State of Wisconsin
2015 – 2016 LEGISLATURE

LRB–3011/4
ALL:emw&wlj

# 2015 BILL

AN ACT ***to repeal*** 66.1019 (3) (b) and 101.975 (3); ***to renumber*** 706.22 (2) (a) 1., 706.22 (2) (a) 2. and 706.22 (2) (a) 3.; ***to renumber and amend*** 66.1019 (3) (a), 704.17 (5), 706.22 (2) (b), 706.22 (3) and 943.14; ***to amend*** 20.505 (7) (h), 59.69 (4m), 60.64, 62.23 (7) (em), 66.0418 (title), 66.0809 (9), 101.02 (7m), 349.13 (3m) (dr) 2., 349.13 (3m) (e) 1., 349.13 (3m) (e) 3., 704.17 (1) (b), 704.17 (2) (b), 704.19 (2) (b) 2., 706.22 (title), 706.22 (2) (title), 706.22 (2) (a) (intro.) and 800.035 (1); and ***to create*** 66.0104 (2) (e), 66.0104 (2) (f), 66.0104 (2) (g), 66.0104 (3) (c), 66.0418 (3), 175.403, 704.055, 704.17 (3m), 704.17 (5) (b), 706.22 (2) (a) 2m., 706.22 (2) (a) 3m., 706.22 (2) (b) 2., 706.22 (3) (b) and 943.14 (1) of the statutes; **relating to:** terminating a tenancy for criminal activity or drug–related criminal activity; disposition of personal property left in rental property by a trespasser; preexisting sprinkler ordinances that are stricter than the multifamily dwelling code; towing vehicles illegally parked on private property; terminating certain tenancies for breaches other than failure to pay rent;

limitations on the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibiting local governmental units from imposing real property purchase or residential real property occupancy requirements; creating a criminal penalty; and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill creates a right–to–cure for certain tenants for certain breaches; makes remaining on property without consent criminal trespass and provides for the disposition of personal property left in rental property by a trespasser; authorizes a landlord to terminate the tenancy of a tenant based on criminal activity committed by the tenant or a member of the tenant's household; limits the authority of political subdivisions to regulate rental units, historic properties, and signs; prohibits a local governmental unit from making the purchase or transfer of real property or the occupancy of residential real property contingent on whether a purchaser or other transferee takes certain actions with respect to the property; eliminates a statutory exception for certain local ordinances having automatic sprinkler requirements that are stricter than the state multifamily dwelling code; and allows a towing company to collect charges if it makes a good faith effort to notify law enforcement.

***Local government***

Under current law, a city, village, town, or county (political subdivision) may regulate places, structures, or objects with special character, historic interest, aesthetic interest, or other significant value. A political subdivision may also designate historic landmarks and establish historic districts and may regulate the historic landmarks or the properties within a historic district for historic preservation purposes.

Under this bill, a political subdivision may not designate a property as a historic landmark without the consent of the owner. Also under this bill, a political subdivision may not require or prohibit any action by an owner of a property related to preservation of the historic or aesthetic value of the property without the consent of the owner.

This bill also limits the authority of political subdivisions in several respects, including:

1. Political subdivisions may not enact an ordinance that requires that a rental unit be inspected without a showing of good cause or be certified or registered

2. Political subdivisions may not charge a fee for an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code.

3. Political subdivisions may not impose an occupancy or transfer of tenancy fee on a rental unit.

4. Political subdivisions may not impose a requirement or restriction based on the informational content of a sign that is not imposed on all signs.

5. Political subdivisions may not enact an ordinance that requires a landlord to obtain a license, certification, or registration in order to own, manage, or operate a residential rental property unless the ordinance applies uniformly to all residential properties, including owner–occupied properties.

Under current law, a local governmental unit is prohibited from requiring a real property owner to take certain actions with respect to the property or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the owner may sell, refinance, or transfer title to the property; at the time of selling, refinancing, or transferring title to the property; or within a certain period of time after selling, refinancing, or transferring title to the property. A local governmental unit may, however, require a real property owner to take certain actions with respect to the property not in connection with selling, refinancing, or transferring title to the property. The definition of "actions with respect to the property" includes such actions as having an inspection made by an employee or agent of the local governmental unit; making improvements or repairs; removing junk or debris; paving or painting; and installing fixtures or other items.

