



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3011/P2
ALL:emw

P3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Tuesday

S.A. ✓
Xref ✓

Rezen

1 **AN ACT** *to repeal* 66.1019 (3) (b) and 101.975 (3); *to renumber and amend*
2 66.1019 (3) (a), 704.17 (1) (b), 704.17 (5) and 943.14; *to amend* 20.505 (7) (h),
3 59.69 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 101.02 (7m), 349.13 (3m) (dr)
4 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (2) (b) and 704.19 (2) (b) 2.; and
5 *to create* 19.84 (3m), 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (3) (c), 66.0418 (3),
6 66.0418 (4), 349.13 (3m) (dr) 3., 704.055, 704.17 (1) (b) 1., 704.17 (3m), 704.17
7 (5) (b) and 943.14 (1) of the statutes; **relating to:** terminating a tenancy for
8 criminal activity or drug-related criminal activity; disposition of personal
9 property left in rental property by a trespasser; required notice under the open
10 meetings law *for* involving ordinance modifications preexisting sprinkler ordinances that are stricter than the
11 multifamily dwelling code; towing vehicles illegally parked on private property;
12 terminating certain tenancies for breaches other than failure to pay rent;
13 limitations on the authority of political subdivisions to regulate rental units,

- 1 historic properties, certain signs, and fire pits; creating a criminal penalty; and
- 2 making an appropriation.

Analysis by the Legislative Reference Bureau



This bill authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; limits the authority of political subdivisions to regulate rental units, historic properties, certain signs, and certain outdoor fire pits; increases the length of time for giving notice of a meeting at which a local governmental body may consider the enactment, amendment, or repeal of an ordinance or resolution; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and provides immunity from liability for a towing company that makes a good faith effort to notify law enforcement.

Terminating tenancies

Insert A-5
(move to p. 5)

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must specify the grounds for the landlord's action. The bill defines criminal activity as any act or behavior that is punishable in this state by a period of imprisonment. Drug-related criminal activity is defined as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.



Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month or week-to-week tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

This bill creates a procedure for a landlord to terminate a month-to-month or week-to-week tenancy if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of year-to-year tenant, except that if the tenant commits another qualifying breach within one year of receiving an initial notice, the landlord of a month-to-month or week-to-week tenant may terminate the tenancy by providing the tenant with a notice to vacate the premises within five days. This bill also applies the existing termination procedure for month-to-month tenancies to week-to-week tenancies.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

Insert A-S could

Required notice under open meetings law

Currently under the open meetings law, public notice of every meeting of a governmental body must be given at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.

This bill provides that, notwithstanding this notice requirement under current law, before a governmental body may consider any matter involving the enactment, adoption, amendment, or repeal of any local government ordinance or resolution at a meeting of that body, it must give public notice of such consideration at least 14 days prior to the commencement of the meeting. The bill provides, however, that notice of matters to which the 14-day notice requirement in the bill applies may be given separately from and prior to matters to which the requirement does not apply.

under Move
local government

Insert material from p. 3 (except for lines A-S)

Local government

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

related to preservation of historic or aesthetic value of the property

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, when acting under its historic preservation authority, a political subdivision may not require or prohibit any action by an owner of a property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects including:

- 1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered
- 2. Political subdivisions may not impose an occupancy fee on a rental unit.
- 3. Political subdivisions may not impose a requirement or restriction on a sign advertising real estate for lease that is not also imposed on a sign advertising real estate for sale.
- 4. Political subdivisions may not prohibit or regulate the placement, installation, or use of an outdoor fire pit that was lawfully installed before the effective date of this bill.

INS-Analysis 1

based on the informational content of

Automatic sprinklers in multifamily dwellings

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

INS-Analysis 2

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle and is immune from liability from any claim arising from a failure to comply with the requirement.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property

Insert A-5
Sec. 2 + 3

and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, regardless of whether the dwelling is currently occupied.

Disposing of personal property left by trespasser

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from rental property. This bill provides that, after a trespasser leaves or is removed from rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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component

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

1 **SECTION 1.** 19.84 (3m) of the statutes is created to read:

2 19.84 (3m) Notwithstanding sub. (3), before a governmental body may consider

3 any matter involving the enactment, adoption, amendment, or repeal of any local

4 government ordinance or resolution at a meeting of that body, it shall give public

5 notice of such consideration at least 14 days prior to the commencement of the

6 meeting. Notice of matters to which this subsection applies may be given separately

7 from and prior to matters to which this subsection does not apply.

***NOTE: As written, this would cover "any matter involving..." a change to an ordinance or resolution, regardless of the subject of the ordinance or resolution or the nature of the body that is meeting about it, so if this seems potentially too broad, let me know.

***NOTE: As written, this would require notice of the consideration of an ordinance change to be given at least 2 weeks out, but other items on the agenda would *not* be subject to this requirement and could receive shorter notice. As such, I added a sentence to make this clear. Let me know if this was not the intent.

1 SECTION 2. 20.505 (7) (h) of the statutes is amended to read:

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

6 SECTION 3. 59.69 (4m) of the statutes is amended to read:

7 59.69 (4m) HISTORIC PRESERVATION. A county, as an exercise of its zoning and
8 police powers for the purpose of promoting the health, safety and general welfare of
9 the community and of the state, may regulate by ordinance any place, structure or
10 object with a special character, historic interest, aesthetic interest or other
11 significant value, for the purpose of preserving the place, structure or object and its
12 significant characteristics. The county may create a landmarks commission to
13 designate historic landmarks and establish historic districts. The county may
14 regulate all historic landmarks and all property within each historic district to
15 preserve the historic landmarks and property within the district and the character
16 of the district. A county may not designate a property as a historic landmark without
17 the consent of the owner. ~~When acting under this subsection,~~ a county may not
18 require or prohibit any action by an owner of a property without the consent of the
19 owner.

***NOTE: Do you want the limitation here to apply only to things with historical interest? Or also to things with "special character, ... aesthetic interest or other significant value"? Do you want to limit the authority to establish historic districts? Can consent given under this provision be revoked? Do you want a change to s. 66.1111 (2)?

20 SECTION 4. 60.64 of the statutes is amended to read:

21 60.64 Historic preservation. The town board, in the exercise of its zoning
22 and police powers for the purpose of promoting the health, safety and general welfare
23 of the community and of the state, may regulate any place, structure or object with

related to ^{the} preservation of special character, ^{or} historic or
aesthetic interest ^{or other} significant value of the property

1 a special character, historic interest, aesthetic interest or other significant value for
 2 the purpose of preserving the place, structure or object and its significant
 3 characteristics. The town board may create a landmarks commission to designate
 4 historic landmarks and establish historic districts. The board may regulate all
 5 historic landmarks and all property within each historic district to preserve the
 6 historic landmarks and property within the district and the character of the district.
 7 The town board may not designate a property as a historic landmark without the
 8 consent of the owner. When acting under this section, the town board may not
 9 require or prohibit any action by an owner of a property without the consent of the
 10 owner.

