municipal utility to offer or not offer a deferred payment agreement does not require
25 approval, and is not subject to disapproval, by the public service commission.

1 **SECTION 13.** 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and
2 amended to read:

3 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
4 county, city, village or town relating to the construction or inspection of multifamily
5 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
6 101.02 (7m).

7 **SECTION 14.** 66.1019 (3) (b) of the statutes is repealed.

8 **SECTION 15.** 101.02 (7m) of the statutes is amended to read:

9 101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make
10 or enforce any ordinance that is applied to any multifamily dwelling, as defined in
11 s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary
12 to an order of the department under this subchapter, ~~except that if a city, village or~~
13 ~~town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a),~~
14 ~~that ordinance remains in effect, except that the city, village or town may take any~~
15 ~~action with regard to that ordinance that a political subdivision may take under s.~~
16 ~~101.975 (3) (b).~~ Any provision of a contract between a city, village, or town and a
17 property owner of a multifamily dwelling that requires the property owner to comply
18 with an ordinance that does not conform to subch. VI and this section or is contrary
19 to an order of the department under this subchapter may be waived by the property
20 owner and if waived is void and unenforceable.

21 **SECTION 16.** 101.975 (3) of the statutes is repealed.

22 **SECTION 17.** 175.403 of the statutes is created to read:

23 **175.403 Trespassing; arrest and removal.** (1) In this section:

24 (a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

25 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

1 **(2)** Each law enforcement agency shall have a written policy regarding the
2 investigation of complaints alleging a violation of s. 943.14. The policy shall require
3 a law enforcement officer who has probable cause to arrest a person for a violation
4 of s. 943.14 to remove the person from a dwelling.

5 **SECTION 18.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

6 349.13 **(3m)** (dr) 2. A towing service may not collect any charges for the removal
7 or storage of an illegally parked vehicle under this subsection if unless the towing
8 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
9 respect to the vehicle. A towing service operating in a 1st class city may not collect
10 any charges for the removal or storage of an illegally parked vehicle under this
11 subsection if the towing service has not complied with par. (d) 2. with respect to the
12 vehicle.

13 **SECTION 19.** 349.13 (3m) (e) 1. of the statutes is amended to read:

14 349.13 **(3m)** (e) 1. Reasonable charges for removal and storage of vehicles
15 under this subsection when no citation has been issued.

16 **SECTION 20.** 349.13 (3m) (e) 3. of the statutes is amended to read:

17 349.13 **(3m)** (e) 3. Guidelines for towing services to notify law enforcement
18 under par. (d) upon removal of a vehicle when no citation has been issued.

19 **SECTION 21.** 704.055 of the statutes is created to read:

20 **704.055 Disposition of personalty left by trespasser. (1) DEFINITION.** In
21 this section, “trespasser” means a person who is not a tenant and who enters or
22 remains in residential rental property without the consent of the landlord or another
23 person lawfully on the property.

24 **(2) AT THE LANDLORD’S DISCRETION.** (a) If a trespasser is removed or otherwise
25 removes from residential rental property and leaves personal property, the landlord

1 shall hold the personal property for 7 days from the date on which the landlord
2 discovers the personal property. After that time, the landlord may presume that the
3 trespasser has abandoned the personal property and may dispose of the personal
4 property in any manner that the landlord, in the landlord's sole discretion,
5 determines is appropriate but shall promptly return the personal property to the
6 trespasser if the landlord receives a request for its return before the landlord
7 disposes of it.

8 (b) If the landlord disposes of the abandoned personal property by private or
9 public sale, the landlord may send the proceeds of the sale minus any costs of sale
10 and, if the landlord has first stored the personal property, minus any storage charges
11 to the department of administration for deposit in the appropriation under s. 20.505
12 (7) (h).

13 **(3) RIGHTS OF 3RD PERSONS.** The landlord's power to dispose as provided by this
14 section applies to any personal property left on the landlord's property by the
15 trespasser, whether owned by the trespasser or by others. The power to dispose
16 under this section applies notwithstanding any rights of others existing under any
17 claim of ownership or security interest. The trespasser, other owner, or any secured
18 party has the right to redeem the personal property at any time before the landlord
19 has disposed of it or entered into a contract for its disposition by payment of any
20 expenses that the landlord has incurred with respect to the disposition of the
21 personal property.

