

2015 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB568)

Received: 1/29/2016 Received By: emueller
For: Robert Brooks (608) 267-2369 Same as LRB:
May Contact: By/Representing: Chris
Subject: Local Gov't - counties Drafter: emueller
Local Gov't - munis generally Addl. Drafters: pkahler
Local Gov't - zoning
Real Estate - landlord/tenant

Extra Copies:

Submit via email: YES
Requester's email: Rep.Rob.Brooks@legis.wisconsin.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov
marc.shovers@legis.wisconsin.gov
zachary.wyatt@legis.wisconsin.gov
peggy.hurley@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes

Instructions:

Same as s0281

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 1/29/2016	aernstr 1/29/2016	_____			
/P1	emueller		_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/29/2016		_____	1/29/2016		
/1		wjackson 1/29/2016	_____	lparisi 1/29/2016	lparisi 1/29/2016	

FE Sent For:

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs 0281/P1 0283/P1
ALL:emw/wlj/kjf

ASSEMBLY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 445

ASSEMBLY

568

No changes/
Carpanone

1/29/16

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

1 ordinances that are stricter than the multifamily dwelling code; towing vehicles
2 illegally parked on private property; terminating certain tenancies for breaches
3 other than failure to pay rent; limitations on the authority of political
4 subdivisions to regulate rental units and historic properties; prohibiting local
5 governmental units from imposing real property purchase or residential real
6 property occupancy requirements; creating a criminal penalty; and making an
7 appropriation.

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

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

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

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

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

1 all property within each historic district to preserve the historic landmarks and
2 property within the district and the character of the district.

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

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

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

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

1 This subdivision does not affect the terms of any agreement between the owner of a
2 place, structure, or object and the county.

3 d. If the county is not authorized to designate a historic landmark or establish
4 a historical district under subd. 1. b., the county may not propose the designation of
5 the same historic landmark or establishment of the same historic district for one
6 year.

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

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

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

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

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

2 60.64 (2) (a) 1. If a town board proposes to designate a place, structure, or object
3 as a historic landmark or to establish a historic district that includes the place,
4 structure, or object, the town board shall notify the owner of the place, structure, or
5 object of the determination and provide a form by which the owner may vote for or
6 against the designation or inclusion. The town board shall allow not less than 60
7 days following the notice for an owner to provide his or her vote.

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

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

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

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

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

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

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

1 register of historic places in Wisconsin or the state register of historic places shall
2 regulate, all historic or archaeological landmarks and all property within each
3 historic district to preserve the historic or archaeological landmarks and property
4 within the district and the character of the district.

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

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

1 designate a landmark or establish a district under this subd. 2. a., the city may not
2 propose the designation of the same historic landmark or establishment of the same
3 historic district for one year.

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

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

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

13 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
14 does any of the following:

15 1. Requires that a rental property or rental unit be inspected except upon a
16 complaint by any person, as part of a program of regularly scheduled inspections
17 conducted in compliance with s. 66.0119, as applicable, or as required under state or
18 federal law.

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

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

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

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

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

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

7 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
8 transfer of tenancy fee on a rental unit.

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

10 66.0104 (2) (g) 1. Except as provided in subds. 2. and 3., no city, village, town,
11 or county may enact an ordinance that requires a residential rental property owner
12 to register or obtain a certification or license related to owning or managing the
13 residential rental property.

14 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
15 residential rental property owners, including owners of owner-occupied rental
16 property.

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

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

22 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
23 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
24 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

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

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

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

8 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
9 county, city, village or town relating to the construction or inspection of multifamily
10 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
11 101.02 (7m).

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

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

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

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

2 **SECTION 17.** 175.403 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 a dwelling.

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

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

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

19 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
20 under this subsection when no citation has been issued.

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

22 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
23 under par. (d) upon removal of a vehicle when no citation has been issued.

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

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

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

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

19 **(3) RIGHTS OF 3RD PERSONS.** The landlord’s power to dispose as provided by this
20 section applies to any personal property left on the landlord’s property by the
21 trespasser, whether owned by the trespasser or by others. The power to dispose
22 under this section applies notwithstanding any rights of others existing under any
23 claim of ownership or security interest. The trespasser, other owner, or any secured
24 party has the right to redeem the personal property at any time before the landlord
25 has disposed of it or entered into a contract for its disposition by payment of any

1 expenses that the landlord has incurred with respect to the disposition of the
2 personal property.

