



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4062/1  
MED:skw

## 2019 SENATE BILL 539

October 31, 2019 - Introduced by Senators CARPENTER, L. TAYLOR, RISSER and LARSON, cosponsored by Representatives C. TAYLOR, ZAMARRIPA, ANDERSON, CABRERA, MILROY, SARGENT, NEUBAUER, BROSTOFF, SUBECK, BOWEN, SINICKI, CONSIDINE, POPE, OHNSTAD, GOYKE, HAYWOOD and EMERSON. Referred to Committee on Utilities and Housing.

1     **AN ACT to amend** 66.0125 (3) (a), 66.0125 (3) (c) 1. b., 66.1011 (1), 66.1201 (2m),  
2             66.1213 (3), 66.1301 (2m), 66.1331 (2m), 66.1333 (3) (e) 2., 106.50 (1), 106.50  
3             (1m) (h), 106.50 (1m) (nm), 106.50 (5m) (f) 1., 224.77 (1) (o), 234.29 and 452.14  
4             (3) (n) of the statutes; **relating to:** discrimination based on citizenship or  
5             immigration status under the open housing law.

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***Analysis by the Legislative Reference Bureau***

Under the current open housing law and other laws, it is unlawful for any person to engage in certain forms of discrimination in housing based upon certain of an individual's characteristics such as sex, race, color, sexual orientation, disability, religion, national origin, marital status, and family status. This bill adds citizenship or immigration status to the list of characteristics on which it is unlawful to discriminate in housing.

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

6             **SECTION 1.** 66.0125 (3) (a) of the statutes is amended to read:  
7             66.0125 (3) (a) The purpose of the commission is to study, analyze, and  
8             recommend solutions for the major social, economic, and cultural problems that

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1 affect people residing or working within the local governmental unit, including  
2 problems of the family, youth, education, the aging, juvenile delinquency, health and  
3 zoning standards, discrimination in employment and public accommodations and  
4 facilities on the basis of sex, class, race, religion, sexual orientation, or ethnic or  
5 minority status and discrimination in housing on the basis of sex, class, race,  
6 citizenship or immigration status, religion, sexual orientation, ethnic or minority  
7 status, or status as a victim of domestic abuse, sexual assault, or stalking.

8 **SECTION 2.** 66.0125 (3) (c) 1. b. of the statutes is amended to read:

9 66.0125 (3) (c) 1. b. To ensure to all residents of a local governmental unit,  
10 regardless of sex, race, sexual orientation, or color, the right to enjoy equal  
11 employment opportunities and to ensure to those residents, regardless of sex, race,  
12 citizenship or immigration status, sexual orientation, color, or status as a victim of  
13 domestic abuse, sexual assault, or stalking, the right to possess equal housing  
14 opportunities.

15 **SECTION 3.** 66.1011 (1) of the statutes is amended to read:

16 66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal  
17 opportunities for housing regardless of their sex, race, color, disability, as defined in  
18 s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national  
19 origin, citizenship or immigration status, marital status, family status, as defined  
20 in s. 106.50 (1m) (k), status as a victim of domestic abuse, sexual assault, or stalking,  
21 as defined in s. 106.50 (1m) (u), lawful source of income, age, or ancestry is a matter  
22 both of statewide concern under ss. 101.132 and 106.50 and also of local interest  
23 under this section and s. 66.0125. The enactment of ss. 101.132 and 106.50 by the  
24 legislature does not preempt the subject matter of equal opportunities in housing  
25 from consideration by political subdivisions, and does not exempt political

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1 subdivisions from their duty, nor deprive them of their right, to enact ordinances that  
2 prohibit discrimination in any type of housing solely on the basis of an individual  
3 being a member of a protected class.

4 **SECTION 4.** 66.1201 (2m) of the statutes is amended to read:

5 66.1201 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
6 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,  
7 facility, or privilege in any manner for any purpose nor be discriminated against  
8 because of sex, race, color, creed, sexual orientation, status as a victim of domestic  
9 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or~~ national origin,  
10 or citizenship or immigration status.

