

such fund. Only persons who are members of such fund created by chapter 589, laws of 1921, on the day before this act becomes effective may contribute to such fund or be members thereof after said date.

SECTION 33. Chapter 423, laws of 1923, subsection 68 of section 1, is created to read:

(Chapter 423, Laws of 1923) Section 1 (68). No person who had not contributed to and become a member of a firemen's annuity and benefit fund in a city of the first class established pursuant to chapter 423 of the laws of 1923 shall be permitted to contribute to such fund or become a member thereof on or after the passage of this act nor shall he or his widow or his child be, or become, entitled to receive any benefit from such fund. Only persons who are members of such fund created by chapter 423, laws of 1923, on the day before this act becomes effective may contribute to such fund or be members thereof after said date.

SECTION 34. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

Approved July 23, 1947.

No. 321, S.]

[Published July 25, 1947.

### CHAPTER 442.

AN ACT to create 234.26 of the statutes, relating to the emergency control of rentals of and evictions from housing accommodations, and providing a penalty.

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

234.26 of the statutes is created to read:

234.26 EMERGENCY CONTROL OF RENTALS. (1) DECLARATION OF PUBLIC EMERGENCY. The legislature hereby finds that a serious public emergency exists in the housing of a considerable number of persons in the state of Wisconsin which emergency has come as a result of the economic disruptions at

tendant upon the recent war and the aftermath of hostilities; that such emergency has come as a result of an acute shortage in dwellings; that during the war years essential materials and manpower needed to prosecute the war were diverted from the building industry; that as a result of the shortage of housing it is necessary to prevent the exaction of unjust, unreasonable and oppressive rents and rental agreements and to forestall extensive evictions and profiteering, speculation and other disruptive practices tending to produce threats to the public health and public welfare; that the federal government has and is presently exercising controls over rentals on housing facilities but these controls may expire or be suspended before the emergency in this state has passed; and that it is imperative that the state of Wisconsin provide regulation and control of rentals of and evictions from housing facilities; and that the provisions of this section are declared to be necessary and designed to protect the public health, safety and general welfare.

(2) DEFINITIONS. When used in this section, unless a different meaning clearly appears from the context, the following terms shall mean and include:

(a) "Housing accommodation." Any building or structure, permanent or temporary, or any part thereof, occupied or intended to be occupied by one or more individuals as a residence, home, sleeping place, boarding house, lodging house or hotel, together with the land and buildings appurtenant thereto, and all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof, but does not include a hospital, convent, monastery, asylum, public institution, college or school dormitory, dwelling situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon, dwelling space occupied by domestic servants, caretakers, managers, or other employes to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part, hotel accommodations for transient guests, and dwelling accommodations used for summer or winter resort purposes and customarily rented or occupied on a seasonal basis prior to the date this section becomes operative.

(b) "Rent control area." Any area designated by federal rent control authorities as an area wherein abnormal conditions

have resulted or threaten to result in rents for housing accommodations and in which maximum legal rentals fixed by federal rent control authorities were operative on the last day federal rent control was in effect.

(c) "Rent." Consideration, including any bonus, benefit or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such housing accommodations.

(d) "Owner occupancy." Occupancy by the owner for his immediate and personal use and occupancy and not for the purpose of circumventing a tenancy theretofore existing.

(e) "Owner." A person who has acquired title (legal or equitable) to the property and has made a bona fide payment of not less than 20 per cent of the purchase price thereof. Any credit extended by or guarantee of credit granted by the federal administration of veterans' affairs under Title III of the Servicemen's Readjustment Act of 1944, as amended, or by the state board of veterans' affairs shall be deemed a bona fide payment under this paragraph.

(f) "Hotel." As defined in section 160.01.

(g) "Permanent Guest." Any person who has been an occupant of a housing accommodation in a hotel continuously since January 1, 1947 and not on a day rate basis.