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

5 704.17 (1) (b) (intro.) If a month-to-month tenant commits waste or a material
6 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's
7 agreement, other than for payment of rent, the tenancy can be terminated if the
8 ~~landlord gives~~ any of the following applies:

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

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

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

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

1 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
2 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
3 breaches any covenant or condition of the tenant's lease, other than for payment of
4 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
5 requiring the tenant to remedy the default or vacate the premises on or before a date
6 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
7 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
8 of such notice the tenant takes reasonable steps to remedy the default and proceeds
9 with reasonable diligence, or if damages are adequate protection for the landlord and
10 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
11 for the tenant's breach. If within one year from the giving of any such notice, the
12 tenant again commits waste or breaches the same or any other covenant or condition
13 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
14 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives
15 the tenant notice to vacate on or before a date at least 14 days after the giving of the
16 notice.

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

18 704.17 (3m) **CRIMINAL ACTIVITY.** (a) In this subsection:

- 19 1. "Controlled substance" has the meaning given in s. 961.01 (4).
- 20 2. "Drug-related criminal activity" means criminal activity that involves the
21 manufacture or distribution of a controlled substance. "Drug-related criminal
22 activity" does not include the manufacture, possession, or use of a controlled
23 substance that is prescribed by a physician for the use of a disabled person, as defined
24 in s. 100.264 (1) (a), and that is manufactured by, used by, or in the possession of the

1 disabled person or in the possession of the disabled person's personal care worker or
2 other caregiver.

3 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
4 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
5 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
6 a member of the tenant's household, or a guest or other invitee of the tenant or of a
7 member of the tenant's household engages in any criminal activity that threatens the
8 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
9 engages in any criminal activity that threatens the health or safety of, or right to
10 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
11 of the premises; engages in any criminal activity that threatens the health or safety
12 of the landlord or an agent or employee of the landlord; or engages in any
13 drug-related criminal activity on or near the premises. The notice shall require the
14 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
15 notice shall state the basis for its issuance; include a description of the criminal
16 activity or drug-related criminal activity, the date on which the activity took place,
17 and the identity or description of the individuals engaging in the activity; advise the
18 tenant that he or she may seek the assistance of legal counsel, a volunteer legal clinic,
19 or a tenant resource center; and state that the tenant has the right to contest the
20 allegations in the notice before a court commissioner or judge if an eviction action is
21 filed. If the tenant contests the termination of tenancy, the tenancy may not be
22 terminated without proof by the landlord by the greater preponderance of the
23 credible evidence of the allegation in the notice.

24 2. To terminate a tenancy under this subsection, it is not necessary that the
25 individual committing the criminal activity or drug-related criminal activity has

1 been arrested for or convicted of the criminal activity or drug-related criminal
2 activity.

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

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

7 704.17 (5) (a) ~~Provisions~~ Except as provided in par. (b), provisions in the lease
8 or rental agreement for termination contrary to this section are invalid except in
9 leases for more than one year.

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

11 704.17 (5) (b) Provisions in any lease or rental agreement for termination
12 contrary to sub. (3m) are invalid.

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

14 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
15 termination of a tenancy before the end of a rental period because of an imminent
16 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
17 drug-related criminal activity, nonpayment of rent, or breach of any other condition
18 of the tenancy, as provided in s. 704.17.

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

21 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
22 **occupancy requirements.**

23 **SECTION 30.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

1 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
2 OF PROPERTY PROHIBITED.

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

5 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
6 may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

7 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
8 title to or refinance the property by requiring the owner or an agent of the owner to
9 take certain actions with respect to the property or pay a related fee, to show
10 compliance with taking certain actions with respect to the property, or to pay a fee
11 for failing to take certain actions with respect to the property, at any of the following
12 times:

13 **SECTION 32.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. a.

15 **SECTION 33.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. b.