11 **SECTION 5.** 62.23 (7) (em) of the statutes is amended to read:

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

related to ^{the} preservation of special character, ^{or} historic or
 aesthetic interest, ^{or} other significant value of the property

1 character of the district. A city may not designate a property as a historic landmark
2 without the consent of the owner. When acting under this paragraph, a city may not
3 require or prohibit any action by an owner of a property without the consent of the
4 owner.

5 SECTION 6. 66.0104 (2) (e) of the statutes is created to read:

6 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
7 requires that a rental unit be inspected without a showing of good cause, certified,
8 or registered.

9 SECTION 7. 66.0104 (2) (f) of the statutes is created to read:

10 66.0104 (2) (f) No city, village, town, or county may impose an occupancy fee
11 on a rental unit.

12 ****NOTE: Will the term "occupancy fee" be properly understood?

13 SECTION 8. 66.0104 (3) (c) of the statutes is created to read:

14 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
15 of this paragraph ... [LRB inserts date], an ordinance that is inconsistent with sub.
16 (2) (e) ^{or (g)} or (f), the ordinance does not apply and may not be enforced.

17 SECTION 9. 66.0418 (title) of the statutes is amended to read:

18 **66.0418 (title) ~~Prohibition of~~ Miscellaneous limitations on local**
19 **regulation of certain foods, beverages.**

20 SECTION 10. 66.0418 (3) of the statutes is created to read:

21 66.0418 (3) No political subdivision may prohibit or regulate the placement,
22 installation, or use of a fire pit if the fire pit was lawfully placed or installed before
the effective date of this subsection ... [LRB inserts date].

****NOTE: Do you want to include a definition of "fire pit"? For example, should this provision only apply to the type of fire pits that are dug into the ground?

23 SECTION 11. 66.0418 (4) of the statutes is created to read:

related to the preservation of special character or historic or
aesthetic interest or any other significant value of the property.

INS 8-4
INS 8-8
NS 8-11

does any of the following: 1.
or be certified, etc

FAS, 8-21
RK

*Based on the
signs informational
content*

1 66.0418 (4) No political subdivision may impose a restriction or requirement

2 on a sign (advertising real estate for lease) that it does not (also) impose on (a sign

3 (advertising real estate for sale) *all signs*

4 **SECTION 12.** 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and
5 amended to read:

6 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
7 county, city, village or town relating to the construction or inspection of multifamily
8 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
9 101.02 (7m).

10 **SECTION 13.** 66.1019 (3) (b) of the statutes is repealed.

11 **SECTION 14.** 101.02 (7m) of the statutes is amended to read:

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

23 **SECTION 15.** 101.975 (3) of the statutes is repealed.

24 **SECTION 16.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

1 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
2 or storage of an illegally parked vehicle under this subsection if unless the towing
3 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
4 respect to the vehicle.

5 **SECTION 17.** 349.13 (3m) (dr) 3. of the statutes is created to read:

6 349.13 (3m) (dr) 3. A towing service that made a good faith effort to comply with
7 par. (d) 2. shall be immune from liability for any claim arising from a failure to comply
8 with par. (d) 2.

9 **SECTION 18.** 349.13 (3m) (e) 1. of the statutes is amended to read:

10 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
11 under this subsection when no citation has been issued.

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

13 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
14 under par. (d) upon removal of a vehicle when no citation has been issued.

15 **SECTION 20.** 704.055 of the statutes is created to read:

16 **704.055 Disposition of personalty left by trespasser.** (1) DEFINITION. In
17 this section, “trespasser” means a person who is not a tenant who enters or remains
18 in rental property without the consent of the landlord or another person lawfully on
19 the property.

20 (2) AT THE LANDLORD’S DISCRETION. (a) If a trespasser is removed or otherwise
21 removes from rental property and leaves personal property, the landlord shall hold
22 the personal property for 7 days from the date on which the landlord discovers the
23 personal property. After that time, the landlord may presume that the trespasser
24 has abandoned the personal property and may dispose of the personal property in
25 any manner that the landlord, in the landlord’s sole discretion, determines is

1 appropriate but shall promptly return the personal property to the trespasser if the
2 landlord receives a request for its return before the landlord disposes of it.

****NOTE: Would you prefer to limit this provision to someone trespassing on
residential rental property or trespassing in a dwelling or dwelling unit?

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

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

17 **SECTION 21.** 704.17 (1) (b) of the statutes is renumbered 704.17 (1) (b) (intro.)
18 and amended to read:

19 704.17 (1) (b) (intro.) If a month-to-month or a week-to-week tenant commits
20 waste or a material violation of s. 704.07 (3) or breaches any covenant or condition
21 of the tenant's agreement, other than for payment of rent, the tenancy can be
22 terminated if ~~the landlord gives~~ any of the following applies:

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

3 **SECTION 22.** 704.17 (1) (b) 1. of the statutes is created to read:

4 704.17 (1) (b) 1. The landlord gives the tenant a notice that requires the tenant
5 to either remedy the default or vacate the premises no later than a date at least 5 days
6 after the giving of the notice, and the tenant fails to comply with the notice. A tenant
7 is considered to be complying with the notice if promptly upon receipt of the notice
8 the tenant takes reasonable steps to remedy the default and proceeds with
9 reasonable diligence, or if damages are adequate protection for the landlord and the
10 tenant makes a bona fide and reasonable offer to pay the landlord all damages for
11 the tenant's breach. If, within one year from receiving of a notice under this
12 subdivision, the tenant again commits waste or breaches the same or any other
13 covenant or condition of the tenant's rental agreement, other than for payment of
14 rent, the tenant's tenancy is terminated if the landlord gives the tenant notice to
15 vacate on or before a date at least 5 days after the giving of the notice.

16 **SECTION 23.** 704.17 (2) (b) of the statutes is amended to read:

17 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
18 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
19 breaches any covenant or condition of the tenant's lease, other than for payment of
20 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
21 requiring the tenant to remedy the default or vacate the premises on or before a date
22 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
23 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
24 of such notice the tenant takes reasonable steps to remedy the default and proceeds
25 with reasonable diligence, or if damages are adequate protection for the landlord and

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

8 **SECTION 24.** 704.17 (3m) of the statutes is created to read:

9 **704.17 (3m) CRIMINAL ACTIVITY.** (a) In this subsection:

10 1. "Criminal activity" means any act or behavior committed by a person that
11 is punishable in this state by a period of imprisonment.

