



Previous file: SB106: Bill Text

LRB-2089/1

PJK:sbb&jld:ph

2011 - 2012 LEGISLATURE

2011 SENATE BILL 107

May 26, 2011 - Introduced by Senators LASEE, GALLOWAY and SCHULTZ, cosponsored by Representatives VOS, BERNIER, BIES, HONADEL, JACQUE, KNUDSON, LEMAHIEU, MURSAU, SPANBAUER, STRACHOTA and STEINEKE. Referred to Committee on Insurance and Housing.

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**AN ACT** to create 66.0104 of the statutes; relating to: prohibiting ordinances that place certain limits on landlords.

*Analysis by the Legislative Reference Bureau*

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This bill prohibits a city, village, town, or county from enacting an ordinance that does any of the following with respect to a residential landlord: 1) prohibits or limits the landlord from obtaining or using various types of information about a tenant or prospective tenant, such as household income, occupation, court records, rental history, and credit information; 2) limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be considered by the landlord; or 3) prohibits the landlord from showing a rental property to a prospective tenant, or from entering into a rental agreement for a rental property with a prospective tenant, while the current tenant is living there.

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

SECTION 1. 66.0104 of the statutes is created to read:

**66.0104 Prohibiting ordinances that place certain limits on a landlord.**

(1) In this section:

(a) "Premises" has the meaning given in s. 704.01 (3).

(b) "Rental agreement" has the meaning given in s. 704.01 (3m).

(c) "Tenancy" has the meaning given in s. 704.01 (4).

(2) No city, village, town, or county may enact an ordinance that places any of the following limitations on a residential landlord:

(a) Prohibits a landlord from, or places limitations on a landlord with respect

to, obtaining and using or attempting to obtain and use any of the following

information with respect to a tenant or prospective tenant:

1. Monthly household income.

2. Occupation.

3. Rental history.

4. Credit information.

5. Court records, including arrest and conviction records, to which there is

public access.

6. Social security number or other proof of identity.

(b) Limits how far back in time a prospective tenant's credit information, conviction record, or previous housing may be taken into account by a landlord.

(c) Prohibits a landlord from entering into a rental agreement for a premises with a prospective tenant during the tenancy of the current tenant of the premises.

(d) Prohibits a landlord from showing a premises to a prospective tenant during the tenancy of the current tenant of the premises.

(3) If a city, village, town, or county has in effect on the effective date of this

subsection .... [LRB inserts date], an ordinance that is inconsistent with sub. (2), the

ordinance does not apply and may not be enforced.

(END)

*Next file: SB108: Bill Text*

LRBa1173/1

MES:wlj:rs

## 2011 - 2012 LEGISLATURE

SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 107

June 7, 2011 - Offered by Senator SCHULTZ.

At the locations indicated, amend the bill as follows:

1. Page 1, line 2: after "landlords" insert "and restricting a local government's ability to regulate residential landlord-tenant relations".

2. Page 2, line 23: after that line insert:

" SECTION 2. 66.1011 (title) of the statutes is amended to read:

**66.1011 (title) Local equal opportunities , residential landlord-tenant relations.**

SECTION 3. 66.1011 (4) of the statutes is created to read:

66.1011 (4) LANDLORD-TENANT RELATIONS. (a) Except as provided in par. (c) and sub. (2), no political subdivision may enact an ordinance or adopt a resolution that affects residential landlord-tenant relations.

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(b) If a political subdivision has in effect on or after the effective date of this paragraph .... [LRB inserts date], an ordinance or resolution that is inconsistent with par. (a), the ordinance or resolution does not apply and may not be enforced.

(c) Paragraph (a) does not apply to a political subdivision's ordinance or resolution that affects landlord-tenant relations in the following areas:

1. Nuisance abatement ordinances or resolutions.

2. Ordinances or resolutions that apply to an individual who is required to register as a sex offender under s. 301.45."

(END)

*Next file: Amendment SA2-SB107*

*Previous file: Amendment SA1-SB107*

LRBa1197/1

PJK:wlj:ph

**2011 - 2012 LEGISLATURE**

**SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 107**

June 8, 2011 - Offered by COMMITTEE ON INSURANCE AND HOUSING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 17: after "from" insert ", or places limitations on a  
3 landlord with  
4 respect to,".

5 **2.** Page 2, line 19: after "from" insert ", or places limitations on a  
6 landlord with  
respect to,".