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

18 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

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

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

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

3 **SECTION 35.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

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

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
7 residential real property to take occupancy of the property by requiring the
8 purchaser or transferee or an agent of the purchaser or transferee to take certain
9 actions with respect to the property or pay a related fee, to show compliance with
10 taking certain actions with respect to the property, or to pay a fee for failing to take
11 certain actions with respect to the property, at any of the following times:

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

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

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

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

17 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

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

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

23 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
24 affect the responsibility, authority, or ability of a local governmental unit to enforce,

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 39.** 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 40.** 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 **SECTION 41.** 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 42.** 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 or, if no person is
25 lawfully upon the premises, without the consent of the owner of the property that

1 includes the dwelling, under circumstances tending to create or provoke a breach of
2 the peace, is guilty of a Class A misdemeanor.

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

4 943.14 (1) In this section, “dwelling” means a structure or part of a structure
5 that is used or intended to be used as a home or residence by one or more persons to
6 the exclusion of all others. For the purposes of this section, a dwelling meets that
7 definition regardless of whether the dwelling is currently occupied by a resident.

8 **SECTION 44. Initial applicability.**

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

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

15 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0283/P1
ALL:emw/wlj/kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO ASSEMBLY BILL 568

No Changes

1/29/16

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

1 ordinances that are stricter than the multifamily dwelling code; towing vehicles
2 illegally parked on private property; terminating certain tenancies for breaches
3 other than failure to pay rent; limitations on the authority of political
4 subdivisions to regulate rental units and historic properties; prohibiting local
5 governmental units from imposing real property purchase or residential real
6 property occupancy requirements; creating a criminal penalty; and making an
7 appropriation.

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

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

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

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

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

1 all property within each historic district to preserve the historic landmarks and
2 property within the district and the character of the district.

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

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

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

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

1 This subdivision does not affect the terms of any agreement between the owner of a
2 place, structure, or object and the county.

3 d. If the county is not authorized to designate a historic landmark or establish
4 a historical district under subd. 1. b., the county may not propose the designation of
5 the same historic landmark or establishment of the same historic district for one
6 year.

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

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

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

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

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

2 60.64 (2) (a) 1. If a town board proposes to designate a place, structure, or object
3 as a historic landmark or to establish a historic district that includes the place,
4 structure, or object, the town board shall notify the owner of the place, structure, or
5 object of the determination and provide a form by which the owner may vote for or
6 against the designation or inclusion. The town board shall allow not less than 60
7 days following the notice for an owner to provide his or her vote.

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

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

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

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

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

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

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

1 register of historic places in Wisconsin or the state register of historic places shall
2 regulate, all historic or archaeological landmarks and all property within each
3 historic district to preserve the historic or archaeological landmarks and property
4 within the district and the character of the district.

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

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

1 designate a landmark or establish a district under this subd. 2. a., the city may not
2 propose the designation of the same historic landmark or establishment of the same
3 historic district for one year.

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

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

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

13 66.0104 (2) (e) No city, village, town, or county may enact an ordinance that
14 does any of the following:

15 1. Requires that a rental property or rental unit be inspected except upon a
16 complaint by any person, as part of a program of regularly scheduled inspections
17 conducted in compliance with s. 66.0119, as applicable, or as required under state or
18 federal law.

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

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

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

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

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

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

7 66.0104 (2) (f) No city, village, town, or county may impose an occupancy or
8 transfer of tenancy fee on a rental unit.

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

10 66.0104 (2) (g) 1. Except as provided in subs. 2. and 3., no city, village, town,
11 or county may enact an ordinance that requires a residential rental property owner
12 to register or obtain a certification or license related to owning or managing the
13 residential rental property.

14 2. Subdivision 1. does not apply to an ordinance that applies uniformly to all
15 residential rental property owners, including owners of owner-occupied rental
16 property.

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

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

22 66.0104 (3) (c) If a city, village, town, or county has in effect on the effective date
23 of this paragraph [LRB inserts date], an ordinance that is inconsistent with sub.
24 (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

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

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

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

8 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a
9 county, city, village or town relating to the construction or inspection of multifamily
10 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.
11 101.02 (7m).

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

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

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

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

2 **SECTION 17.** 175.403 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 a dwelling.