12 2. "Drug-related criminal activity" means criminal activity that involves the
13 manufacture, possession, use, or distribution of a controlled substance, as defined in
14 s. 961.01 (4).

15 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), a landlord may, upon
16 notice to the tenant, terminate the tenancy of a tenant, without giving the tenant an
17 opportunity to remedy the default, if the tenant, a member of the tenant's household,
18 or a guest or other invitee of the tenant or of a member of the tenant's household
19 engages in any criminal activity that threatens the health, safety, or right to peaceful
20 enjoyment of the premises by other tenants; engages in any criminal activity that
21 threatens the health, safety, or right to peaceful enjoyment of their residences by
22 persons residing in the immediate vicinity of the premises; engages in any criminal
23 activity that threatens the health or safety of the landlord or an agent or employee
24 of the landlord; or engages in any drug-related criminal activity on or near the
25 premises. The notice shall require the tenant to vacate on or before a date at least

1 5 days after the giving of the notice and shall specify the grounds for the landlord's
2 action.

3 2. To terminate a tenancy under this subsection, it is not necessary that the
4 individual committing the criminal activity or drug-related criminal activity has
5 been arrested for or convicted of the criminal activity or drug-related criminal
6 activity.

7 **SECTION 25.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
8 amended to read:

9 704.17 (5) (a) Provisions in the lease or rental agreement for termination
10 contrary to ~~this section sub. (1), (2), or (3)~~ are invalid except in leases for more than
11 one year.

12 **SECTION 26.** 704.17 (5) (b) of the statutes is created to read:

13 704.17 (5) (b) Provisions in the lease or rental agreement for termination
14 contrary to sub. (3m) are invalid.

15 **SECTION 27.** 704.19 (2) (b) 2. of the statutes is amended to read:

16 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
17 termination of a tenancy before the end of a rental period because of an imminent
18 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
19 drug-related criminal activity, nonpayment of rent, or breach of any other condition
20 of the tenancy, as provided in s. 704.17.

21 **SECTION 28.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
22 read:

23 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
24 without the consent of some person lawfully upon the premises, under circumstances
25 tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

1 **SECTION 29.** 943.14 (1) of the statutes is created to read:

2 943.14 (1) In this section, “dwelling” has the meaning given in s. 30.1335 (1)

3 (h). For the purposes of this section, a dwelling meets that definition regardless of
4 whether the dwelling is currently occupied by a resident.

5 **SECTION 30. Initial applicability.**

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

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

12

(END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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1 INSERT 14.20: ✓

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

3 800.035 (1) A defendant may make an initial appearance in person or by
4 submitting a written response to the citation or complaint except when the judge has
5 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
6 if a defendant is a limited liability company, the defendant appears in person if the
7 appearance is by a member, as defined in s. 183.0102 (15), or by an agent, or
8 authorized employee of the defendant, or by an agent of the member or an authorized
9 employee of the agent. ↓

History: 2009 a. 402 ss. 19, 72, 76, 79 to 82; 2011 a. 260 s. 80; Sup. Ct. Order No. 13-10, 2014 WI 45, filed 6-27-14, eff. 1-1-15.

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INS-Analysis-1

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✶ 2. A political subdivision may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.

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INS-Analysis-2

7

✶

6. A political subdivision may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies to all residential properties, including owner-occupied properties.

8

INSERT 8-4

X

9

SECTION 1. 66.0102 of the statutes is created to read:

10

66.0102 Meeting notices. Notwithstanding s. 19.84 (3), before a governmental body, as defined in s. 19.82 (1), may consider any matter involving the enactment, adoption, amendment, or repeal of any local government ordinance or resolution at a meeting of that body, it shall give public notice of such consideration at least 14 days prior to the commencement of the meeting. Public notice of matters to which this section applies may be given separately from and prior to matters to which this section does not apply, but shall otherwise be governed by s. 19.84.

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INS 8-8

19

1 2. Charge^s a fee for conducting an inspection other than an inspection based on
2 a complaint from a tenant alleging a violation of the local housing code of the city,
3 village, town, or county.

4
5 INS 8-11

6
7 ^X
8 **SECTION 2.** 66.0104 (2) (g) of the statutes is created to read:

9 66.0104 (2) (g) No city, village, town, or county may enact an ordinance that
10 requires a landlord to obtain a license, certification, or registration in order to own,
11 manage, or operate a residential rental property unless the ordinance applies to all
residential properties, including owner-occupied properties.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3011/P3insRK
RNK:...

INSERT 8-21 RK

1 *mod* that meets all of the following requirements:

2 (a) It was lawfully placed or installed before the effective date of this

3 *paragraph*
3 subdivision.... [LRB inserts date].

4 (b) It has a total fuel burning area of less than 3 feet in diameter and 2 feet in
5 height.

6 (c) It is surrounded by a fire barrier of noncombustible material that is at least
7 6 inches in height.

8 (d) It is not used within 25 feet of a structure or other combustible material.

9 (e) It burns only materials approved by the political subdivision.

10 *Paragraphs (b) to (e)*
***NOTE: Subdivisions 2. to 5. above are based on requirements for conducting a
"recreational fire" in Minneapolis. Do these requirements meet your intent?

Memo

To: Drafters of LRB-3011

From: PJK

Subject: Redraft instructions

Date: Oct. 29, 2015

We have some redraft instructions from Chris Schaefer (in collaboration with Rob Kovach) for a P4. Please call Chris (7-2369) if you need clarification.

✓1. Mike D., please call Chris re. an addition to Section 5 on page 8. *leave as is per Chris - MED*

✓2. Eric, please call Chris re. some changes to Sections 7 and 8 on page 8. *- no transfer of tenancy fee
- add "uniformly" at p. 8, line 20 + reward provision*

✓3. Robin, they want to delete Sections 10 and 11 on page 9.

✓4. Zach, they want to delete Section 18 on page 10.

✓5. Krista, they *do* want to limit s. 704.055 on page 11 to residential rental property.

✓6. Fern, on page 12, lines 16 and 17, they want to change "the tenancy can be terminated if" to "the tenancy is terminated when". Also, in Sections 22 and 23, they would like the notices to be sent by registered or certified mail (see s. 704.21 (1) (d)). (I'm thinking they may want this to apply to more than just those two Sections, but that's all Chris indicated.)

✓7. In Section 25, they want an exception for a tenant who is the victim of the crime.