22 **SECTION 22.** 704.17 (1) (b) of the statutes is renumbered 704.17 (1) (b) (intro.)
23 and amended to read:

24 704.17 (1) (b) (intro.) If a month-to-month tenant commits waste or a material
25 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's

1 agreement, other than for payment of rent, the tenancy can be terminated if the
2 landlord gives any of the following applies:

3 2. The landlord gives the tenant notice requiring the tenant to vacate on or
4 before a date at least 14 days after the giving of the notice.

5 **SECTION 23.** 704.17 (1) (b) 1. of the statutes is created to read:

6 704.17 (1) (b) 1. The landlord gives the tenant a notice that requires the tenant
7 to either remedy the default or vacate the premises no later than a date at least 5 days
8 after the giving of the notice, and the tenant fails to comply with the notice. A tenant
9 is considered to be complying with the notice if promptly upon receipt of the notice
10 the tenant takes reasonable steps to remedy the default and proceeds with
11 reasonable diligence, or if damages are adequate protection for the landlord and the
12 tenant makes a bona fide and reasonable offer to pay the landlord all damages for
13 the tenant's breach. If, within one year from receiving a notice under this
14 subdivision, the tenant again commits waste or breaches the same or any other
15 covenant or condition of the tenant's rental agreement, other than for payment of
16 rent, the tenant's tenancy is terminated if the landlord gives the tenant notice to
17 vacate on or before a date at least 14 days after the giving of the notice.

18 **SECTION 24.** 704.17 (2) (b) of the statutes is amended to read:

19 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
20 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
21 breaches any covenant or condition of the tenant's lease, other than for payment of
22 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
23 requiring the tenant to remedy the default or vacate the premises on or before a date
24 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
25 notice. A tenant is deemed to be complying with the notice if promptly upon receipt

1 of such notice the tenant takes reasonable steps to remedy the default and proceeds
2 with reasonable diligence, or if damages are adequate protection for the landlord and
3 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
4 for the tenant's breach. If within one year from the giving of any such notice, the
5 tenant again commits waste or breaches the same or any other covenant or condition
6 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
7 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives
8 the tenant notice to vacate on or before a date at least 14 days after the giving of the
9 notice.

10 **SECTION 25.** 704.17 (3m) of the statutes is created to read:

11 704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection:

12 1. "Controlled substance" has the meaning given in s. 961.01 (4).

13 2. "Drug-related criminal activity" means criminal activity that involves the
14 manufacture or distribution of a controlled substance. "Drug-related criminal
15 activity" does not include the manufacture, possession, or use of a controlled
16 substance that is prescribed by a physician for the use of a disabled person, as defined
17 in s. 100.264 (1) (a), and that is manufactured by, used by, or in the possession of the
18 disabled person or in the possession of the disabled person's personal care worker or
19 other caregiver.

20 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
21 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
22 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
23 a member of the tenant's household, or a guest or other invitee of the tenant or of a
24 member of the tenant's household engages in any criminal activity that threatens the
25 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;

1 engages in any criminal activity that threatens the health or safety of, or right to
2 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
3 of the premises; engages in any criminal activity that threatens the health or safety
4 of the landlord or an agent or employee of the landlord; or engages in any
5 drug-related criminal activity on or near the premises. The notice shall require the
6 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
7 notice shall state the basis for its issuance; include a description of the criminal
8 activity or drug-related criminal activity, the date on which the activity took place,
9 and the identity or description of the individuals engaging in the activity; advise the
10 tenant that he or she may seek the assistance of legal counsel, a volunteer legal clinic,
11 or a tenant resource center; and state that the tenant has the right to contest the
12 allegations in the notice before a court commissioner or judge if an eviction action is
13 filed. If the tenant contests the termination of tenancy, the tenancy may not be
14 terminated without proof by the landlord by the greater preponderance of the
15 credible evidence of the allegation in the notice.

16 2. To terminate a tenancy under this subsection, it is not necessary that the
17 individual committing the criminal activity or drug-related criminal activity has
18 been arrested for or convicted of the criminal activity or drug-related criminal
19 activity.

20 (c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s.
21 950.02 (4), of the criminal activity.

22 **SECTION 26.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
23 amended to read:

1 704.17 (5) (a) ~~Provisions~~ Except as provided in par. (b), provisions in the lease
2 or rental agreement for termination contrary to this section are invalid except in
3 leases for more than one year.

4 **SECTION 27.** 704.17 (5) (b) of the statutes is created to read:

5 704.17 (5) (b) Provisions in any lease or rental agreement for termination
6 contrary to sub. (3m) are invalid.

