

No. 18, A.]

[Published June 9, 1920.

CHAPTER 15.

AN ACT to amend section 2183 of the statutes, relating to the termination of tenancies.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 2183 of the statutes is amended to read: SECTION 2183. Whenever there is a tenancy at will or by sufferance, created in any manner, the same may be terminated by the landlord's giving * * * two month's notice in writing to the tenant requiring him to remove from the demised premises or by the tenant's giving one month's notice in writing that he shall remove from said premises and by surrendering to the landlord the possession thereof within the time limited in such notice; but when the rent reserved in a lease at will is payable at periods of less than one month such notice shall be sufficient if it be equal to the interval between the times of payment; and in all cases of neglect or refusal to pay the rent due on a lease at will fourteen days' notice to remove, given by the landlord, shall be sufficient to determine the lease.

SECTION 2. This act shall not affect notices already served or pending litigation, shall take effect upon passage and publication, and be in force and effect until April 30, 1923, unless sooner repealed.

Approved June 3, 1920.

No. 1, S.]

[Published June 9, 1920.

CHAPTER 16.

AN ACT relating to the regulation of rent and the terms and conditions of the use and occupancy of certain rental property, providing a penalty, and making an appropriation.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is declared that the provisions of this act are made necessary by a public emergency growing out of the world war, resulting in such housing conditions in cities of this state that the freedom of contract in connection therewith has been impaired, and unjust, unreasonable and oppressive agreements for the payment of rent and for rental service have been and are now being exacted by landlords from tenants, which conditions seriously affect and endanger the public welfare, health and morals. It is also declared that this act is enacted as tem-

porary emergency legislation and that it shall terminate on April 30, 1923, unless sooner repealed.

SECTION 2. The following terms, as used in this act, are defined as follows:

1. "Rental property" means property of the following description situated (1) in any city in any county in this state having a population of two hundred and fifty thousand or over or (2) in any village in any county in this state having a population of two hundred and fifty thousand or over;

(a) Any tenement house, apartment house, flat building or duplex building or part thereof or land appurtenant thereto, rented or hired for residential purposes;

(b) Any building or part thereof rented or hired for office purposes, or land appurtenant thereto;

(c) Any building not included in paragraphs (a) and (b) of this subsection and no part of which is occupied by the owner thereof for residential purposes, rented or hired for residential purposes, or any part of such building or land appurtenant thereto;

(d) All service, as defined in subsection 4 of this section to be rendered or furnished in connection with the use or occupancy of any building included within this subsection.

2. "Owner" means any person, firm or corporation which is a lessor or a sub-lessor, or any other person, firm or corporation entitled to receive rent or charges for the use or occupancy of any rental property or any interest therein, or the agent of such person, firm or corporation.

3. "Tenant" means any person, firm or corporation which is a tenant, sub-tenant, lessee, sub-lessee, or any other person, firm or corporation, not the owner, entitled to the use or occupancy of any rental property.

4. "Service" means the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, laundry and bath facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property.

5. "Commission" means the railroad commission of Wisconsin.

SECTION 3. All rents, charges, or other terms or conditions for the use or occupancy of rental property and all services in connection therewith shall be reasonable and just, and every

unreasonable or unjust rent, charge, or other term or condition for the use or occupancy of rental property or service in connection therewith is prohibited and declared unlawful.

SECTION 4. The commission is vested with power and jurisdiction to carry out the provisions and intent of this act and may do all things reasonably necessary and convenient in the exercise of such power and jurisdiction.

SECTION 5. The commission upon its own motion may, or upon complaint shall, proceed with or without notice to investigate whether the rent, charge, or other terms or conditions for the use or occupancy of rental property or the service in connection therewith are reasonable and just. But no order affecting any such rent, charge, terms, conditions or service or act complained of shall be entered by the commission without a formal public hearing. Complaints may be made by or on behalf of any tenant; and may also be made by any owner except where the tenant is in possession under a lease or other contract, the term specified in which has not expired, and the reasonableness and justness of which has not been determined by the commission. Notices of complaints and of the time and place of hearings thereon shall be given by the commission as provided in sections 1797m—44 and 1797m—45.

SECTION 6. If upon such investigation the commission finds that such rent, charge or other terms or conditions for the use or occupancy of rental property or service in connection therewith are unreasonable or unjust or otherwise in violation of the provisions of this act, it shall fix and order substituted therefor such rent, charge, terms, conditions or service as shall be reasonable and just.