(h) "Maximum rent." During the time the federal rent control law existing on July 1, 1947 is in effect the maximum rent of housing accommodations as to which the rent chargeable is fixed by or pursuant to said federal rent control law shall be the amount so fixed therefor. After the expiration of said federal rent control law, the maximum rent of housing accommodations as to which the rent chargeable was fixed by or pursuant to said federal rent control law on the last day such federal rent control law was in effect shall be the amount legally chargeable on June 30, 1947 under the federal rent control law, subject to the following:

1. Plus an increase of 15 per cent of said amount as the base.

2. Plus an additional increase of 5 per cent of said base amount as to any tenant who was in occupancy of the housing accommodation any time subsequent to June 30, 1947 and refused or failed to enter into a written lease of the accommodation up to and including December 31, 1948 at an increase in rental

of 15 per cent over said base amount as provided by the federal rent control law in effect on July 1, 1947 if such a lease was duly tendered or offered to him by the owner on or before December 31, 1947.

3. The maximum rent chargeable for tenancies commencing after the expiration of the federal rent control law existing on July 1, 1947 shall be the said base amount plus the 15 per cent increase in subdivision 1 but shall not be subject to the additional increase in subdivision 2.

4. If the rent lawfully prevailing for a housing accommodation at the expiration of said federal control law is higher than the rental permitted under this subsection, such higher rental shall be permitted.

(3) MAXIMUM RENT FOR HOTEL PERMANENT GUESTS. If the maximum rent of housing accommodations for permanent guests in a hotel does not fall within the foregoing provisions of subsection (2) (h), then during the time this section is in effect the maximum rent that may be charged a permanent guest of a hotel shall be the amount of rent payable by such permanent guest for the housing accommodation on June 30, 1947 plus an increase of 25 per cent of such amount.

(4) APPLICABILITY OF SECTION. The provisions of this section shall apply during the time the federal rent control law existing on July 1, 1947 is in effect only to housing accommodations as to which, and during the time that, the rent chargeable therefor is fixed by federal rent control authorities, and from and after the expiration of said federal rent control law only to housing accommodations as to which the rent chargeable therefor was fixed by federal rent control authorities and in effect on the last day said federal rent control law was in effect. The provisions of this section shall also apply to the occupancy by a permanent guest of housing accommodations in a hotel which was occupied by such permanent guest on June 30, 1947.

(5) RENT LIMITED. No rent shall be exacted or paid for a housing accommodation in excess of the maximum rent provided in subsection (2) (h). Substantially the same services which were included as a part of the housing accommodation shall be maintained and continued after said federal rent control law expires as were required to be furnished on the last day said federal rent control law was in effect.

(6) EVICTIONS REGULATED. From and after the effective

date of this section and during the time a maximum rent, as defined in subsections (2) (h) and (3) is in effect in respect to a housing accommodation, no tenant thereof who has entered into possession with the consent or permission of the landlord shall be evicted therefrom except when such tenant:

(a) Fails to pay rent which is not in excess of the maximum rent lawfully chargeable under the provisions of this section.

(b) Has violated a substantial obligation of the terms of his tenancy other than an obligation to pay rent higher than that permitted under this section or an obligation to surrender possession, and has continued such violation after receipt of a written notice from the landlord that such violation must cease. Subletting all or part of a housing accommodation by the tenant without the written consent of the landlord shall constitute a violation of a substantial obligation of the terms of tenancy.

(c) Has committed or permitted or is committing or permitting a nuisance or waste on or about the housing accommodation or is using the same for immoral or unlawful purpose or predominantly for other than living or dwelling purposes.

(d) Fails or refuses to surrender possession for bona fide owner occupancy after a 6 months' written notice by the owner to such tenant to surrender the premises, given as provided in section 234.04. Transfer from other accommodation owned by the owner shall not be deemed bona fide owner occupancy unless the tenant is offered such accommodation vacated by the owner at a rent proportionately comparable to the rent of the accommodations covered by the notice. No such notice shall be valid unless the person giving it was at that time an owner as defined in subsection (2) (e) and it includes a sworn statement showing that he is such owner and that said notice is not given to circumvent the existing tenancy. Any person who shall make any such statement which is false shall be subject to the penalties provided in section 236.02. Eviction under this paragraph shall not subject the tenant to liability under section 291.10. A tenant served with such notice may have the sufficiency or validity thereof determined by declaratory judgment under section 269.56, provided proceedings therefor are commenced not later than 30 days after the date of service of such notice.