This bill does all of the following:

1. Prohibits a local governmental unit from requiring a person who is a prospective purchaser of, or person who will take title to, real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the person may complete the purchase of, or take title to, the property; at the time of completing the purchase of, or taking title to, the property; or within a certain time after completing the purchase of, or taking title to, the property.

2. Prohibits a local governmental unit from requiring a purchaser of, or transferee of title to, residential real property to take certain actions with respect to the property, as defined under current law, or pay a related fee; to show compliance with taking certain actions with respect to the property; or to pay a fee for failing to take certain actions with respect to the property before the purchaser or transferee may take occupancy of the property; at the time of taking occupancy of the property; or within a certain time after taking occupancy of the property.

3. Provides that a local governmental unit may require a real property owner to take certain actions with respect to the property not in connection with purchasing or taking occupancy of the property.

4. Provides that any ordinance, resolution, or policy currently in effect that is inconsistent with the prohibitions in the bill does not apply and is unenforceable.

5. Provides that the prohibitions in the bill and under current law on local governmental units do not affect a local governmental unit's responsibility, authority, or ability to enforce a state or federal requirement that does any of the things that a local governmental unit is prohibited from doing in the bill or under current law.

***Automatic sprinklers in multifamily dwellings***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Currently, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

***Towing vehicles from private property***

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

***Terminating tenancies***

Under current law, a tenant's tenancy may be terminated by the landlord for, among other things, nonpayment of rent, committing waste, or breaching a covenant or condition of the tenant's rental agreement, or if the property owner receives notice from a law enforcement agency or the office of the district attorney that a nuisance exists in the rental unit because the property is being used for drug–related purposes or criminal gang–related purposes. Under this bill, except for a tenant who is the victim of the criminal activity, a landlord may terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, by giving the tenant notice if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household does any of the following: 1) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; 2) engages in criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; 3) engages in criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or 4) engages in drug–related criminal activity on or near the premises. It is not necessary that the individual committing the criminal activity or drug–related criminal activity has been arrested for or convicted of the criminal activity or drug–related criminal activity.

The notice that the landlord gives the tenant must require the tenant to vacate on or before a date at least five days after the giving of the notice and must state the basis for the notice and that the tenant may contest the termination of tenancy in an eviction action. If the tenant does contest the termination of tenancy, the landlord must prove the allegation in the notice by the greater preponderance of the credible evidence. The bill defines drug–related criminal activity as criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, which is defined in current law.

Under current law, a landlord may terminate the tenancy of a month–to–month tenant who commits waste, violates certain statutory tenant duties, or breaches a condition of the lease, other than by failing to pay rent (commits a qualifying breach) by providing the tenant with a notice that requires the tenant to vacate the premises within 14 days. Current law does not provide a landlord of a month–to–month tenant the option to terminate such a tenancy by providing a notice that requires the tenant to cure the qualifying breach or vacate the premises.

Under the bill, a month–to–month tenancy is terminated if 1) a tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. The procedure is identical to the procedure described below for a landlord of a year–to–year tenant.

Under current law, a landlord may terminate the tenancy of a year–to–year tenant or a tenant under a lease for a term of one year or less if 1) the tenant commits a qualifying breach and 2) the landlord provides the tenant with a notice that requires the tenant to cure the qualifying breach or vacate the premises and the tenant fails to comply with the notice. Current law specifies that a tenant may comply with the landlord's notice by taking reasonable steps to remedy the qualifying breach or by making a bona fide reasonable offer to pay the landlord all damages associated with the qualifying breach. Current law also provides that if the tenant commits another qualifying breach within one year of receiving such a notice, the landlord may terminate the tenant's tenancy by providing the tenant with a notice to vacate the premises within 14 days if the landlord provides the notice before the tenant cures the qualifying breach. This bill eliminates the condition that the landlord provide the subsequent notice to vacate before the tenant remedies the qualifying breach.

