



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 400

**Assembly
Amendments 1 and 2**

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2009 Assembly Bill 400 relates to requiring landlords to change locks.

Current law provides that a tenant may terminate his or her tenancy and remove from the premises if the tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. Under the statutes, the tenant is required to provide notice to the landlord and a certified copy of one of the following:

1. An injunction order protecting the tenant or the child from the person.
2. A condition of release ordering the person not to contact the tenant.
3. A criminal complaint alleging that the person sexually assaulted or stalked the tenant or the child.
4. A criminal complaint filed against the person as a result of an arrest for committing a domestic abuse offense against the tenant.

Assembly Bill 400 requires a landlord to change the locks to a tenant's premises, or give a tenant permission to do so, regardless of whether the tenant is terminating his or her tenancy, if the tenant requests it and provides the landlord with a certified copy of one of the documents the tenant must provide under current law to terminate his or her tenancy because the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. Under the bill, the landlord must change the locks, or give the tenant permission to do so, within 48 hours after receiving the request and certified copy of the document. The bill specifies that the tenant is responsible for the cost of having the locks changed.

Assembly Bill 400 also provides an exception from the requirement to change the locks. If the person who is the subject of the document that the tenant provides a certified copy of to the landlord is also a tenant of the premises for which the locks are to be changed, then the landlord is not required to

change the locks unless the document is either an injunction directing that other tenant to avoid the residence of the tenant requesting that the locks be changed, or is a condition of release ordering that other tenant not to contact the tenant requesting the locks be changed.

Assembly Amendment 1 provides that nothing in the legislation shall be construed to relieve a tenant who is the subject of the document provided to the landlord from any obligation under a rental agreement or any other liability to the landlord.

The amendment also provides that a landlord is not liable for civil damages for any action taken to comply with the provisions of the bill.

Assembly Amendment 2 specifically provides that if the landlord gives the tenant permission to change the locks, within a reasonable time after any locks have been changed, the tenant must provide the landlord with a key for the changed lock.

Legislative History

Assembly Bill 400 was introduced by Representative Dexter and others; cosponsored by Senator Holperin and others on August 26, 2009. The bill was subsequently referred to the Assembly Committee on Housing. That committee held a hearing on the bill on October 7, 2009. Assembly Amendment 1 was introduced by Representative Dexter on October 9, 2009 and Assembly Amendment 2 was introduced by Representative Dexter on October 13, 2009. At an executive session held by the Assembly Committee on Housing on October 14, 2009, the committee voted to adopt Assembly Amendments 1 and 2 on votes of Ayes, 7; Noes, 0. The committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 7; Noes, 0.

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