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

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

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

19 349.13 **(3m)** (e) 1. Reasonable charges for removal and storage of vehicles
20 under this subsection when no citation has been issued.

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

22 349.13 **(3m)** (e) 3. Guidelines for towing services to notify law enforcement
23 under par. (d) upon removal of a vehicle when no citation has been issued.

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

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

5 (2) AT THE LANDLORD’S DISCRETION. (a) If a trespasser is removed or otherwise
6 removes from residential rental property and leaves personal property, the landlord
7 shall hold the personal property for 7 days from the date on which the landlord
8 discovers the personal property. After that time, the landlord may presume that the
9 trespasser has abandoned the personal property and may dispose of the personal
10 property in any manner that the landlord, in the landlord’s sole discretion,
11 determines is appropriate but shall promptly return the personal property to the
12 trespasser if the landlord receives a request for its return before the landlord
13 disposes of it.

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

19 (3) RIGHTS OF 3RD PERSONS. The landlord’s power to dispose as provided by this
20 section applies to any personal property left on the landlord’s property by the
21 trespasser, whether owned by the trespasser or by others. The power to dispose
22 under this section applies notwithstanding any rights of others existing under any
23 claim of ownership or security interest. The trespasser, other owner, or any secured
24 party has the right to redeem the personal property at any time before the landlord
25 has disposed of it or entered into a contract for its disposition by payment of any

1 expenses that the landlord has incurred with respect to the disposition of the
2 personal property.

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

5 704.17 (1) (b) (intro.) If a month-to-month tenant commits waste or a material
6 violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's
7 agreement, other than for payment of rent, the tenancy can be terminated if the
8 landlord gives any of the following applies:

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

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

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

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

1 704.17 (2) (b) If a tenant under a lease for a term of one year or less, or a
2 year-to-year tenant, commits waste or a material violation of s. 704.07 (3) or
3 breaches any covenant or condition of the tenant's lease, other than for payment of
4 rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice
5 requiring the tenant to remedy the default or vacate the premises on or before a date
6 at least 5 days after the giving of the notice, and if the tenant fails to comply with such
7 notice. A tenant is deemed to be complying with the notice if promptly upon receipt
8 of such notice the tenant takes reasonable steps to remedy the default and proceeds
9 with reasonable diligence, or if damages are adequate protection for the landlord and
10 the tenant makes a bona fide and reasonable offer to pay the landlord all damages
11 for the tenant's breach. If within one year from the giving of any such notice, the
12 tenant again commits waste or breaches the same or any other covenant or condition
13 of the tenant's lease, other than for payment of rent, the tenant's tenancy is
14 terminated if the landlord, ~~prior to the tenant's remedying the waste or breach,~~ gives
15 the tenant notice to vacate on or before a date at least 14 days after the giving of the
16 notice.

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

18 704.17 (3m) CRIMINAL ACTIVITY. (a) In this subsection:

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

20 2. "Drug-related criminal activity" means criminal activity that involves the
21 manufacture or distribution of a controlled substance. "Drug-related criminal
22 activity" does not include the manufacture, possession, or use of a controlled
23 substance that is prescribed by a physician for the use of a disabled person, as defined
24 in s. 100.264 (1) (a), and that is manufactured by, used by, or in the possession of the

1 disabled person or in the possession of the disabled person’s personal care worker or
2 other caregiver.

3 (b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided
4 in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a
5 tenant, without giving the tenant an opportunity to remedy the default, if the tenant,
6 a member of the tenant’s household, or a guest or other invitee of the tenant or of a
7 member of the tenant’s household engages in any criminal activity that threatens the
8 health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
9 engages in any criminal activity that threatens the health or safety of, or right to
10 peaceful enjoyment of their residences by, persons residing in the immediate vicinity
11 of the premises; engages in any criminal activity that threatens the health or safety
12 of the landlord or an agent or employee of the landlord; or engages in any
13 drug-related criminal activity on or near the premises. The notice shall require the
14 tenant to vacate on or before a date at least 5 days after the giving of the notice. The
15 notice shall state the basis for its issuance; include a description of the criminal
16 activity or drug-related criminal activity, the date on which the activity took place,
17 and the identity or description of the individuals engaging in the activity; advise the
18 tenant that he or she may seek the assistance of legal counsel, a volunteer legal clinic,
19 or a tenant resource center; and state that the tenant has the right to contest the
20 allegations in the notice before a court commissioner or judge if an eviction action is
21 filed. If the tenant contests the termination of tenancy, the tenancy may not be
22 terminated without proof by the landlord by the greater preponderance of the
23 credible evidence of the allegation in the notice.