***Trespass***

Under current law, a person who enters into the dwelling of another without the permission of a person who is lawfully on the premises may be guilty of criminal trespass to a dwelling, a Class A misdemeanor. Under the bill, a person may be guilty of criminal trespass to a dwelling if he or she enters or remains in a dwelling without the permission of a person who is lawfully on the premises, or of the owner of the property if no one is lawfully present there, regardless of whether the dwelling is currently occupied. The bill requires law enforcement agencies to establish policies that require officers to remove trespassers from dwellings.

***Disposing of personal property left by trespasser***

Current law does not address what happens to the personal property of a trespasser that is left behind after the trespasser leaves or is removed from residential rental property. This bill provides that, after a trespasser leaves or is removed from residential rental property, a landlord must hold any personal property left by the trespasser for seven days, during which time the trespasser may request its return. After that time, the landlord may dispose of the personal property in any manner that the landlord determines is appropriate.

For further information see the ***local*** fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 20.505 (7) (h) of the statutes is amended to read:

20.505 **(7)** (h) *Funding for the homeless.* All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys received under ~~s.~~ ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b).

**SECTION 2.** 59.69 (4m) of the statutes is amended to read:

59.69 **(4m)** HISTORIC PRESERVATION. A county, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance any place, structure or object with a special character, historic interest, aesthetic interest or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. The county may create a landmarks commission to designate historic landmarks and establish historic districts. The county may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district. A county may not designate a property as a historic landmark without

the consent of the owner. A county may not require or prohibit any action by an owner of a property related to the preservation of special character, historic or aesthetic interest, or any other significant value of the property without the consent of the owner.

**SECTION 3.** 60.64 of the statutes is amended to read:

**60.64 Historic preservation.** The town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. The town board may create a landmarks commission to designate historic landmarks and establish historic districts. The board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district. The town board may not designate a property as a historic landmark without the consent of the owner. The town board may not require or prohibit any action by an owner of a property related to the preservation of special character, historic or aesthetic interest, or any other significant value of the property without the consent of the owner.

**SECTION 4.** 62.23 (7) (em) of the statutes is amended to read:

62.23 **(7)** (em) *Historic preservation.* A city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to

regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. A city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. The city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district. <u>A city may not designate a property as a historic landmark without the consent of the owner. A city may not require or prohibit any action by an owner of a property related to the preservation of special character, historic or aesthetic interest, or any other significant value of the property without the consent of the owner.</u>

**SECTION 5.** 66.0104 (2) (e) of the statutes is created to read:

66.0104 **(2)** (e) No city, village, town, or county may enact an ordinance that does any of the following:

1. Requires that a rental unit be inspected without a showing of good cause or be certified or registered.

2. Charges a fee for conducting an inspection other than an inspection based on a complaint from a tenant alleging a violation of the local housing code of the city, village, town, or county or an inspection required for all properties and for which a uniform fee is charged.

**SECTION 6.** 66.0104 (2) (f) of the statutes is created to read:

66.0104 **(2)** (f) No city, village, town, or county may impose an occupancy or transfer of tenancy fee on a rental unit.

**SECTION 7.** 66.0104 (2) (g) of the statutes is created to read:

66.0104 **(2)** (g) 1. No city, village, town, or county may enact an ordinance that requires a property owner to obtain a license, certification, or registration in order to do any of the following:

a. Own a residential rental property.

b. Manage or operate a residential rental property.

2. Subdivision 1. does not apply to an ordinance that applies uniformly to all residential properties, including owner–occupied properties.

**SECTION 8.** 66.0104 (3) (c) of the statutes is created to read:

66.0104 **(3)** (c) If a city, village, town, or county has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance that is inconsistent with sub. (2) (e), (f), or (g), the ordinance does not apply and may not be enforced.

**SECTION 9.** 66.0418 (title) of the statutes is amended to read:

**66.0418** (title) ~~**Prohibition of**~~ **Miscellaneous limitations on local regulation** ~~**of certain foods, beverages.**~~

**SECTION 10.** 66.0418 (3) of the statutes is created to read:

66.0418 **(3)** No political subdivision may impose a restriction or requirement on a sign based on the sign's informational content that it does not impose on all signs.