SECTION 7. (1) An order of the commission fixing a just and reasonable rent, charge, term, condition or service entered in a proceeding begun by complaint shall be effective as of the date of the filing of the complaint. The difference between the amount of rent or charge paid for the period from the filing of the complaint to the date of the commission's order and the amount that would have been payable for such period at the reasonable and just rate fixed by the commission may be added to or subtracted from, as the case may be, future rent payments, or may be recovered in an action in any court of competent jurisdiction.

(2) An order entered by the commission in a proceeding begun on its own motion shall become effective on the date of service thereof, unless a different time be provided by said order.

(3) The commission shall cause a certified copy of all such orders to be delivered to the owner affected thereby, or to an officer or agent thereof.

SECTION 8. The commission may at any time in the manner provided in section 1797m—62 rescind, alter or amend any order fixing any rent, charge, term or condition for the use or occupancy of rental property or any service in connection therewith or any other order of the commission entered pursuant to the provisions of this act.

SECTION 9. All rents or charges fixed by the commission shall be in force and prima facie lawful and all service, regulations, practices, terms and conditions prescribed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 10. Such orders shall remain effective, notwithstanding any change in ownership or tenancy of the property affected thereby, unless and until the commission modifies or sets aside such orders upon complaint either of the owner or of the tenant.

SECTION 10. Any owner or any person, firm or corporation in interest being dissatisfied with any order of the commission fixing any rent, charge, term, condition, service or regulation may commence an action in the circuit court for Dane county against the commission as defendant to vacate, set aside, alter or amend or enjoin the enforcement of such order of the commission or any part thereof as provided in sections 1797m—64 to 1797m—73, inclusive, except that such action shall be commenced within twenty days after the entry or rendition of such order, and said sections so far as applicable, shall apply to such action; but the pendency of such action shall not of itself stay or suspend the operation of the order of the commission.

SECTION 11. The commission may exercise the powers conferred in sections 1797m—36 to 1797m—41, inclusive, and 1797m—53 to 1797m—57, inclusive, and the provisions of said sections, so far as applicable, shall apply to and govern all proceedings under the provisions of this act.

SECTION 12. If the owner of any rental property receives or collects any rent or charge in excess of the amount fixed in an order of the commission made and in full force and effect in accordance with the provisions of this act, he shall be liable for, and the commission is authorized and directed to commence an action in any court of competent jurisdiction to recover double the amount of such excess together with the costs of the

proceedings, which shall include a reasonable attorney's fee, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the state treasury. But if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's order, the whole amount of such recovery shall be paid into the state treasury.

SECTION 13. If in any proceeding before the commission, begun by complaint or upon the commission's own motion, and involving any lease or other contract for the use or occupancy of any rental property, the commission finds that during the tenancy the owner has, directly or indirectly willfully withdrawn from the tenant any service required by an order of the commission to be furnished, or has by act, neglect, or omission, contrary to such lease or contract or to law or to any order of the commission or any ordinance or regulation made in pursuance of law, exposed the tenant, directly or indirectly, to any unsafe or unsanitary condition or imposed upon him any burden, loss or unusual inconvenience in connection with his use or occupancy of such rental property, the commission may determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission may likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in any court of competent jurisdiction.

SECTION 14. Whenever under the provisions of this act a tenant is entitled to bring suit to recover any sum due him under any determination or order of the commission, the commission may, upon application by the tenant and without expense to him, commence and prosecute in any court of competent jurisdiction an action, on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fees when recovered shall be paid into the state treasury.

SECTION 15. The commission may prescribe and promulgate standard forms of leases and other contracts for the use or oc-

cupancy of any rental property and may require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court shall be interpreted, applied and enforced in the same manner as if it were in the form and contained the provisions of such standard form.

SECTION 16. No tenant shall assign his lease or contract of or sublet any rental property at a rate in excess of the rate paid by him under his lease or contract without the consent of the commission upon application, and in such case the commission shall determine and fix a fair and reasonable rate of rent or charge for such assignment or sublease.

SECTION 17. Any person, firm or corporation entering into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, or participating in any fictitious sale or other arrangement or transaction the purpose of which is to grant or obtain the use or occupancy of any rental property without subjecting such use or occupancy to the provisions of this act or to the jurisdiction of the commission, or failing, neglecting or refusing to obey any lawful requirement or order of the commission, or otherwise violating any of the provisions of this act, or any owner unreasonably evicting or refusing to accept a tenant for the reason that such tenant has children living with him, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment for not exceeding one year, or by both such fine and imprisonment.

SECTION 18. There is appropriated to the railroad commission out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act not exceeding ten thousand dollars; such appropriation to be available from time to time in such allotments as are approved by the governor.

SECTION 19. This act shall take effect upon passage and publication.

Approved June 3, 1920.