

CHAPTER 188, Laws of 1979

AN ACT to renumber and amend 101.22 (6); to amend 101.22 (1), (1m) (b), (2) (b) and (4) (b); to repeal and recreate 101.22 (4m); and to create 101.22 (1) (bm), (2) (e) and (f), (2g), (4) (d), (6) (b) and (c), (7) and (8) of the statutes, relating to the state open housing law.

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

SECTION 1. 101.22 (1), (1m) (b), (2) (b) and (4) (b) of the statutes are amended to read:

101.22 (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, ~~physical condition, developmental disability as defined in s. 51.05 (5)~~ handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry and it is the duty of the local units of government to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under s. 66.433. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

(1m) (b) "Discriminate" and "discrimination" mean to segregate, separate, exclude or treat any person or class of persons unequally ~~only~~ because of sex, race, color, ~~physical condition, developmental disability as defined in s. 51.01 (5)~~ handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole bases for prohibiting discrimination.

(2) (b) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(4) (b) In carrying out this section the department and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this chapter. The department, upon its own motion, may test and investigate for the purpose of establishing violations of this section, and may make, sign and file complaints alleging violations of this section, and initiate investigations and studies to carry out the purposes of this section.

SECTION 2. 101.22 (1) (bm), (2) (e) and (f), (2g), (4) (d), (6) (b) and (c), (7) and (8) of the statutes are created to read:

101.22 (1) (bm) "Handicap" means any physical disability or developmental disability as defined under s. 51.01 (5) (a).

(2) (e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(2g) EXCEPTIONS. (a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(4) (d) At any time after a complaint is filed, the department may file a petition in the circuit court for the county in which the act of discrimination allegedly occurred, or for the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this section, including an order or decree restraining the respondent from performing an act tending to render ineffectual an order the department may enter with respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper.

(6) (b) Any person adjudged to have violated this section within 5 years after having been adjudged to have violated this section, for every violation committed within the 5 years, shall forfeit not less than \$1,000 nor more than \$10,000.

(c) Payment of a forfeiture under this section shall be stayed during the period in which any appeal may be taken and during the pendency of an appeal under sub. (5).

(7) PRIVATE CIVIL ACTIONS. (a) A person alleging a violation of this section may bring a civil action for appropriate injunctive relief, for damages including punitive damages, and for court costs and reasonable attorney fees in the case of a prevailing plaintiff.

(b) An action commenced under par. (a) may be brought in the circuit court for the county where the alleged violation occurred, or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred.

(c) The remedies provided for in this subsection shall be in addition to any other remedies contained in this section.

(8) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS. (a) If the department finds probable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action enumerated under sub. (2) for which the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings, and shall file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

SECTION 3. 101.22 (6) of the statutes is renumbered 101.22 (6) (a) and amended to read:

101.22 (6) (a) Any person who wilfully violates this section or any lawful order issued under this section shall, for each such ~~the~~ first violation, forfeit not less than ~~\$10~~ \$100 nor more than \$200. ~~Payment of any such forfeiture shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal under sub. (5)~~ \$1,000.

SECTION 4. 101.22 (4m) of the statutes is repealed and recreated to read:

101.22 (4m) INTERFERENCE, COERCION OR INTIMIDATION. No person may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this section, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.