11 **SECTION 5.** 66.1213 (3) of the statutes is amended to read:

12 66.1213 **(3)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
13 facility, or privilege under this section may not be denied the right, benefit, facility,  
14 or privilege in any manner for any purpose nor be discriminated against because of  
15 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual  
16 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or~~ national origin, or citizenship  
17 or immigration status.

18 **SECTION 6.** 66.1301 (2m) of the statutes is amended to read:

19 66.1301 **(2m)** DISCRIMINATION. Persons entitled to any right, benefit, facility,  
20 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,  
21 or privilege in any manner for any purpose nor be discriminated against because of  
22 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual  
23 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or~~ national origin, or citizenship  
24 or immigration status.

25 **SECTION 7.** 66.1331 (2m) of the statutes is amended to read:

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1           66.1331 **(2m)** DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
2 facility, or privilege under this section may not be denied the right, benefit, facility,  
3 or privilege in any manner for any purpose nor be discriminated against because of  
4 sex, race, color, creed, sexual orientation, status as a victim of domestic abuse, sexual  
5 assault, or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin, or citizenship~~  
6 or immigration status.

7           **SECTION 8.** 66.1333 (3) (e) 2. of the statutes is amended to read:

8           66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or  
9 privilege under this section may not be denied the right, benefit, facility, or privilege  
10 in any manner for any purpose nor be discriminated against because of sex, race,  
11 color, creed, sexual orientation, status as a victim of domestic abuse, sexual assault,  
12 or stalking, as defined in s. 106.50 (1m) (u), ~~or national origin, or citizenship or~~  
13 immigration status.

14           **SECTION 9.** 106.50 (1) of the statutes is amended to read:

15           106.50 **(1)** INTENT. It is the intent of this section to render unlawful  
16 discrimination in housing. It is the declared policy of this state that all persons shall  
17 have an equal opportunity for housing regardless of sex, race, color, sexual  
18 orientation, disability, religion, national origin, citizenship or immigration status,  
19 marital status, family status, status as a victim of domestic abuse, sexual assault,  
20 or stalking, lawful source of income, age, or ancestry and it is the duty of the political  
21 subdivisions to assist in the orderly prevention or removal of all discrimination in  
22 housing through the powers granted under ss. 66.0125 and 66.1011. The legislature  
23 hereby extends the state law governing equal housing opportunities to cover  
24 single-family residences that are owner-occupied. The legislature finds that the  
25 sale and rental of single-family residences constitute a significant portion of the

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1 housing business in this state and should be regulated. This section shall be  
2 considered an exercise of the police powers of the state for the protection of the  
3 welfare, health, peace, dignity, and human rights of the people of this state.

4 **SECTION 10.** 106.50 (1m) (h) of the statutes is amended to read:

5 106.50 **(1m)** (h) “Discriminate” means to segregate, separate, exclude, or treat  
6 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)  
7 because of sex, race, color, sexual orientation, disability, religion, national origin,  
8 citizenship or immigration status, marital status, family status, status as a victim  
9 of domestic abuse, sexual assault, or stalking, lawful source of income, age, or  
10 ancestry.

11 **SECTION 11.** 106.50 (1m) (nm) of the statutes is amended to read:

12 106.50 **(1m)** (nm) “Member of a protected class” means a group of natural  
13 persons, or a natural person, who may be categorized because of sex, race, color,  
14 disability, sexual orientation, religion, national origin, citizenship or immigration  
15 status, marital status, family status, status as a victim of domestic abuse, sexual  
16 abuse, or stalking, lawful source of income, age, or ancestry.

17 **SECTION 12.** 106.50 (5m) (f) 1. of the statutes is amended to read:

18 106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from  
19 requiring that a person who seeks to buy or rent housing supply information  
20 concerning family status, and marital, financial, and business status but not  
21 concerning race, color, disability, sexual orientation, ancestry, national origin,  
22 citizenship or immigration status, religion, creed, status as a victim of domestic  
23 abuse, sexual assault, or stalking, or, subject to subd. 2., age.

24 **SECTION 13.** 224.77 (1) (o) of the statutes is amended to read:

