

Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Regulatory Flexibility Analysis

Rule Subject: Residential Rental Practices
Adm. Code Reference: ATCP 134
Rules Clearinghouse #: CR 20-033
DATCP Docket #: 19-R-02

Rule Summary

This proposed rule would modify a current rule related to residential rental practices. Existing ch. ATCP 134 (Residential Rental Practices) and existing ch. 704, Stats. (Landlord and Tenant) both regulate dealings involving residential renters and their landlords. However, because of a recent addition to ch. 704, Stats., by 2017 Wis. Act 317, § 41, there is now a specific matter – namely, the maximum actual cost amount that a landlord may require a prospective tenant to pay for a consumer credit report – where ch. ATCP 134 is inconsistent with Wis. Stat. § ch. 704. This rulemaking will eliminate that inconsistency.

Summary of Changes

This rule changes the maximum amount that a landlord may charge a prospective tenant for a consumer credit report from \$20 to the amount specified in Wis. Stat. § 704.085 (1) (a). Currently, that would be \$25.

Small Business Affected

Many of the landlords affected by this rule will qualify as “small businesses.”

Reporting, Bookkeeping and other Procedures

There is no mandatory reporting or bookkeeping tied to this amendment to the rule.

Professional Skills Required

Since the rule merely changes the fee that may be collected from \$20 to the amount specified in Wis. Stat. § 704.085 (1) (a), no additional professional skills will be required. Currently, that fee would be \$25.

Accommodation for Small Business

Many of the landlords affected by this rule are “small businesses.” However, because the change permits landlords to charge prospective tenants \$5 more for consumer credit reports, the rule will not adversely affect landlords. In addition, the rule change is required due to a change in state statute, so no accommodations or special exceptions can be made.

Conclusion

This rule will generally benefit affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22 (2) (e).

Dated this _____ day of _____, 20____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Lara Sutherlin, Administrator
Division of Trade and Consumer Protection