



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2007 Wisconsin Act 184**  
[2007 Senate Bill 269]

**Landlord-Tenant; Termination of  
Tenancy**

Current law provides that if leased premises become untenable because of damage by fire, water, or other casualty, because of a condition that is hazardous to the tenant's health, or because the tenant's health or safety is materially affected by lack of repairs to the premises, the tenant may remove from the premises and is not responsible for rent for the period after the premises becomes untenable.

### **Termination of Tenancy by Tenant**

Wisconsin Act 184 permits a residential tenant to terminate his or her tenancy and remove from the premises if both of the following apply:

1. The tenant or a child of the tenant faces an eminent threat of serious physical harm from another person if the tenant remains on the premises.
2. The tenant provides the landlord with legal notice and with a certified copy of any of the following:
  - a. An injunction order under s. 118.12 (4) (domestic abuse injunction) protecting the tenant from the person.
  - b. An injunction under s. 118.122 (child abuse restraining order and injunctions) protecting a child of the tenant from the person.
  - c. An injunction order under s. 813.125 (4) (harassment restraining orders and injunctions) protecting a tenant or child of the tenant from the person, based on the person's engaging in an act that would constitute sexual assault or stalking, or attempting or threatening to do the same.
  - d. A condition of release under ch. 969 ordering the person not to contact the tenant.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- e. A criminal complaint alleging that the person sexually assaulted the tenant or a child of the tenant under s. 940.225, 948.02, or 948.025.
- f. A criminal complaint alleging that the person stalked the tenant or a child of the tenant under s. 940.32.
- g. A criminal complaint that was filed against the person as a result of the person being arrested for committing a domestic abuse offense against the tenant under s. 968.075.

2007 Wisconsin Act 184 provides that if a residential tenant leaves from the premises because of a threat of serious physical harm to the tenant or a child of the tenant from another person and provides the landlord with a certified copy and appropriate notice, the tenant is not liable for any rent after the end of the month following the month in which he or she provides the notice or removes from the premises, whichever is later. The tenant's liability for rent is subject to the landlord's duty to mitigate damages as provided under current statutes.

### **Termination of Tenancy by Landlord**

Wisconsin Act 184 provides that a landlord may terminate the tenancy of an offending tenant if all of the following apply:

1. The offending tenant, defined as the tenant whose tenancy is being terminated, commits one or more acts, including verbal threats, that cause another tenant or a child of that other tenant, who occupies a dwelling in the same single-family rental unit, multi-unit dwelling, or apartment complex as the offending tenant to face an eminent threat of serious physical harm from the offending tenant if the offending tenant remains on the premises.
2. The offending tenant is the named defender in any of the following:
  - a. An injunction order under s. 813.12 (4), protecting the other tenant from the offending tenant.
  - b. An injunction under s. 813.122, protecting the child of the other tenant from the offending tenant.
  - c. An injunction under s. 813.125 (4), protecting the other tenant or the child of the other tenant from the offending tenant, based on the offending tenants engaging in an act that would constitute sexual assault, stalking, or attempting or threatening to do the same.
  - d. A condition of release under ch. 969 ordering the offending tenant not to contact the other tenant.
  - e. A criminal complaint alleging that the offending tenant sexually assaulted the other tenant or the child of the other tenant under s. 940.225, 948.02, or 948.025.
  - f. A criminal complaint alleging that the offending tenant stalked the other tenant or the child of the other tenant under s. 940.32.
  - g. A criminal complaint that was filed against the offending tenant as a result of the offending tenant being arrested for committing a domestic abuse offense against the other tenant.

The Act requires the landlord to give the offending tenant written notice that complies with statutory provisions, requiring the offending tenant to vacate on or before a date that is at least five days after the giving of the notice. The notice is required to include the basis for its issuance and the right of the offending tenant to contest the termination of tenancy in an eviction action. If the offending tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegations against the offending tenant.

### **Protection of Tenant**

Wisconsin Act 184 provides that a rental agreement is void and unenforceable if it allows a landlord in a residential tenancy to do any of the following because a tenant has contacted an entity for law enforcement services, health services, or safety services:

1. Increase rent.
2. Decrease services.
3. Bring an action for possession of the premises.
4. Refuse to renew a rental agreement.
5. Threaten to take any action regarding any of the above prohibitions.

The Act defines “rental agreement” to mean an oral or written agreement between a landlord and tenant, for the rental or lease of a specific dwelling unit or premises, in which the landlord and tenant agree on the essential terms of the tenancy, such as rent. “Rental agreement” includes a lease, but does not include an agreement to enter into a rental agreement in the future.

### **Fees for Assistance Calls**

Act 184 prohibits a city, village, town, or county from enacting an ordinance or enforcing an existing ordinance that imposes a fee on the owner or occupant of property for a call for assistance that is made by the owner or occupant requesting law enforcement services that relate to any of the following:

1. Domestic abuse.
2. Sexual assault.
3. Stalking.

**Effective Date:** Act 184 first applies to rental agreements entered into, modified, or renewed, on or after April 9, 2008. In addition, the provisions dealing with calls for assistance first applies to calls that are made for services on the effective date of the Act, which is April 9, 2008.

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