



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1142/P4
MCP:cdc

DOA:.....Rice, BB0329 - Landlord-tenant

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
LANDLORD-TENANT

Notification of building code violations

Under current law, before entering into a lease with or accepting any earnest money or a security deposit from a prospective tenant, a landlord must disclose to the prospective tenant any building code or housing code violations of which the landlord has actual knowledge if the violation presents a significant threat to the prospective tenant's health or safety. The bill eliminates the condition that the landlord have actual knowledge of such a violation and that the threat to the prospective tenant's health or safety be "significant"; under the bill, the landlord must disclose to a prospective tenant a building code or housing code violation, regardless of whether the landlord has actual knowledge of the violation, if the violation presents a threat to the prospective tenant's health or safety.

Terminating a tenancy on the basis of criminal activity

Current law allows a landlord, upon providing notice to a tenant, to terminate the tenant's tenancy, without an opportunity to cure the tenant's default, if the tenant, a member of the tenant's household, or a guest of the tenant 1) engages in any criminal activity that threatens the health or safety of other tenants, persons residing in the immediate vicinity of the premises, or the landlord; 2) engages in any

criminal activity that threatens the right to peaceful enjoyment of the premises by other tenants or persons residing in the immediate vicinity of the premises; or 3) engages in any drug-related criminal activity on or near the premises. The bill eliminates these provisions.

In addition, under current law, provisions in a lease are invalid if they violate current law provisions relating to terminating a tenancy on the basis of criminal activity. Under the bill, provisions in a lease are not invalid if they violate current law provisions relating to terminating a tenancy on the basis of criminal activity, if the lease is for more than one year.

LOCAL GOVERNMENT

Local landlord-tenant ordinances

Current law prohibits cities, villages, towns, and counties (local governments) from enacting certain ordinances relating to landlords and tenants. Local governments may not do any of the following:

1. Prohibit or limit landlords from obtaining or using certain information relating to a tenant or prospective tenant, including monthly household income, occupation, rental history, credit information, court records, and social security numbers.

2. Limit how far back in time a landlord may look at a prospective tenant's credit information, conviction record, or previous housing.

3. Prohibit or limit a landlord from entering into a rental agreement with a prospective tenant while the premises are occupied by a current tenant.

4. Prohibit or limit a landlord from showing a premises to a prospective tenant during a current tenant's tenancy.

5. Place requirements on a landlord with respect to security deposits or earnest money or inspections that are in addition to what is required under administrative rules.

6. Limit a tenant's responsibility for any damage to or neglect of the premises.

7. Require a landlord to provide any information to tenants or to the local government any information that is not required to be provided under federal or state law.

8. Require a residential property to be inspected except under certain circumstances.

9. Impose an occupancy or transfer of tenancy fee on a rental unit.

Current law also prohibits local government from regulating rent abatement in a way that permits abatement for conditions other than those that materially affect the health or safety of the tenant or that substantially affect the use and occupancy of the premises. The bill eliminates all of these prohibitions.

Local moratorium on evictions

Current law prohibits local governments from imposing a moratorium on landlords from pursuing evictions actions against a tenant. This bill eliminates that prohibition.

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

SECTION 1. 66.0104 of the statutes is repealed.

SECTION 2. 66.1010 of the statutes is repealed.

SECTION 3. 704.07 (2) (bm) 1. of the statutes is repealed.

SECTION 4. 704.07 (2) (bm) 3. of the statutes is amended to read:

704.07 (2) (bm) 3. The violation presents a ~~significant~~ threat to the prospective tenant's health or safety.

SECTION 5. 704.17 (3m) of the statutes is repealed.

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

704.17 (5) CONTRARY PROVISION IN THE LEASE. ~~Except as provided in par. (b), provisions~~ Provisions in the lease or rental agreement for termination contrary to this section are invalid except in leases for more than one year.

SECTION 7. 704.17 (5) (b) of the statutes is repealed.

SECTION 8. 704.19 (2) (b) 2. of the statutes is amended to read:

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

(END)