7 **SECTION 28.** 704.19 (2) (b) 2. of the statutes is amended to read:

8 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
9 termination of a tenancy before the end of a rental period because of an imminent
10 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
11 drug-related criminal activity, nonpayment of rent, or breach of any other condition
12 of the tenancy, as provided in s. 704.17.

13 **SECTION 29.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
14 is amended to read:

15 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
16 **occupancy requirements.**

17 **SECTION 30.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
18 55, is amended to read:

19 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
20 OF PROPERTY PROHIBITED.

21 **SECTION 31.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
22 Act 55, is amended to read:

23 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
24 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

1 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
2 title to or refinance the property by requiring the owner or an agent of the owner to
3 take certain actions with respect to the property or pay a related fee, to show
4 compliance with taking certain actions with respect to the property, or to pay a fee
5 for failing to take certain actions with respect to the property, at any of the following
6 times:

7 **SECTION 32.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
8 55, is renumbered 706.22 (2) (a) 1m. a.

9 **SECTION 33.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
10 55, is renumbered 706.22 (2) (a) 1m. b.

11 **SECTION 34.** 706.22 (2) (a) 2m. of the statutes is created to read:

12 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
13 property by requiring the person or an agent of the person to take certain actions with
14 respect to the property or pay a related fee, to show compliance with taking certain
15 actions with respect to the property, or to pay a fee for failing to take certain actions
16 with respect to the property, at any of the following times:

17 a. Before the person may complete the purchase of or take title to the property.

18 b. At the time of completing the purchase of or taking title to the property.

19 c. Within a certain period of time after completing the purchase of or taking title
20 to the property.

21 **SECTION 35.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
22 55, is renumbered 706.22 (2) (a) 1m. c.

23 **SECTION 36.** 706.22 (2) (a) 3m. of the statutes is created to read:

24 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
25 residential real property to take occupancy of the property by requiring the

1 purchaser or transferee or an agent of the purchaser or transferee to take certain
2 actions with respect to the property or pay a related fee, to show compliance with
3 taking certain actions with respect to the property, or to pay a fee for failing to take
4 certain actions with respect to the property, at any of the following times:

5 a. Before the purchaser or transferee may take occupancy of the property.

6 b. At the time of taking occupancy of the property.

7 c. Within a certain period of time after taking occupancy of the property.

8 **SECTION 37.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55,
9 is renumbered 706.22 (2) (b) (intro.) and amended to read:

10 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

11 1. Prohibit a local governmental unit from requiring a real property owner or
12 the owner's agent to take certain actions with respect to the property not in
13 connection with the purchase, sale, or refinancing of, or the transfer of title to, the
14 property.

15 **SECTION 38.** 706.22 (2) (b) 2. of the statutes is created to read:

16 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
17 affect the responsibility, authority, or ability of a local governmental unit to enforce,
18 a federal or state requirement that does any of the things a local governmental unit
19 is prohibited from doing under par. (a).

20 **SECTION 39.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
21 renumbered 706.22 (3) (a) and amended to read:

22 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
23 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
24 ordinance, resolution, or policy does not apply and may not be enforced.

25 **SECTION 40.** 706.22 (3) (b) of the statutes is created to read:

1 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
2 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
3 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
4 apply and may not be enforced.

5 **SECTION 41.** 800.035 (1) of the statutes is amended to read:

6 800.035 (1) A defendant may make an initial appearance in person or by
7 submitting a written response to the citation or complaint except when the judge has
8 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
9 if a defendant is a limited liability company, the defendant appears in person if the
10 appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized
11 employee of the defendant, or by an agent of the member or an authorized employee
12 of the agent.

13 **SECTION 42.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
14 read:

15 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
16 without the consent of some person lawfully upon the premises or, if no person is
17 lawfully upon the premises, without the consent of the owner of the property that
18 includes the dwelling, under circumstances tending to create or provoke a breach of
19 the peace, is guilty of a Class A misdemeanor.

20 **SECTION 43.** 943.14 (1) of the statutes is created to read:

21 943.14 (1) In this section, “dwelling” means a structure or part of a structure
22 that is used or intended to be used as a home or residence by one or more persons to
23 the exclusion of all others. For the purposes of this section, a dwelling meets that
24 definition regardless of whether the dwelling is currently occupied by a resident.

25 **SECTION 44. Initial applicability.**

1 (1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes
2 first applies to criminal activities or drug-related criminal activities that are
3 committed on the effective date of this subsection.

4 (2) The creation of section 704.17 (5) (b) of the statutes first applies to leases
5 and rental agreements that are entered into or renewed on the effective date of this
6 subsection.

7 (END)