✓8. Peggy, on page 15, line 24, they want to add "or the owner of the premises," after "some person lawfully upon the premises".

✓9. Peggy and Krista, in Section 30 on page 15 (I'm not sure where it makes the most sense for this to go, but that is where they placed it),

*Q: that means no one can ever enter w/o owner's permission
"may be"
if no person is lawfully upon...*

Called Chris to explain that SECTION 10 needs to be retained. He will review & call me back. - RNK

they want to require the sheriff ^(law enforcement) to immediately remove the trespasser.
This may require a call to Chris. ?

10. Eric, attached is a new item re. municipal utilities.

The file guts are in the PA area; the electronic draft is in editing.

H/c to Chris: already a
viol of crim law; leas already
required to enforce crim law (call)
possibly draft requirement for leas to
establish policy of priority for
enforcement removal of violators.
Will hold off for now.

Pam:

Here is the information regarding the Public Service Commission's municipal utilities deferred payments that we wanted to have added to the Landlord-Tenant omnibus:

The changes made by Act 274 are not self-implementing and the Commission has oversight in this implementation pursuant to s.196.19 and 196.20. These statutes were not changed by Act 274. Further, the Commission has, through its order, reaffirmed its role as it relates to the implementation of Act 274 and specifically as it relates to the option for municipal utilities to no longer offer deferred payment agreements to tenants. See: http://psc.wi.gov/apps35/ERF_view/viewdoc.aspx?docid=215095.

Here is a short explanation as to why Act 274 is not self-implementing and why the Commission's processes are statutorily required and necessary:

1. The Act makes it optional, not mandatory for municipal utilities to decline to offer DPAs to tenants. So, some affirmative steps must be taken by the utility if it is going to make that election.
2. Wisconsin statute s.196.19(2) provides that "every public utility shall file with and as part of such schedule all rules and regulations that, in the judgment of the commission, in any manner affect the service or product." Offering or not offering DPAs affects service.
3. Wisconsin statute s. 196.20(1) provides "the rate schedules of any public utility shall include any rules applicable to the rendition or discontinuance of service to which the rates specified in the schedule are applicable." Further, the statute provides that "no change may be made by any public utility in its schedules except by filing the change as proposed with the Commission." All public utilities have tariffs on file that detail and provide notice to their customers as to what the terms of service are. While the language may differ, the vast majority of tariffs currently on file prior to Act 274 either explicitly provided or through reference to a commission rule that mandated they offer DPAs to all tenants.
4. The fact that Act 274 no longer requires DPAs to be offered does not change the fact that, if the utility still wants to offer DPAs they can.

This information can be added wherever you believe it best fits in the legislation.

- remove PSC from deferred payment decision

Kahler, Pam

From: Schaefer, Christopher
Sent: Thursday, October 29, 2015 2:49 PM
To: Kahler, Pam
Subject: RE: Landlord tenant changes

I will give you a call.

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov

From: Kahler, Pam
Sent: Thursday, October 29, 2015 2:48 PM
To: Schaefer, Christopher <Christopher.Schaefer@legis.wisconsin.gov>
Subject: RE: Landlord tenant changes

Which provisions are involved (in case I'm not the drafter of those provisions)?

From: Schaefer, Christopher
Sent: Thursday, October 29, 2015 2:29 PM
To: Kahler, Pam <Pam.Kahler@legis.wisconsin.gov>
Subject: Landlord tenant changes

Pam:

I was wondering if you had time this afternoon to stop by our office, 107 West, to discuss initial revisions to the landlord tenant omnibus bill?

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov

Peggy,

Here is the information I promised to send you, per our phone conversation. If you have any additional questions, do not hesitate to contact me.

First, I am not aware of any appellate court cases on this subject, since such a case would be an unlikely candidate for an appeal. Therefore, the case history for these types of circumstances is more anecdotal, since it basically arises in the Circuit Court, and those cases are not published in any way.

Therefore, to "start at the beginning", these cases arise when an unauthorized occupant (one or more) takes up residency in a property, without permission from either the property owner or the current or former tenant. Given that the occupancy is without consent from anyone authorized to grant it, I would generically put those folks in the category of squatter.

When this occurs, property owners often contact their attorneys, saying that this circumstance exists, and that they are going to call their local police department to get the person removed from the premises. Attorneys frequently inform the property owners or landlords that they can certainly make that call, but that they should expect to be told by the police that have a civil matter, not a police matter, and that they have to go to Court to get the situation resolved. This response then necessitates a notice of default from the property owner to the **authorized** occupant, due to there being an unauthorized occupant in the property. Then, assuming the Squatter does not vacate within the notice period, an eviction must thereafter be filed.

Needless to say, although the eviction process has been streamlined, it is still a slow process in the context of an unauthorized person residing in someone's premises without consent, screening, etc. Therefore, it would be extremely helpful to create a statute within the trespass law that carefully defines who is a squatter, and then directs the police to remove them. There could certainly be protections within the law that would allow the squatter a specified number of days within which to remove their personal property from the premises, after which time it should be able to be disposed of by the landlord, similar to the language in Wis. Stat. s. 704.05(5).

re: -3011
Chris
e
Rob
Brooks



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3011/PS P4
ALL:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Tuesday
(11-10) or
Wed (11-11)

S.A. /
Kref

Regen.

1 **AN ACT to repeal** 66.1019 (3) (b) and 101.975 (3); **to renumber and amend**

2 66.1019 (3) (a), 704.17 (1) (b), 704.17 (5) and 943.14; **to amend** 20.505 (7) (h),

3 59.69 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 101.02 (7m), 349.13 (3m) (dr)

4 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (2) (b), 704.19 (2) (b) 2. and

5 800.035 (1); and **to create** 66.0102, 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2)

6 (g), 66.0104 (3) (c), 66.0418 (3), 66.0418 (4), 349.13 (3m) (dr) 3., 704.055, 704.17

7 (1) (b) 1., 704.17 (3m), 704.17 (5) (b) and 943.14 (1) of the statutes; **relating to:**

8 terminating a tenancy for criminal activity or drug-related criminal activity;

9 disposition of personal property left in rental property by a trespasser; required

10 notice for meetings involving ordinance modifications; preexisting sprinkler

11 ordinances that are stricter than the multifamily dwelling code; towing vehicles

12 illegally parked on private property; terminating certain tenancies for breaches

13 other than failure to pay rent; limitations on the authority of political

subleasing

1 subdivisions to regulate rental units, historic properties, signs, and fire pits,
2 creating a criminal penalty; and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a right-to-cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, signs, and certain outdoor fire pits; increases the length of time for giving notice of a meeting at which a local governmental body may consider the enactment, amendment, or repeal of an ordinance or resolution; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and provides immunity from liability for a towing company that makes a good faith effort to notify law enforcement.

