



2019 SENATE BILL 841

February 20, 2020 - Introduced by Senators JACQUE, CARPENTER and RINGHAND, cosponsored by Representatives THIESFELDT, HORLACHER, C. TAYLOR, EMERSON, GUNDRUM, SANFELIPPO, SKOWRONSKI, WICHGERS and SUBECK. Referred to Committee on Utilities and Housing.

1 **AN ACT** *to amend* 704.16 (1) (b) (intro.), 704.16 (1) (b) 1., 704.16 (1) (b) 2., 704.16
2 (1) (b) 3., 704.16 (1) (b) 4., 704.16 (1) (b) 5., 704.16 (1) (b) 6., 704.16 (1) (b) 7. and
3 704.16 (2); and *to create* 704.01 (3e), 704.16 (1) (b) 8. and 704.16 (2m) of the
4 statutes; **relating to:** terminating a tenancy for fear of imminent violence.

Analysis by the Legislative Reference Bureau

This bill allows a residential tenant to terminate his or her tenancy if the tenant or the tenant's child fears imminent violence and faces an imminent threat of serious physical harm from another person if the tenant remains on the premises. To terminate tenancy under the bill, a tenant must provide the landlord with written notice and a written statement by a social worker, victim advocate, or child victim advocate who has a reasonable basis to believe that the tenant is a victim of sexual assault, stalking, or an act of domestic abuse. The bill requires the written statement to be made on a form created by the Department of Children and Families. The bill also prohibits a landlord from disclosing certain information in the notice or written statement provided by a tenant. If the tenant leaves the premises because of fear of imminent violence under the bill, the tenant is not liable for any rent after the end of the month that the tenant leaves the premises or provides notice to the landlord, whichever is later.

Under current law, a residential tenant may terminate his or her tenancy if the tenant or child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises and if the tenant provides the

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landlord with written notice and a certified copy of certain injunction orders, criminal complaints, or bail conditions related to the person.

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

1 **SECTION 1.** 704.01 (3e) of the statutes is created to read:

2 704.01 (3e) “Qualified specialist” means any of the following:

3 (a) A social worker, advanced practice social worker, independent social worker,
4 or clinical social worker authorized to practice under ch. 457.

5 (b) A victim advocate, as defined in s. 905.045 (1) (e).

6 (c) A child victim advocate, as defined in s. 813.122 (1) (d).

7 **SECTION 2.** 704.16 (1) (b) (intro.) of the statutes is amended to read:

8 704.16 (1) (b) (intro.) The tenant provides the landlord with notice in the
9 manner provided under s. 704.21 and with ~~a certified copy~~ of any of the following:

10 **SECTION 3.** 704.16 (1) (b) 1. of the statutes is amended to read:

11 704.16 (1) (b) 1. ~~An~~ A certified copy of an injunction order under s. 813.12 (4)
12 protecting the tenant from the person.

13 **SECTION 4.** 704.16 (1) (b) 2. of the statutes is amended to read:

14 704.16 (1) (b) 2. ~~An~~ A certified copy of an injunction order under s. 813.122
15 protecting a child of the tenant from the person.

16 **SECTION 5.** 704.16 (1) (b) 3. of the statutes is amended to read:

17 704.16 (1) (b) 3. ~~An~~ A certified copy of an injunction order under s. 813.125 (4)
18 protecting the tenant or a child of the tenant from the person, based on the person’s
19 engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or
20 948.025, or stalking under s. 940.32, or attempting or threatening to do the same.

21 **SECTION 6.** 704.16 (1) (b) 4. of the statutes is amended to read:

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1 704.16 (1) (b) 4. A certified copy of a condition of release under ch. 969 ordering
2 the person not to contact the tenant.

3 **SECTION 7.** 704.16 (1) (b) 5. of the statutes is amended to read:

4 704.16 (1) (b) 5. A certified copy of a criminal complaint alleging that the person
5 sexually assaulted the tenant or a child of the tenant under s. 940.225, 948.02, or
6 948.025.

7 **SECTION 8.** 704.16 (1) (b) 6. of the statutes is amended to read:

8 704.16 (1) (b) 6. A certified copy of a criminal complaint alleging that the person
9 stalked the tenant or a child of the tenant under s. 940.32.

10 **SECTION 9.** 704.16 (1) (b) 7. of the statutes is amended to read:

11 704.16 (1) (b) 7. A certified copy of a criminal complaint that was filed against
12 the person as a result of the person being arrested for committing a domestic abuse
13 offense against the tenant under s. 968.075.

14 **SECTION 10.** 704.16 (1) (b) 8. of the statutes is created to read:

15 704.16 (1) (b) 8. A written statement on a form created by the department of
16 children and families signed by a qualified specialist stating that the qualified
17 specialist has a reasonable basis to believe that the tenant or a child of the tenant
18 is a victim of sexual assault under s. 940.225 or 948.02, stalking under s. 940.32, or
19 an act of domestic abuse, as defined in s. 813.12 (1) (am), and that the tenant fears
20 imminent violence against the tenant or a child of the tenant if the tenant remains
21 on the premises. The department of children and families shall create a form for the
22 written statements of qualified specialists under this subdivision.

23 **SECTION 11.** 704.16 (2) of the statutes is amended to read:

24 704.16 (2) NOT LIABLE FOR RENT. If a residential tenant removes from the
25 premises because of a threat of serious physical harm to the tenant or to a child of

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1 the tenant from another person and provides the landlord with a certified copy
2 specified under sub. (1) (b) 1. to 7. or a statement specified in sub. (1) (b) 8., and with
3 notice that complies with s. 704.21, the tenant shall not be liable for any rent after
4 the end of the month following the month in which he or she provides the notice or
5 removes from the premises, whichever is later. The tenant's liability for rent under
6 this subsection is subject to the landlord's duty to mitigate damages as provided in
7 s. 704.29 (2).

8 **SECTION 12.** 704.16 (2m) of the statutes is created to read:

9 704.16 **(2m)** DISCLOSURE. (a) 1. Except as provided in subd. 2., a landlord may
10 not disclose any of the following:

11 a. Information contained in a document specified under sub. (1) (b) 8. or in a
12 notice that accompanies the document.

13 b. The address or location to which a former tenant who terminates tenancy by
14 providing notice and a written statement under sub. (1) (b) 8. has relocated.

15 c. The status of a former tenant who terminates tenancy by providing notice
16 and a written statement under sub. (1) (b) 8. as a victim of violence.

17 2. Information described in subd. 1. may not be entered into any shared
18 database but if the tenant consents may be used as evidence in an eviction proceeding
19 or an action for unpaid rent or damages arising out of a tenancy or as otherwise
20 required by law.

21 (b) If a landlord seeks to protect other tenants in a building, the landlord may
22 request that a tenant who terminates tenancy by providing notice and a written
23 statement under sub. (1) (b) 8. disclose the name of the person causing the tenant fear
24 of imminent violence under sub. (1) (b) 8. For the safety of the tenant or an

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1 authorized occupant, the tenant may decline to provide the name of the person
2 causing the tenant fear of imminent violence.

3 (END)