(END)

*Next file: Amendment SA3-SB107*

Previous file: Amendment SA2-SB107

LRBa1270/1

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2011 - 2012 LEGISLATURE

SENATE AMENDMENT 3,  
TO 2011 SENATE BILL 107

June 14, 2011 - Offered by Senators SCHULTZ and LASEE.

At the locations indicated, amend the bill as follows:

1. Page 1, line 2: after "limits" insert "or requirements".

2. Page 1, line 4: after " limits" insert "or requirements".

3. Page 2, line 3: after " (2)" insert "(a)".

4. Page 2, line 5: delete "(a)" and substitute "1."

5. Page 2, line 8: delete "1." and substitute "a."

6. Page 2, line 9: delete "2." and substitute "b."

7. Page 2, line 10: delete "3." and substitute "c."

8. Page 2, line 11: delete "4." and substitute "d."

9. Page 2, line 12: delete "5." and substitute "e."

10. Page 2, line 14: delete "6." and substitute "f."

11. Page 2, line 15: delete "(b)" and substitute "2."

12. Page 2, line 17: delete "(c)" and substitute "3."

13. Page 2, line 19: delete "(d)" and substitute "4."

14. Page 2, line 20: after that line insert:

"(b) No city, village, town, or county may enact an ordinance that places

requirements on a residential landlord with respect to security deposits or earnest

money or pretenancy or posttenancy inspections that are additional to the

requirements under administrative rules related to residential rental practices."

(END)





WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

2011 Senate Bill 107

Senate Amendments 2 and 3

*Memo published:* June 15, 2011

*Contact:* Chadwick Brown, Staff Attorney (266-0922)

2011 Senate Bill 107

Senate Bill 107 prohibits a political subdivision from enacting an ordinance restricting certain conduct of landlords. Specifically, political subdivisions may not limit how far back in time a landlord may look to examine credit, criminal conviction, or previous housing information. Political subdivisions may not prohibit a landlord from obtaining or using income, occupation, rental history, court, or credit information, or from obtaining an applicant's Social Security number. Finally, a landlord cannot be prohibited by ordinance from leasing or showing a property to a prospective tenant during the current occupancy term.

Senate Amendment 2

Senate Amendment 2 prevents a political subdivision from enacting an ordinance which *limits* leasing or showing a property to a prospective tenant during the current occupancy term, expanding the prohibition outlined above.

Senate Amendment 3

In addition to some technical changes, Senate Amendment 3 prohibits a political subdivision from enacting an ordinance placing requirements on a residential landlord with respect to security deposits, earnest money, pretenancy inspections, or posttenancy inspections beyond those requirements found in the state administrative rules.

Legislative History

The Senate Committee on Insurance and Housing introduced Senate Amendment 2. The committee recommended adoption of the amendment and passage of Senate Bill 107, as amended, both by a vote of Ayes, 4; Noes, 3.

The Senate adopted Senate Amendment 2 by a vote of Ayes, 18; Noes, 14. Senate Amendment 3, introduced by Senators Schultz and Lasee, was adopted by voice vote. The Senate passed Senate Bill 107, as amended, by a vote of Ayes, 18; Noes, 14.

CB:ksm

## Senate

### Record of Committee Proceedings

#### Committee on Insurance and Housing

##### Senate Bill 107

Relating to: prohibiting ordinances that place certain limits on landlords.

By Senators Lasee, Galloway and Schultz; cosponsored by Representatives Vos, Bernier, Bies, Honadel, Jacque, Knudson, LeMahieu, Mursau, Spanbauer, Strachota and Steineke.

May 26, 2011            Referred to Committee on Insurance and Housing.

June 8, 2011            **PUBLIC HEARING HELD**

Present:    (7)    Senators Lasee, Schultz, Olsen, Wanggaard,  
   Carpenter, S. Coggs and C. Larson.  
Absent:    (0)    None.  
Excused:   (0)    None.

##### Appearances For

- Frank Lasee — Senator , First Senate District
- Dale Schultz — Senator
- Nancy Jensen — Dir., Apt. Assn. of So. Central WI
- Jay Koritzinsky — Atty., Apt. Assn. of So. Central WI
- Amy Bliss — WI Housing Alliance
- Adam Frey — Goldleaf Devlpt.
- Peter Kortev
- Tom McKenna
- David Friedman
- Brenda Hofer
- Joe Murray — WI Realtros Assn.

##### Appearances Against

- Cynthia Wick — City of Madison
- Brenda Konkel — Dir., Tenant Resource Center
- David Sparer — Atty.
- Heidi Wegleitner — Legal Action of WI
- Nick Zavos — City of Madison - Mayor's Office

##### Appearances for Information Only

- None.