**SECTION 11.** 66.0809 (9) of the statutes is amended to read:

66.0809 **(9)** A municipal utility is not required to offer a customer who is a tenant at a rental dwelling unit a deferred payment agreement. Notwithstanding. ss. 196.03, 196.19, 196.20, 196.22, 196.37, and 196.60, a determination by a

municipal utility to offer or not offer a deferred payment agreement does not require approval, and is not subject to disapproval, by the public service commission.

**SECTION 12.** 66.1019 (3) (a) of the statutes is renumbered 66.1019 (3) and amended to read:

66.1019 **(3)** ~~Except as provided in par. (b), any~~ Any ordinance enacted by a county, city, village or town relating to the construction or inspection of multifamily dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s. 101.02 (7m).

**SECTION 13.** 66.1019 (3) (b) of the statutes is repealed.

**SECTION 14.** 101.02 (7m) of the statutes is amended to read:

101.02 **(7m)** Notwithstanding sub. (7) (a), no city, village, or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter~~, except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b)~~. Any contract between a city, village, or town and a property owner of a multifamily dwelling that requires the property owner to comply with an ordinance that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter is void and unenforceable.

**SECTION 15.** 101.975 (3) of the statutes is repealed.

**SECTION 16.** 175.403 of the statutes is created to read:

**175.403 Trespassing; arrest and removal. (1)** In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

**(2)** Each law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

**SECTION 17.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

349.13 **(3m)** (dr) 2. A towing service may not collect any charges for the removal or storage of an illegally parked vehicle under this subsection ~~if~~ unless the towing service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with respect to the vehicle.

**SECTION 18.** 349.13 (3m) (e) 1. of the statutes is amended to read:

349.13 **(3m)** (e) 1. Reasonable charges for removal and storage of vehicles under this subsection when no citation has been issued.

**SECTION 19.** 349.13 (3m) (e) 3. of the statutes is amended to read:

349.13 **(3m)** (e) 3. Guidelines for towing services to notify law enforcement under par. (d) upon removal of a vehicle when no citation has been issued.

**SECTION 20.** 704.055 of the statutes is created to read:

**704.055 Disposition of personalty left by trespasser. (1)** DEFINITION. In this section, "trespasser" means a person who is not a tenant and who enters or remains in residential rental property without the consent of the landlord or another person lawfully on the property.

**(2)** AT THE LANDLORD'S DISCRETION. (a) If a trespasser is removed or otherwise removes from residential rental property and leaves personal property, the landlord shall hold the personal property for 7 days from the date on which the landlord discovers the personal property. After that time, the landlord may presume that the

trespasser has abandoned the personal property and may dispose of the personal property in any manner that the landlord, in the landlord's sole discretion, determines is appropriate but shall promptly return the personal property to the trespasser if the landlord receives a request for its return before the landlord disposes of it.

(b) If the landlord disposes of the abandoned personal property by private or public sale, the landlord may send the proceeds of the sale minus any costs of sale and, if the landlord has first stored the personal property, minus any storage charges to the department of administration for deposit in the appropriation under s. 20.505 (7) (h).

**(3)** RIGHTS OF 3RD PERSONS. The landlord's power to dispose as provided by this section applies to any personal property left on the landlord's property by the trespasser, whether owned by the trespasser or by others. The power to dispose under this section applies notwithstanding any rights of others existing under any claim of ownership or security interest. The trespasser, other owner, or any secured party has the right to redeem the personal property at any time before the landlord has disposed of it or entered into a contract for its disposition by payment of any expenses that the landlord has incurred with respect to the disposition of the personal property.