Local government

Currently under the open meetings law, public notice of every meeting of a governmental body must be given at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.

This bill provides that, notwithstanding this notice requirement under current law, before a governmental body may consider any matter involving the enactment, adoption, amendment, or repeal of any local government ordinance or resolution at a meeting of that body, it must give public notice of such consideration at least 14 days prior to the commencement of the meeting. The bill provides, however, that notice of matters to which the 14-day notice requirement in the bill applies may be given separately from and prior to matters to which the requirement does not apply.

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered

2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.

3. Political subdivisions may not impose an occupancy fee on a rental unit. *or transfer of tenancy*

4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

5. Political subdivisions may not prohibit or regulate the placement, installation, or use of certain fire pits that were lawfully installed before the effective date of this bill.

5. ~~6.~~ Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies to all residential properties, including owner-occupied properties. *uniformly*

Automatic sprinklers in multifamily dwellings

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

Towing vehicles from private property

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle and is immune from liability from any claim arising from a failure to comply with the requirement.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

Terminating tenancies

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance

exists in the rental unit because the property is being used for drug-related purposes or criminal gang-related purposes. Under this bill, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug-related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug-related criminal activity has been arrested for or convicted of the criminal activity or drug-related criminal activity.

except for a tenant who is the victim of the criminal activity

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must specify the grounds for the landlord's action. The bill defines criminal activity as any act or behavior that is punishable in this state by a period of imprisonment. Drug-related criminal activity is defined as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month-to-month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month-to-month or week-to-week tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

This bill creates a procedure for a landlord to terminate a month-to-month or week-to-week tenancy if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of year-to-year tenant, except that if the tenant commits another qualifying breach within one year of receiving an initial notice, the landlord of a month-to-month or week-to-week tenant may terminate the tenancy by providing the tenant with a notice to vacate the premises within five days. This bill also applies the existing termination procedure for month-to-month tenancies to week-to-week tenancies.

Under current law, a landlord may terminate the tenancy of a year-to-year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages

associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

The bill requires law enforcement agencies that establish policies to remove trespassers from dwellings.

or of the owner of the property, if no one is lawfully present there.

Trespass

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, regardless of whether the dwelling is currently occupied.

... SET

residential

Disposing of personal property left by trespasser

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from rental property. This bill provides that, after a trespasser leaves or is removed from rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

Insert 5-A →

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:
- 2 20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on
- 3 real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
- 4 received under s. ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
- 5 shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).
- 6 **SECTION 2.** 59.69 (4m) of the statutes is amended to read:
- 7 59.69 (4m) **HISTORIC PRESERVATION.** A county, as an exercise of its zoning and
- 8 police powers for the purpose of promoting the health, safety and general welfare of

1 the community and of the state, may regulate by ordinance any place, structure or
2 object with a special character, historic interest, aesthetic interest or other
3 significant value, for the purpose of preserving the place, structure or object and its
4 significant characteristics. The county may create a landmarks commission to
5 designate historic landmarks and establish historic districts. The county may
6 regulate all historic landmarks and all property within each historic district to
7 preserve the historic landmarks and property within the district and the character
8 of the district. A county may not designate a property as a historic landmark without
9 the consent of the owner. A county may not require or prohibit any action by an owner
10 of a property related to the preservation of special character, historic or aesthetic
11 interest, or any other significant value of the property without the consent of the
12 owner.

13 **SECTION 3.** 60.64 of the statutes is amended to read:

14 **60.64 Historic preservation.** The town board, in the exercise of its zoning
15 and police powers for the purpose of promoting the health, safety and general welfare
16 of the community and of the state, may regulate any place, structure or object with
17 a special character, historic interest, aesthetic interest or other significant value for
18 the purpose of preserving the place, structure or object and its significant
19 characteristics. The town board may create a landmarks commission to designate
20 historic landmarks and establish historic districts. The board may regulate all
21 historic landmarks and all property within each historic district to preserve the
22 historic landmarks and property within the district and the character of the district.
23 The town board may not designate a property as a historic landmark without the
24 consent of the owner. The town board may not require or prohibit any action by an
25 owner of a property related to the preservation of special character, historic or

1 aesthetic interest, or any other significant value of the property without the consent
2 of the owner.

3 **SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

4 62.23 (7) (em) *Historic preservation.* A city, as an exercise of its zoning and
5 police powers for the purpose of promoting the health, safety and general welfare of
6 the community and of the state, may regulate by ordinance, or if a city contains any
7 property that is listed on the national register of historic places in Wisconsin or the
8 state register of historic places shall, not later than 1995, enact an ordinance to
9 regulate, any place, structure or object with a special character, historic,
10 archaeological or aesthetic interest, or other significant value, for the purpose of
11 preserving the place, structure or object and its significant characteristics. A city
12 may create a landmarks commission to designate historic or archaeological
13 landmarks and establish historic districts. The city may regulate, or if the city
14 contains any property that is listed on the national register of historic places in
15 Wisconsin or the state register of historic places shall regulate, all historic or
16 archaeological landmarks and all property within each historic district to preserve
17 the historic or archaeological landmarks and property within the district and the
18 character of the district. A city may not designate a property as a historic landmark
19 without the consent of the owner. A city may not require or prohibit any action by
20 an owner of a property related to the preservation of special character, historic or
21 aesthetic interest, or any other significant value of the property without the consent
22 of the owner.

23 **SECTION 5.** 66.0102 of the statutes is created to read:

24 **66.0102 Meeting notices.** Notwithstanding s. 19.84 (3), before a
25 governmental body, as defined in s. 19.82 (1), may consider any matter involving the

1 enactment, adoption, amendment, or repeal of any local government ordinance or
2 resolution at a meeting of that body, it shall give public notice of such consideration
3 at least 14 days prior to the commencement of the meeting. Public notice of matters
4 to which this section applies may be given separately from and prior to matters to
5 which this section does not apply, but shall otherwise be governed by s. 19.84.

6 SECTION 6. 66.0104 (2) (e) of the statutes is created to read:

7 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
8 does any of the following:

9 1. Requires that a rental unit be inspected without a showing of good cause or
10 be certified or registered.

11 2. Charges a fee for conducting an inspection other than an inspection based
12 on a complaint from a tenant alleging a violation of the local housing code of the city,
13 village, town, or county.