##### Registrations For

- Robin Vos — Representative, State Assembly

- Ronald Fedler
- Brad Boycks — WI Builders Assn.
- Margaret Watson

Registrations Against

- Diane Echelbarger
- Mickey Beil — Dane County
- Dan Ross

Registrations for Information Only

- None.

June 8, 2011

**EXECUTIVE SESSION HELD**

Present: (7) Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Coggs and C. Larson.  
 Absent: (0) None.  
 Excused: (0) None.

Moved by Senator Schultz, seconded by Senator Wanggaard that **Senate Amendment 2** be recommended for introduction.

Ayes: (7) Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Coggs and C. Larson.  
 Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT 2  
 RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Schultz, seconded by Senator Wanggaard that **Senate Amendment 2** be recommended for adoption.

Ayes: (4) Senators Lasee, Schultz, Olsen and Wanggaard.  
 Noes: (3) Senators Carpenter, S. Coggs and C. Larson.

ADOPTION OF SENATE AMENDMENT 2 RECOMMENDED,  
 Ayes 4, Noes 3

Moved by Senator Schultz, seconded by Senator Wanggaard that **Senate Bill 107** be recommended for passage as amended.

Ayes: (4) Senators Lasee, Schultz, Olsen and Wanggaard.  
 Noes: (3) Senators Carpenter, S. Coggs and C. Larson.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 3

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Jon Kruse  
Committee Clerk

## Assembly

### Record of Committee Proceedings

#### Committee on Housing

##### Senate Bill 107

Relating to: prohibiting ordinances that place certain limits on landlords.

By Senators Lasee, Galloway and Schultz; cosponsored by Representatives Vos, Bernier, Bies, Honadel, Jacque, Knudson, LeMahieu, Mursau, Spanbauer, Strachota, Steineke and Litjens.

June 14, 2011            Referred to Committee on Housing.

June 22, 2011            **PUBLIC HEARING HELD**

Present:    (8)    Representatives Murtha, Litjens, Farrow,  
   Rivard, Steineke, Young, Pope-Roberts and  
   Bewley.  
Absent:     (0)    None.  
Excused:   (0)    None.

##### Appearances For

- Robin Vos — Representative, 63rd Assembly District
- Frank Lasee — Senator
- Dale Schultz — Senator
- Joe Murray, Madison — Wisconsin Realtors Association
- Nancy Jensen, Madison — Apartment Association of South Central Wisconsin
- Brent Midelfort, Madison
- Roger Cagann, Genoa City — Axiom Properties, Inc.
- Amy Bliss, Madison — Wisconsin Housing Alliance
- Tom McKenna, Madison
- Eileen Bruskevitz, Waunakee
- Peter Korotev, Waunakee

##### Appearances Against

- Brett Hulsey — Representative
- Clay Thomas, Madison — Associated Students of Madison
- Heidi Wegleitner, Madison — Legal Action of Wisconsin
- Leland Pan, Middleton — Student of UW-Madison
- Bridget Maniaci, Madison — Alder, City of Madison
- Charlie Brennig, Madison
- Julie Spears, Madison
- John Paul Villaricencio

- Philip Ejercito, Madison
- Thomas Duncan — Graduate Students of UW-Madison
- Brenda Hofu, Madison
- Brenda Konbel, Madison

Appearances for Information Only

- Sarah Gilmore — Salvation Army

Registrations For

- Margaret Watson, Madison
- Brad Boycks, Madison — Wisconsin Builders Association
- Ronald Fedler, Madison
- Tammy Dain, Cambridge

Registrations Against

- Terese Berceau — Representative, 79th Assembly District
- Sara Rennebecker — National Association of Social Workers  
- Wisconsin Chapter
- Aram Donabedian, Madison
- Mickey Beil, Madison — Dane County
- Colin Gillis, Madison
- Deborah Percival Grever, Madison
- Laurel Kailin, Madison

Registrations for Information Only

- None.

June 29, 2011

**EXECUTIVE SESSION HELD**

Present: (7) Representatives Murtha, Litjens, Farrow,  
Rivard, Steineke, Young and Pope-Roberts.  
Absent: (0) None.  
Excused: (1) Representative Bewley.

Moved by Representative Litjens, seconded by Representative Farrow that **Senate Bill 107** be recommended for concurrence.

Ayes: (5) Representatives Murtha, Litjens, Farrow,  
Rivard and Steineke.  
Noes: (2) Representatives Young and Pope-Roberts.  
Absent: (1) Representative Bewley.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 2

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Scott Rausch  
Committee Clerk