

No. 661, S.]

[Published August 4, 1949.]

CHAPTER 598.

AN ACT to repeal and recreate 234.26 (3) (a), (b) and (c) and (4) of the statutes, relating to the emergency control of rents of and evictions from housing accommodations, and providing a penalty.

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

234.26 (3) (a), (b) and (c) and (4) of the statutes, as recreated by chapter 597, laws of 1949 (Bill No. 611, S.) are repealed and recreated to read:

234.26 (3) (a) On and after the effective date of this section the maximum rent legally chargeable for housing accommodations to which this section is applicable shall be as follows:

1. The maximum rent of a housing accommodation with respect to which a valid written lease was entered into in accordance with and as permitted by the provisions of the federal Housing and Rent Act of 1947, or the provisions of said act as amended by the federal Housing and Rent Act of 1948, at a rental not exceeding 15 per cent above the maximum rent otherwise chargeable, shall be the amount of the rental set forth in said lease or the maximum amount of rent as fixed by the federal rent control authorities for such accommodation in the absence of such lease in effect on the day previous to the day this section takes effect, whichever amount is the higher, plus 15 per cent of the maximum amount of the rent for such housing accommodation which would be legally chargeable for such accommodation pursuant to the said federal Housing and Rent Control Act of 1947, as amended, if no such lease had been entered into, which additional 15 per cent may be charged only (1) pursuant to a written lease covering the accommodation providing therefor, entered into after the effective date of this section and expiring on or after December 31, 1950, or (2) after such a written lease has been duly tendered or offered by the owner to the tenant of such accommodation after the effective date of this section and such tenant refuses or fails to enter into such lease within 10 days after the same is offered or tendered to him.

2. The maximum rent of a housing accommodation with respect to which no written lease was entered into in accordance with and as permitted by the provisions of the federal Housing and Rent Act of 1947, or said act as amended by the federal Housing and Rent Act of 1948, at a rental higher than the maximum rent otherwise chargeable, shall be the amount of maximum rent fixed by the federal rent control authorities, pursuant to the federal Housing and Rent Act of 1947, or said act as amended by the federal Housing and Rent Act of 1948 or the federal Housing and Rent Act of 1949, or both of said acts, for such accommodations in effect on the day previous to the day this section takes effect, plus 15 per cent of said maximum rent so fixed and plus an additional 15 per cent of said maximum rent so fixed, which last 15 per cent may be charged only (1) pursuant to a written lease covering the accommodations providing therefor entered into after the effective date of this section and expiring on or after December 31, 1950, or (2) after such a written lease has been duly tendered or offered by the owner to the tenant of such accommodations after the effective date of this section and such tenant refuses or fails to enter into such lease within 10 days after the same is offered or tendered to him.

3. Such leases shall contain a provision for cancellation thereof by the tenant upon 30 days' written notice, but may not contain any provisions for cancellation by the lessor except for violation of the terms of the lease and also except in the event of a bona fide sale, not made to circumvent the tenancy, upon 60 days' written notice.

(b) The maximum rent chargeable for a housing accommodation under this section shall not in any instance exceed 30 per cent above the maximum rent fixed by the federal rent control authorities for such accommodation in effect on March 30, 1949.

(c) The maximum rent for a trailer or trailer space shall be the amount of rent legally charged therefor on June 30, 1947, or if not rented on that date then the amount of rent charged therefor when first rented thereafter. The additional increases provided in subdivisions 1 and 2 of paragraph (a) of this subsection but computed upon the amount of maximum rent in this paragraph shall be applicable thereto.

(4) The provisions of this section shall apply only to housing accommodations as to which the rent chargeable therefor was fixed by federal rent control authorities and in effect on the day previous to the day this section takes effect or as to which the rent chargeable therefor on the day previous to the day this section takes effect was determined and fixed by the provisions of the federal Housing and Rent Act of 1947, as amended by the Housing and Rent Act of 1948 and the Housing and Rent Act of 1949. The provisions of this section shall also apply to housing accommodations as to which a valid written lease was entered into in accordance with and pursuant to the provisions of said Housing and Rent Act of 1947, said Housing and Rent Act of 1948 and said Housing and Rent Act of 1949, or any of said acts. This section shall not apply to any housing accommodation that was rented for the first time on or after February 1, 1947, notwithstanding that the same may have been subject to federal rent control under the provisions of said federal Housing and Rent Act of 1947, as amended by said federal Housing and Rent Act of 1948 and said federal Housing and Rent Act of 1949, at the time this section takes effect, or that is within any area which at the time this section takes effect was decontrolled pursuant to the provisions of said federal Housing and Rent Act of 1947, as amended by said federal Housing and Rent Act of 1948 and said federal Housing and Rent Act of 1949, or that is owned by the state or any county, city, village or town.

Approved July 30, 1949.