24 2. To terminate a tenancy under this subsection, it is not necessary that the
25 individual committing the criminal activity or drug-related criminal activity has

1 been arrested for or convicted of the criminal activity or drug-related criminal
2 activity.

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

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

7 704.17 (5) (a) Provisions Except as provided in par. (b), provisions in the lease
8 or rental agreement for termination contrary to this section are invalid except in
9 leases for more than one year.

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

11 704.17 (5) (b) Provisions in any lease or rental agreement for termination
12 contrary to sub. (3m) are invalid.

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

14 704.19 (2) (b) 2. Notwithstanding subd. 1., nothing in this section prevents
15 termination of a tenancy before the end of a rental period because of an imminent
16 threat of serious physical harm, as provided in s. 704.16, or for criminal activity or
17 drug-related criminal activity, nonpayment of rent, or breach of any other condition
18 of the tenancy, as provided in s. 704.17.

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

21 **706.22 (title) Prohibition on imposing time-of-sale, purchase, or**
22 **occupancy requirements.**

23 **SECTION 30.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act
24 55, is amended to read:

1 706.22 (2) (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY
2 OF PROPERTY PROHIBITED.

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

5 706.22 (2) (a) (intro.) Except as provided in par. (b), no local governmental unit
6 may by ordinance, resolution, or any other means restrict do any of the following:

7 1m. Restrict the ability of an owner of real property to sell or otherwise transfer
8 title to or refinance the property by requiring the owner or an agent of the owner to
9 take certain actions with respect to the property or pay a related fee, to show
10 compliance with taking certain actions with respect to the property, or to pay a fee
11 for failing to take certain actions with respect to the property, at any of the following
12 times:

13 **SECTION 32.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act
14 55, is renumbered 706.22 (2) (a) 1m. a.

15 **SECTION 33.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act
16 55, is renumbered 706.22 (2) (a) 1m. b.

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

18 706.22 (2) (a) 2m. Restrict the ability of a person to purchase or take title to real
19 property by requiring the person or an agent of the person to take certain actions with
20 respect to the property or pay a related fee, to show compliance with taking certain
21 actions with respect to the property, or to pay a fee for failing to take certain actions
22 with respect to the property, at any of the following times:

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

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

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

3 **SECTION 35.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act
4 55, is renumbered 706.22 (2) (a) 1m. c.

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

6 706.22 (2) (a) 3m. Restrict the ability of a purchaser of or transferee of title to
7 residential real property to take occupancy of the property by requiring the
8 purchaser or transferee or an agent of the purchaser or transferee to take certain
9 actions with respect to the property or pay a related fee, to show compliance with
10 taking certain actions with respect to the property, or to pay a fee for failing to take
11 certain actions with respect to the property, at any of the following times:

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

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

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

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

17 706.22 (2) (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

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

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

23 706.22 (2) (b) 2. Prohibit a local governmental unit from enforcing, or otherwise
24 affect the responsibility, authority, or ability of a local governmental unit to enforce,

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 39.** 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 40.** 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 **SECTION 41.** 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 42.** 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 or, if no person is
25 lawfully upon the premises, without the consent of the owner of the property that

1 includes the dwelling, under circumstances tending to create or provoke a breach of
2 the peace, is guilty of a Class A misdemeanor.

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

4 943.14 (1) In this section, “dwelling” means a structure or part of a structure
5 that is used or intended to be used as a home or residence by one or more persons to
6 the exclusion of all others. For the purposes of this section, a dwelling meets that
7 definition regardless of whether the dwelling is currently occupied by a resident.

8 **SECTION 44. Initial applicability.**

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

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

15 (END)