



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 176
[2015 Assembly Bill 568]

**Regulation of Rental Property by
Local Governments, Landlord
Tenant Law, Trespass, and
Miscellaneous Changes**

2015 Wisconsin Act 176 makes various changes related to local regulations affecting rental property, landlord tenant law, trespass law, and other topics, including all of the following.

TERMINATION OF TENANCY

The Act allows a property owner to terminate a tenancy without providing the tenant an opportunity to cure the breach, if a member of the tenant's household or one of their guests engages in criminal activity under specified circumstances, and if particular conditions are met with respect to notice provided to the tenant.

The Act also eliminates a provision under prior law that required a property owner to provide notice of termination of a year-to-year tenancy to a tenant for certain types of breaches before the tenant remedies the breach.

LOCAL REGULATION OF RENTAL PROPERTY

The Act prohibits the enactment or enforcement of a requirement imposed by a local government that does any of the following:

- Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of regularly scheduled inspections conducted in compliance with municipal inspection warrant requirements, or as required under state or federal law.
- Charges a fee for conducting an inspection of a residential rental property unless the amount of the fee is uniform for residential rental inspections and the fee is charged

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

at the time that the inspection is actually performed. The Act also specifies that a fee for a subsequent reinspection of a residential rental property may not be more than twice the fee charged for an initial reinspection.

- Requires that a rental property or rental unit be certified, registered, or licensed, except that an ordinance may require that a rental unit owner provide to the local government his or her name, a contact person, and an address and telephone number at which the contact person may be contacted.
- Except as provided in the previous provision, requires a residential rental property owner to register or obtain a certification or license related to owning or managing the residential rental property, unless the requirement applies uniformly to all residential rental property owners, including owners of owner-occupied rental property.
- Imposes an occupancy or transfer of tenancy fee on a rental unit.

LOCAL REGULATION OF HISTORIC PROPERTY

The Act requires a local unit of government to hold a public hearing before designating a historic landmark or establishing a new historic district and to notify any affected owner of the proposed designation or establishment. The Act also allows a property owner affected by a decision of a landmarks commission to appeal the decision to the governing body of the local unit of government, and allows that governing body to overturn the landmarks commission's decision by a simple majority vote.

LOCAL TIME OF SALE REGULATION

The Act expands existing restrictions on local regulations associated with the time of sale of property to also prohibit local regulations with respect to taking title to or occupancy of property.

TRESPASS LAW

The Act provides that a "criminal trespass to a dwelling" occurs if a person intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace. The Act also clarifies that this prohibition applies to a home or residence regardless of whether someone is currently living there. Under the Act, law enforcement agencies are required to establish policies that require officers to remove trespassers from dwellings.

The Act also allows a property owner to dispose of any personal property left by a former trespasser if the return of the property is not requested by the trespasser during the seven days after its discovery by the property owner.

LOCAL AUTOMATIC SPRINKLER ORDINANCES

The Act repeals an exception in prior law that allowed cities, villages, and towns to continue to enforce preexisting automatic sprinkler ordinances that were more restrictive than required under the state multifamily dwelling code.

TOWING CHARGES

The Act allows a towing service to collect towing and storage charges related to vehicles towed from private property if it makes a good faith effort to comply with the statutory requirement to notify law enforcement. This provision does not apply to towing services operating in a first class city.

MISCELLANEOUS

The Act clarifies that a municipal utility's decision related to customer deferred payment agreements is not subject to review by the Public Service Commission and specifies that a defendant that is a limited liability company (LLC) satisfies a municipal court requirement to appear in person if an LLC member, agent, or authorized employee appears.

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