14 SECTION 7. 66.0104 (2) (f) of the statutes is created to read:

15 66.0104 (2) (f) No city, village, town, or county may impose an occupancy fee
16 on a rental unit.

or transfer of tenancy

17 SECTION 8. 66.0104 (2) (g) of the statutes is created to read:

18 66.0104 (2) (g) No city, village, town, or county may enact an ordinance that
19 requires a landlord to obtain a license, certification, or registration in order to own
20 manage, or operate a residential rental property, unless the ordinance applies to all
21 residential properties, including owner-occupied properties.

do any of the following:

uniformly

22 SECTION 9. 66.0104 (3) (c) of the statutes is created to read:

23 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
24 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
25 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

a residential rental property.
b.

2. Subdivision 1. does not apply to an

1 SECTION 10. 66.0418 (title) of the statutes is amended to read:

2 66.0418 (title) ~~Prohibition of Miscellaneous limitations on local~~
3 ~~regulation of certain foods, beverages.~~

4 SECTION 11. 66.0418 (3) of the statutes is created to read:

5 66.0418 (3) No political subdivision may prohibit or regulate the placement,
6 installation, or use of a fire pit that meets all of the following requirements:

7 (a) It was lawfully placed or installed before the effective date of this paragraph
8 ... [LRB inserts date].

9 (b) It has a total fuel burning area of less than 3 feet in diameter and 2 feet in
10 height.

11 (c) It is surrounded by a fire barrier of noncombustible material that is at least
12 6 inches in height.

13 (d) It is not used within 25 feet of a structure or other combustible material.

14 (e) It burns only materials approved by the political subdivision.

****NOTE: Paragraphs (b) to (e) above are based on requirements for conducting a
"recreational fire" in Minneapolis. Do these requirements meet your intent?

15 SECTION 12. 66.0418 (4) of the statutes is created to read:

16 66.0418 (4) No political subdivision may impose a restriction or requirement
17 on a sign based on the sign's informational content that it does not impose on all
18 signs.

19 SECTION 13. 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and
20 amended to read:

21 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
22 county, city, village or town relating to the construction or inspection of multifamily

10/5
9-18

1 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
2 101.02 (7m).

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

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

5 101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make
6 or enforce any ordinance that is applied to any multifamily dwelling, as defined in
7 s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary
8 to an order of the department under this subchapter, ~~except that if a city, village or~~
9 ~~town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a),~~
10 ~~that ordinance remains in effect, except that the city, village or town may take any~~
11 ~~action with regard to that ordinance that a political subdivision may take under s.~~
12 ~~101.975 (3) (b). Any contract between a city, village, or town and a property owner~~
13 ~~of a multifamily dwelling that requires the property owner to comply with an~~
14 ~~ordinance that does not conform to subch. VI and this section or is contrary to an~~
15 ~~order of the department under this subchapter is void and unenforceable.~~

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

17 **SECTION 17.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

18 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
19 or storage of an illegally parked vehicle under this subsection if unless the towing
20 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
21 respect to the vehicle.

22 **SECTION 18.** 349.13 (3m) (dr) 3. of the statutes is created to read:

23 349.13 (3m) (dr) 3. A towing service that made a good faith effort to comply with
24 par. (d) 2. shall be immune from liability for any claim arising from a failure to comply
25 with par. (d) 2.

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

2 349.13 **(3m)** (e) 1. Reasonable charges for removal and storage of vehicles
3 under this subsection when no citation has been issued.

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

5 349.13 **(3m)** (e) 3. Guidelines for towing services to notify law enforcement
6 under par. (d) upon removal of a vehicle when no citation has been issued.

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

8 **704.055 Disposition of personalty left by trespasser. (1) DEFINITION.** In

9 this section, “trespasser” means a person who is not a tenant ^{and} who enters or remains
10 ^{residential} in rental property without the consent of the landlord or another person lawfully on
11 the property.

12 **(2) AT THE LANDLORD'S DISCRETION.** (a) If a trespasser is removed or otherwise
13 ^{residential} removes from rental property and leaves personal property, the landlord shall hold
14 the personal property for 7 days from the date on which the landlord discovers the
15 personal property. After that time, the landlord may presume that the trespasser
16 has abandoned the personal property and may dispose of the personal property in
17 any manner that the landlord, in the landlord's sole discretion, determines is
18 appropriate but shall promptly return the personal property to the trespasser if the
19 landlord receives a request for its return before the landlord disposes of it.

****NOTE: Would you prefer to limit this provision to someone trespassing on
residential rental property or trespassing in a dwelling or dwelling unit?

20 (b) If the landlord disposes of the abandoned personal property by private or
21 public sale, the landlord may send the proceeds of the sale minus any costs of sale
22 and, if the landlord has first stored the personal property, minus any storage charges

1 to the department of administration for deposit in the appropriation under s. 20.505
2 (7) (h).

3 (3) RIGHTS OF 3RD PERSONS. The landlord's power to dispose as provided by this
4 section applies to any personal property left on the landlord's property by the
5 trespasser, whether owned by the trespasser or by others. The power to dispose
6 under this section applies notwithstanding any rights of others existing under any
7 claim of ownership or security interest. The trespasser, other owner, or any secured
8 party has the right to redeem the personal property at any time before the landlord
9 has disposed of it or entered into a contract for its disposition by payment of any
10 expenses that the landlord has incurred with respect to the disposition of the
11 personal property.

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

14 704.17 (1) (b) (intro.) If a month-to-month or a week-to-week tenant commits
15 waste or a material violation of s. 704.07 (3) or breaches any covenant or condition
16 of the tenant's agreement, other than for payment of rent, the tenancy ~~can be~~ ^{is}
17 terminated if ~~the landlord gives~~ any of the following applies:

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

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

21 704.17 (1) (b) 1. Using the method described in s. 704.21(1)(d), The landlord gives the tenant a notice that requires the tenant
22 to either remedy the default or vacate the premises no later than a date at least 5 days
23 after the giving of the notice, and the tenant fails to comply with the notice. A tenant
24 is considered to be complying with the notice if promptly upon receipt of the notice
25 the tenant takes reasonable steps to remedy the default and proceeds with

1 reasonable diligence, or if damages are adequate protection for the landlord and the
2 tenant makes a bona fide and reasonable offer to pay the landlord all damages for
3 the tenant's breach. If, within one year from receiving of a notice under this
4 subdivision, the tenant again commits waste or breaches the same or any other
5 covenant or condition of the tenant's rental agreement, other than for payment of
6 rent, the tenant's tenancy is terminated if the landlord gives the tenant notice to
7 vacate on or before a date at least 5 days after the giving of the notice.