(e) Unreasonably interferes with the peaceable possession of other residents in the same building.

(f) Fails or refuses to surrender possession to the holder of

a certificate authorizing eviction which was issued prior to July 1, 1947 by federal rent control authorities, and where (1) the period of time specified in such certificate has expired, (2) the ground for eviction is one set forth in the Housing and Rent Act of 1947 (Public Law 129, 80th Congress Chapter 163, 1st session), and (3) due and proper notice of termination of the tenancy has been given in accordance with section 234.03 or other applicable provision of the statutes.

(g) Fails or refuses to surrender possession for the purpose of substantially altering, remodeling or demolishing the housing accommodation and replacing same with new construction, after a 6 months' written notice by the owner to such tenant to surrender the premises for such purposes, given as provided in section 234.04. No such notice shall be valid unless it contains a sworn statement that the necessary permit or approval required by local law, ordinance or regulation for the proposed alteration, remodeling or construction has been obtained and that the same cannot be done with such tenant in occupancy. Any person who shall make any such statement which is false shall be subject to the penalties provided in section 346.02. Eviction under this paragraph shall not subject the tenant to liability under section 291.10. A tenant served with such notice may have the sufficiency or validity thereof determined by declaratory judgment under section 269.56, provided proceedings therefor are commenced not later than 30 days after the date of service of such notice.

(h) After the effective date of this section no eviction proceeding involving a housing accommodation in respect to which this section is operative shall be predicated upon any notice of termination of tenancy given prior to the effective date of this section, except a notice given under paragraph (f).

(i) In all eviction proceedings under this subsection termination of tenancy shall be required. The time and manner of giving notice thereof shall be as provided in section 234.03 or other applicable provision of the statutes, except that the time of notice in proceedings under paragraphs (d) and (g) shall be as prescribed therein.

(7) EVICTION PROCEEDINGS, WHERE BROUGHT.  
During the time this section is operative in respect to a housing accommodation:

(a) No eviction proceeding in respect thereto shall be brought except in a court of record;

(b) Every court of record is hereby granted jurisdiction in such matters; and

(c) The procedure in respect to such evictions shall be the same as provided in chapter 291 with only such changes as may be necessary to adapt the same to proceeding in a court of record. The jurisdiction hereby granted shall also extend to the disposition of a proceeding commenced in such court prior to the date on which this section becomes inoperative as to the housing accommodation involved therein.

(8) **TERMINATION OF EMERGENCY.** If the governor finds that a public emergency no longer exists in respect to any rent control area or part thereof or type or types of housing accommodations therein, the governor may by proclamation declare such fact and thereafter this section shall not be operative in respect to such area or part thereof or to the type or types of housing accommodations therein specified in such proclamation. Any proclamation issued by the governor pursuant to this section shall be filed in the office of the secretary of state and shall not be effective until published in the official state paper.

(9) **GENERAL PROVISIONS.** Any waiver of any of the provisions of this section shall be unenforceable and void. To the extent that the provisions of this section are inconsistent with the provisions of any general, special or local law or charter provisions the provisions of this section shall be controlling.

(10) This section shall continue in effect until April 1, 1949.

Approved July 23, 1947.

No. 406, S.]

[Published July 29, 1947.

### CHAPTER 443.

AN ACT to amend 67.13 (1) and (2) of the statutes, relating to county bonds for highway improvement.

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

67.13 (1) and (2) of the statutes are amended to read:

67.13 (1) Any county, if its board shall so determine, may raise money for the improvement of any \* \* \* portions of the