



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1175/P1
JAM&SWB:skw

DOA:.....Rice, BB0216 - Landlord-tenant

FOR 2023-2025 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.

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 governments 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. The bill eliminates that prohibition.

Rental property inspection requirements

The bill makes various changes to the requirements relating to inspections of rental properties. The bill eliminates existing limitations on inspection fees that municipalities and counties may charge for rental property inspections. Under the bill, a landlord must provide notice to a tenant of an impending inspection in the same manner the landlord would provide notice under current law to enter for repairs or to show the property to prospective tenants. The bill also provides that rental property inspection fees charged by a municipality or county are not subject to deduction from the municipality or county's tax levy.

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

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

SECTION 1. 66.0104 of the statutes is repealed.

SECTION 2. 66.0602 (2m) (c) of the statutes is created to read:

66.0602 **(2m)** (c) Rental inspection fees charged by a political subdivision are not subject to a deduction from the political subdivision's levy.

***NOTE: Because s. 66.0104 is repealed by the bill, I eliminated the cross reference to fees charged under that section and made this generally applicable to rental inspection fees charged by a political subdivision. Please let me know if you would like to make any changes. [SWB]

SECTION 3. 66.1010 of the statutes is repealed.

SECTION 4. 704.05 (2) of the statutes is amended to read:

704.05 **(2)** POSSESSION OF TENANT AND ACCESS BY LANDLORD. Until the expiration date specified in the lease, or the termination of a periodic tenancy or tenancy at will, and so long as the tenant is not in default, the tenant has the right to exclusive possession of the premises, except as hereafter provided. The landlord may upon advance notice and at reasonable times inspect the premises, allow a city, village, town, or county inspector access for an inspection, make repairs, and show the premises to prospective tenants or purchasers; and if the tenant is absent from the premises and the landlord reasonably believes that entry is necessary to preserve or protect the premises, the landlord may enter without notice and with such force as appears necessary.

SECTION 5. 704.07 (2) (bm) 1. of the statutes is repealed.

SECTION 6. 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 7. 704.07 (5) of the statutes is repealed.

(END)