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

9 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
10 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
11 breaches any covenant or condition of the tenant's lease, other than for payment of
12 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
13 requiring the tenant to remedy the default or vacate the premises on or before a date
14 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
15 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
16 of such notice the tenant takes reasonable steps to remedy the default and proceeds
17 with reasonable diligence, or if damages are adequate protection for the landlord and
18 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
19 for the tenant's breach. If within one year from the giving of any such notice, the
20 tenant again commits waste or breaches the same or any other covenant or condition
21 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
22 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives
23 the tenant notice to vacate on or before a date at least 14 days after the giving of the
24 notice.

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

1 704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection:

2 1. "Criminal activity" means any act or behavior committed by a person that
3 is punishable in this state by a period of imprisonment.

4 2. "Drug-related criminal activity" means criminal activity that involves the
5 manufacture, possession, use, or distribution of a controlled substance, as defined in
6 s. 961.01 (4).

and except as provided in par. (c)

7 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), a landlord may, upon
8 notice to the tenant, terminate the tenancy of a tenant, without giving the tenant an
9 opportunity to remedy the default, if the tenant, a member of the tenant's household,
10 or a guest or other invitee of the tenant or of a member of the tenant's household
11 engages in any criminal activity that threatens the health, safety, or right to peaceful
12 enjoyment of the premises by other tenants; engages in any criminal activity that
13 threatens the health, safety, or right to peaceful enjoyment of their residences by
14 persons residing in the immediate vicinity of the premises; engages in any criminal
15 activity that threatens the health or safety of the landlord or an agent or employee
16 of the landlord; or engages in any drug-related criminal activity on or near the
17 premises. The notice shall require the tenant to vacate on or before a date at least
18 5 days after the giving of the notice and shall specify the grounds for the landlord's
19 action.

or
or
or

20 2. To terminate a tenancy under this subsection, it is not necessary that the
21 individual committing the criminal activity or drug-related criminal activity has
22 been arrested for or convicted of the criminal activity or drug-related criminal
23 activity.

Subsect 14-23

24 SECTION 26. 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and
25 amended to read:

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

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

5 704.17 (5) (b) Provisions in the 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.** 800.035 (1) of the statutes is amended to read:

14 800.035 (1) A defendant may make an initial appearance in person or by
15 submitting a written response to the citation or complaint except when the judge has
16 required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section,
17 if a defendant is a limited liability company, the defendant appears in person if the
18 appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized
19 employee of the defendant, or by an agent of the member or an authorized employee
20 of the agent.

21 **SECTION 30.** 943.14 of the statutes is renumbered 943.14 (2) and amended to
22 read:

23 943.14 (2) Whoever intentionally enters or remains in the dwelling of another
24 without the consent of some person lawfully upon the premises, under circumstances
25 tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

upon the premises, without the consent of the owner
or, if no person is lawfully

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3011/P4ins
PJK:...

INSERT 5-A

Subleasing

* Under current law, a tenant under a lease may assign or sublease his or her interest under the lease unless the lease expressly restricts the tenant's ability to do so. This bill provides that, unless a lease expressly allows a tenant to assign or sublease his or her interest under the lease, the tenant may not do so without the consent of the landlord, and any attempt by the tenant to assign or sublease without the landlord's consent is void and does not convey any tenant's rights to the purported transferee.

(END OF INSERT 5-A)

INS 9-18

X
1 SECTION 1. 66.0809 (9) of the statutes is amended to read:
2 66.0809 (9) A municipal utility is not required to offer a customer who is a
3 tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding
4 ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a
5 municipal utility to offer or not offer a deferred payment agreement does not require
6 approval, and is not subject to disapproval, by the public service commission.

History: 1999 a. 150 ss. 184, 186; 2007 a. 11; 2013 a. 274; 2015 a. 55.

END INSERT

INSERT 14-23

7 (c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s.
8 950.02 (4), of the criminal activity.

***NOTE: You indicated that you wanted something similar to the language of s. 704.44 (9), which mentions the tenant or a person lawfully residing with the tenant as being victims. The problem with the "person lawfully residing with the tenant" language is that if it is the tenant who is perpetrating the criminal activity on a person residing with the tenant, the tenant cannot be evicted. Is that what you want? If so, I can add "person lawfully residing with the tenant."

The language above allows for the eviction of a tenant who is perpetrating criminal activity on another tenant, but not the eviction of the tenant who is the victim. It also allows eviction of a tenant who is perpetrating criminal activity on a person residing with the tenant, but does not offer protection for that victim if the victim is not a tenant. The language also protects a tenant from eviction if the tenant is the victim of criminal activity.

that is perpetrated by a person residing with the tenant, but does not protect the tenant from the person residing with the tenant if he or she is not also a tenant and cannot be evicted.

(END OF INSERT 14-23)

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3011/P4insPH
ALL:emw

1 INSERT PJH:

2 SECTION [#]1. 175.403 ^X of the statutes is created to read:

3 **175.403 Trespassing; arrest and removal.** (1) In this section: ✓

4 (a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b). ✓

5 (b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

6 (2) Each law enforcement agency shall have a written policy regarding the

7 investigation of complaints alleging a violation of s. 943.14. The policy shall require

8 a law enforcement officer who has probable cause to arrest a person for a violation

9 of s. 943.14 to remove the person from ^{e-2}the dwelling.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3011/P4insKP
KRP:...

INSERT 12-12

1 SECTION 1. 704.09 (1) of the statutes is amended to read:

2 704.09 (1) TRANSFERABILITY OF INTEREST OF TENANT OR LANDLORD. ^{↓ ↓} ~~A~~ Unless a
3 lease expressly allows, a tenant under a tenancy at will or any periodic tenancy less
4 than year to year may not assign or sublease except with the agreement or consent
5 of the landlord, and any attempt to assign or sublease without the landlord's consent
6 is void and does not convey any tenant's rights to the purported transferee. The
7 interest of ~~any other tenant or the interest of any~~ landlord may be transferred except
8 as the lease expressly restricts power to transfer. A lease restriction on transfer is
9 construed to apply only to voluntary transfer unless there is an express restriction
10 on transfer by operation of law.

History: 1971 c. 211 s. 126; 1993 a. 486.

(END INSERT 12-12)

11 SECTION 2. 704.09 (3) of the statutes is amended to read:

12 704.09 (3) COVENANTS WHICH APPLY TO TRANSFEREE. All covenants and provisions
13 in a lease which are not either expressly or by necessary implication personal to the
14 original parties are enforceable by or against the successors in interest of any party
15 to the lease who transferred the party's interest under sub. (1). However, a successor
16 in interest is liable in damages, or entitled to recover damages, only for a breach
17 which occurs during the period when the successor holds his or her interest, unless
18 the successor has by contract assumed greater liability; a personal representative
19 may also recover damages for a breach for which the personal representative's
20 decendent could have recovered.