**SECTION 21.** 704.17 (1) (b) of the statutes is amended to read:

704.17 **(1)** (b) If a month–to–month tenant commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's agreement, other than for payment of rent, the tenancy ~~can be~~ is terminated if the landlord gives the tenant a notice that requires the tenant to either remedy the default or vacate the premises no later than a date at least 5 days after the giving

of the notice, and the tenant fails to comply with the notice. A tenant is considered to be complying with the notice if promptly upon receipt of the notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If, within one year from receiving a notice under this paragraph, the tenant again commits waste or breaches the same or any other covenant or condition of the tenant's rental agreement, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant notice ~~requiring the tenant~~ to vacate on or before a date at least 14 days after the giving of the notice.

**SECTION 22.** 704.17 (2) (b) of the statutes is amended to read:

704.17 **(2)** (b) If a tenant under a lease for a term of one year or less, or a year–to–year tenant, commits waste or a material violation of s. 704.07 (3) or breaches any covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord gives the tenant a notice requiring the tenant to remedy the default or vacate the premises on or before a date at least 5 days after the giving of the notice, and if the tenant fails to comply with such notice. A tenant is deemed to be complying with the notice if promptly upon receipt of such notice the tenant takes reasonable steps to remedy the default and proceeds with reasonable diligence, or if damages are adequate protection for the landlord and the tenant makes a bona fide and reasonable offer to pay the landlord all damages for the tenant's breach. If within one year from the giving of any such notice, the tenant again commits waste or breaches the same or any other covenant or condition of the tenant's lease, other than for payment of rent, the tenant's tenancy is terminated if the landlord~~, prior to the tenant's remedying the waste or breach,~~ gives

the tenant notice to vacate on or before a date at least 14 days after the giving of the notice.

**SECTION 23.** 704.17 (3m) of the statutes is created to read:

704.17 **(3m)** CRIMINAL ACTIVITY. (a) In this subsection, "drug–related criminal activity" means criminal activity that involves the manufacture, possession, use, or distribution of a controlled substance, as defined in s. 961.01 (4).

(b) 1. Notwithstanding subs. (1) (b), (2) (b), and (3) (a), and except as provided in par. (c), a landlord may, upon notice to the tenant, terminate the tenancy of a tenant, without giving the tenant an opportunity to remedy the default, if the tenant, a member of the tenant's household, or a guest or other invitee of the tenant or of a member of the tenant's household engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants; engages in any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises; engages in any criminal activity that threatens the health or safety of the landlord or an agent or employee of the landlord; or engages in any drug–related criminal activity on or near the premises. The notice shall require the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of the tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegation in the notice.

2. To terminate a tenancy under this subsection, it is not necessary that the individual committing the criminal activity or drug–related criminal activity has

been arrested for or convicted of the criminal activity or drug–related criminal activity.

(c) Paragraph (b) does not apply to a tenant who is the victim, as defined in s. 950.02 (4), of the criminal activity.

**SECTION 24.** 704.17 (5) of the statutes is renumbered 704.17 (5) (a) and amended to read:

704.17 **(5)** (a) Provisions in the lease or rental agreement for termination contrary to ~~this section~~ sub. (1), (2), or (3) are invalid except in leases for more than one year.

**SECTION 25.** 704.17 (5) (b) of the statutes is created to read:

704.17 **(5)** (b) Provisions in the lease or rental agreement for termination contrary to sub. (3m) are invalid.

**SECTION 26.** 704.19 (2) (b) 2. of the statutes is amended to read:

704.19 **(2)** (b) 2. Notwithstanding subd. 1., nothing in this section prevents termination of a tenancy before the end of a rental period because of an imminent threat of serious physical harm, as provided in s. 704.16, or for criminal activity or drug–related criminal activity, nonpayment of rent, or breach of any other condition of the tenancy, as provided in s. 704.17.

**SECTION 27.** 706.22 (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

**706.22** (title) **Prohibition on imposing time–of–sale, purchase, or occupancy requirements.**

**SECTION 28.** 706.22 (2) (title) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 **(2)** (title) REQUIREMENTS TIED TO SALE, PURCHASE, OR TAKING OCCUPANCY OF PROPERTY PROHIBITED.