History: 1971 c. 211 s. 126; 1993 a. 486.

21 SECTION 3. 704.09 (4) of the statutes is amended to read:

1 704.09 (4) SAME PROCEDURAL REMEDIES. The remedies available between the
2 original landlord and tenant are also available to or against any successor in interest
3 to either party who transferred the party's interest under sub. (1).

History: 1971 c. 211 s. 126; 1993 a. 486.

4 **SECTION 4.** 704.09 (5) of the statutes is amended to read:

5 704.09 (5) CONSENT AS AFFECTING SUBSEQUENT TRANSFERS. ~~If a lease restricts~~
6 ~~transfer, consent~~ Regardless of whether a transfer is in violation of sub. (1), consent
7 or other acquiescence to a transfer or waiver of a breach of ~~the a transfer~~ restriction
8 in a lease is not a consent or waiver as to any subsequent transfers.

History: 1971 c. 211 s. 126; 1993 a. 486.

****NOTE: Please carefully review the proposed changes to s. 704.09 to ensure that
the changes are consistent with your intent.

(END INSERT 12-12)

INSERT 16-6

9 (1) The treatment of section 704.09 (1), (3), (4), and (5) of the statutes first
10 applies to leases and rental agreements that are entered into or renewed on the
11 effective date of this subsection.

(END INSERT 16-6)

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: RJK) (Date: 11 / 23 / 15)

Note:
BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)

Please transfer the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2015 LRB _____ (For: Rep. / Sen. _____)

Done MIB

OR

Please copy the drafting file for
2015 LRB 2827 / 4 (include the version) (For: Rep. / Sen. Murphy)
and place it in the drafting file for
2015 LRB 3011 (For: Rep. Sen. Lasee)

Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: Chairs from Rep Brooks's office (has working w/ Sen Lasee) & Dir. Rom. from Rep

Murphy's Office

Kahler, Pam

From: Schaefer, Christopher
Sent: Thursday, November 19, 2015 9:17 AM
To: Kahler, Pam
Subject: AB 3011
Attachments: Time of Sale Provision.pdf

Pam:

I was wondering if we could have the attached language included in the slash one draft of LRB 3011?
Thank you.

↳ LRB-2827/4

Mr. Christopher Schaefer, M.A.
Legislative Assistant,
Office of Representative Rob Brooks
60th Assembly District
(608) 267-2369
Christopher.Schaefer@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2827/4
PJK:kjf&amn

2015 BILL

Insert 2-1

1 AN ACT *to renumber* 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; *to*
2 *renumber and amend* 706.22 (2) (b) and 706.22 (3); *to amend* 706.22 (title),
3 706.22 (2) (title) and 706.22 (2) (a) (intro.); and *to create* 706.22 (2) (a) 2m.,
4 706.22 (2) (a) 3m., 706.22 (2) (b) 2. and 706.22 (3) (b) of the statutes; **relating**
5 **to:** prohibiting local governmental units from imposing real property purchase
6 or residential real property occupancy requirements;

Insert 2-A

Insert 3-A

Analysis by the Legislative Reference Bureau

This bill prohibits a local governmental unit from ~~restricting~~ the purchase or transfer of real property or the occupancy of residential real property ~~by making them~~ contingent on whether a purchaser or other transferee takes certain actions with respect to the property.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the



BILL

Insert 3-A cont'd

property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

(end of insert 3-A)

For further information see the ~~local fiscal estimate, which will be printed as an appendix to this bill.~~

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

Insert 17-8 1 of 4

1 **SECTION 1.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:
3 **706.22** (title) **Prohibition on imposing time-of-sale, purchase, or**
4 **occupancy requirements.**



BILL

Insert 17-B cont'd 284

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

3 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
4 OF PROPERTY PROHIBITED.

5 **SECTION 3.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin
6 Act 55, is amended to read:

7 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
8 may by ordinance, resolution, or any other means restrict do any of the following:

9 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
10 title to or refinance the property by requiring the owner or an agent of the owner to
11 take certain actions with respect to the property or pay a related fee, to show
12 compliance with taking certain actions with respect to the property, or to pay a fee
13 for failing to take certain actions with respect to the property, at any of the following
14 times:

15 **SECTION 4.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. a.

17 **SECTION 5.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
18 55, is renumbered 706.22 (2) (a) 1m. b.

19 **SECTION 6.** 706.22 (2) (a) 2m. of the statutes is created to read:

20 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
21 property by requiring the person or an agent of the person to take certain actions with
22 respect to the property or pay a related fee, to show compliance with taking certain
23 actions with respect to the property, or to pay a fee for failing to take certain actions
24 with respect to the property, at any of the following times:

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



BILL

Ins 17-8 Conto 3004

SECTION 6

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

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

4 **SECTION 7.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
5 55, is renumbered 706.22 (2) (a) 1m. c.

6 **SECTION 8.** 706.22 (2) (a) 3m. of the statutes is created to read:

7 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
8 residential real property to take occupancy of the property by requiring the
9 purchaser or transferee or an agent of the purchaser or transferee to take certain
10 actions with respect to the property or pay a related fee, to show compliance with
11 taking certain actions with respect to the property, or to pay a fee for failing to take
12 certain actions with respect to the property, at any of the following times:

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

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

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

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

18 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

19 1. Prohibit a local governmental unit from requiring a real property owner or
20 the owner's agent to take certain actions with respect to the property not in
21 connection with the purchase, sale or, refinancing, or taking occupancy of, or the
22 transfer of title to, the property.

23 **SECTION 10.** 706.22 (2) (b) 2. of the statutes is created to read:

24 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
25 affect the responsibility, authority, or ability of a local governmental unit to enforce,



BILL

Ins 17 - 8 cont'd 4 of 4

1 a federal or state requirement that does any of the things a local governmental unit
2 is prohibited from doing under par. (a).

3 **SECTION 11.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is
4 renumbered 706.22 (3) (a) and amended to read:

5 706.22 (3) (a) If a local governmental unit has in effect on July 14, 2015, an
6 ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the
7 ordinance, resolution, or policy does not apply and may not be enforced.

8 **SECTION 12.** 706.22 (3) (b) of the statutes is created to read:

9 706.22 (3) (b) If a local governmental unit has in effect on the effective date of
10 this paragraph [LRB inserts date], an ordinance, resolution, or policy that is
11 inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not
12 apply and may not be enforced.

13

(END) of ins (17-8)