**SECTION 29.** 706.22 (2) (a) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is amended to read:

706.22 **(2)** (a) (intro.) Except as provided in par. (b), no local governmental unit may by ordinance, resolution, or any other means ~~restrict~~ do any of the following:

1m. Restrict the ability of an owner of real property to sell or otherwise transfer title to or refinance the property by requiring the owner or an agent of the owner to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

**SECTION 30.** 706.22 (2) (a) 1. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. a.

**SECTION 31.** 706.22 (2) (a) 2. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. b.

**SECTION 32.** 706.22 (2) (a) 2m. of the statutes is created to read:

706.22 **(2)** (a) 2m. Restrict the ability of a person to purchase or take title to real property by requiring the person or an agent of the person to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the person may complete the purchase of or take title to the property.

b. At the time of completing the purchase of or taking title to the property.

c. Within a certain period of time after completing the purchase of or taking title to the property.

**SECTION 33.** 706.22 (2) (a) 3. of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (a) 1m. c.

**SECTION 34.** 706.22 (2) (a) 3m. of the statutes is created to read:

706.22 **(2)** (a) 3m. Restrict the ability of a purchaser of or transferee of title to residential real property to take occupancy of the property by requiring the purchaser or transferee or an agent of the purchaser or transferee to take certain actions with respect to the property or pay a related fee, to show compliance with taking certain actions with respect to the property, or to pay a fee for failing to take certain actions with respect to the property, at any of the following times:

a. Before the purchaser or transferee may take occupancy of the property.

b. At the time of taking occupancy of the property.

c. Within a certain period of time after taking occupancy of the property.

**SECTION 35.** 706.22 (2) (b) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (2) (b) (intro.) and amended to read:

706.22 **(2)** (b) (intro.) Paragraph (a) does not ~~prohibit~~ do any of the following:

1. Prohibit a local governmental unit from requiring a real property owner or the owner's agent to take certain actions with respect to the property not in connection with the purchase, sale ~~or~~, refinancing, or taking occupancy of, or the transfer of title to, the property.

**SECTION 36.** 706.22 (2) (b) 2. of the statutes is created to read:

706.22 **(2)** (b) 2. Prohibit a local governmental unit from enforcing, or otherwise affect the responsibility, authority, or ability of a local governmental unit to enforce,

a federal or state requirement that does any of the things a local governmental unit is prohibited from doing under par. (a).

**SECTION 37.** 706.22 (3) of the statutes, as created by 2015 Wisconsin Act 55, is renumbered 706.22 (3) (a) and amended to read:

706.22 **(3)** (a) If a local governmental unit has in effect on July 14, 2015, an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 1m., the ordinance, resolution, or policy does not apply and may not be enforced.

**SECTION 38.** 706.22 (3) (b) of the statutes is created to read:

706.22 **(3)** (b) If a local governmental unit has in effect on the effective date of this paragraph .... [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with sub. (2) (a) 2m. or 3m., the ordinance, resolution, or policy does not apply and may not be enforced.

**SECTION 39.** 800.035 (1) of the statutes is amended to read:

800.035 **(1)** A defendant may make an initial appearance in person or by submitting a written response to the citation or complaint except when the judge has required an appearance under s. 800.02 (2) (ag) 4. For the purposes of this section, if a defendant is a limited liability company, the defendant appears in person if the appearance is by a member, as defined in s. 183.0102 (15), by an agent or authorized employee of the defendant, or by an agent of the member or an authorized employee of the agent.

**SECTION 40.** 943.14 of the statutes is renumbered 943.14 (2) and amended to read:

943.14 **(2)** Whoever 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, is guilty of a Class A misdemeanor.

**SECTION 41.** 943.14 (1) of the statutes is created to read:

943.14 **(1)** In this section, "dwelling" has the meaning given in s. 30.1335 (1) (h). For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

**SECTION 42. Initial applicability.**

(1) The treatment of sections 704.17 (3m) and 704.19 (2) (b) 2. of the statutes first applies to criminal activities or drug–related criminal activities that are committed on the effective date of this subsection.

(2) The creation of section 704.17 (5) (b) of the statutes first applies to leases and rental agreements that are entered into or renewed on the effective date of this subsection.

**(END)**