



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5045/1
MCP:emw

2023 SENATE BILL 666

November 9, 2023 - Introduced by Senators LARSON, HESSELBEIN, SPREITZER and TAYLOR, cosponsored by Representatives J. ANDERSON, HONG, CLANCY, JOERS, MADISON, PALMERI, BALDEH, BILLINGS, CABRERA, CONLEY, DRAKE, EMERSON, MOORE OMOKUNDE, OHNSTAD, SHELTON, SINICKI, SNODGRASS and STUBBS. Referred to Committee on Housing, Rural Issues and Forestry.

- 1 **AN ACT to create** 704.46 of the statutes; **relating to:** rights of tenants to organize
2 and engage in certain activities and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill specifies certain activities that tenants and tenant organizers are allowed to engage in. A “tenant organizer” is defined in the bill as a person who assists tenants in establishing and operating a tenant organization. The bill defines a “tenant organization” as an organization made up of tenants that exists for the purpose, in whole or in part, of communicating with landlords concerning grievances, disputes, rent increases, or other terms or conditions of tenancy.

Under the bill, a landlord or landlord’s agent may not interfere with a tenant or tenant organizer who is engaging in any of the activities protected under the bill; restrict a tenant organizer’s access to rental premises in a manner contrary to the requirements under the bill; discriminate or retaliate against a tenant or tenant organizer for engaging in any of the protected activities, or threaten to do so; interfere with or delay any investigations into violations of the provisions of the bill; or attend or make an audio recording of any tenant organization meeting.

The bill specifies that a tenant has a right to join, meet with, or assist other tenants; confer with a landlord through a representative of the tenant’s choosing; and engage in concerted activities with other tenants for the purpose of mutually aiding or protecting tenants.

The bill further specifies that a tenant or tenant organizer has the right to distribute literature relating to landlord and tenant issues in common areas of rental premises; place literature relating to landlord and tenant issues at or under tenants’

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doors; post literature relating to landlord and tenant issues on any bulletin boards in common areas of rental premises; assist tenants in participating in tenant organization activities; convene tenant meetings or tenant organization meetings at any reasonable time in any tenant's unit or common area of the rental premises; formulate responses to landlord actions, including rent increases, proposed changes in facilities and services, and conversion of residential units to nonresidential use; propose that the landlord modify the rental premises' facilities and services; and engage in any other activity reasonably related to the establishment or operation of a tenant organization.

Under the bill, the Department of Agriculture, Trade and Consumer Protection is required to investigate alleged violations of the bill's provisions. A person who violates the bill's provisions is subject to a civil forfeiture of not more than \$10,000 for each violation. In addition, a tenant who is injured by a violation of the bill's provisions may bring a civil action to recover damages and reasonable attorney fees.

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

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

1 **SECTION 1.** 704.46 of the statutes is created to read:

2 **704.46 Tenants' right to organize.** (1) In this section:

3 (a) "Department" means the department of agriculture, trade and consumer
4 protection.

5 (b) "Tenant organization" means any organization made up of tenants, in which
6 tenants may participate, that exists for the purpose, in whole or in part, of engaging
7 in communication with any landlord concerning grievances, disputes, rent increases,
8 or other terms or conditions of tenancy.

9 (c) "Tenant organizer" means a person who assists tenants in establishing and
10 operating a tenant organization and who is not a current or prospective employee,
11 representative, or agent of any of the landlords of any of the tenants who are
12 members of the tenant organization.

13 (2) A landlord, or agent of a landlord, may not do any of the following:

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1 (a) Interfere with a tenant or tenant organizer who is engaging in any of the
2 activities described in sub. (3) or (4) or restrict a tenant organizer's access to the
3 premises in a manner contrary to sub. (5).

4 (b) Discriminate or retaliate against any tenant or tenant organizer for
5 engaging in any of the activities under sub. (3) or (4), or threaten to do so, including
6 by increasing rent, decreasing services, bringing an action for possession of the
7 premises, or refusing to renew a lease.

8 (c) Interfere with or delay any department investigations into violations of this
9 section.

10 (d) Attend or make an audio recording of any meeting held under sub. (4) (e)
11 unless expressly allowed to do so by the tenant organization or by a majority of the
12 tenants in attendance.

13 **(3)** A tenant may do any of the following:

14 (a) Join, meet with, or assist other tenants.

15 (b) Confer with a landlord through a representative of the tenant's choosing.

16 (c) Engage in concerted activities with other tenants for the purpose of
17 mutually aiding or protecting tenants.

18 **(4)** A tenant or tenant organizer may do any of the following:

19 (a) Distribute literature relating to landlord and tenant issues in common
20 areas of the premises.

21 (b) Place literature relating to landlord and tenant issues at or under tenants'
22 doors.

23 (c) Post literature relating to landlord and tenant issues on any bulletin boards
24 in common areas of the premises.

25 (d) Assist tenants in participating in tenant organization activities.

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1 (e) Convene tenant meetings or tenant organization meetings at any
2 reasonable time in any tenant's unit or common area of the premises.

3 (f) Formulate responses to landlord actions, including rent increases, proposed
4 changes in facilities and services, and conversion of residential units to
5 nonresidential use.

6 (g) Propose that the landlord modify the premises' facilities and services.

7 (h) Engage in any other activity reasonably related to the establishment or
8 operation of a tenant organization.

9 **(5)** (a) If a landlord has in place a written policy that favors canvassing, a
10 tenant organizer who is not a tenant, and who is not accompanied by a tenant, shall
11 be afforded the same privileges and rights of access to the premises as any other
12 person who is not an invited guest of a tenant.

13 (b) If a landlord does not have in place a consistently enforced, written policy
14 against canvassing, the landlord shall be considered to have in place a written policy
15 that favors canvassing.

16 (c) If a landlord has in place a consistently enforced, written policy against
17 canvassing, a tenant shall accompany a tenant organizer who is not a tenant at all
18 times while the tenant organizer is on the premises. Such a tenant organizer shall
19 be afforded the same privileges and rights of access to the premises as any other
20 person who is a tenant's invited guest.

21 **(6)** The department shall investigate alleged violations of this section. The
22 department or any district attorney may do any of the following on behalf of the state:

23 (a) Bring an action for temporary or permanent injunctive or other relief in any
24 circuit court for any violation of this section. The court may, in its discretion, make
25 any order or judgment necessary to restore to any person any pecuniary loss suffered

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1 because of a violation of this section if proof of the loss is submitted to the satisfaction
2 of the court.

3 (b) Bring an action in any circuit court for the recovery of a civil forfeiture
4 against any person who violates this section in an amount of not more than \$10,000
5 for each violation.

6 (7) In addition to the remedies otherwise provided by law, a tenant injured by
7 a violation of this section may bring a civil action to recover damages together with
8 costs, disbursements, and reasonable attorney fees, notwithstanding s. 814.04 (1),
9 and any equitable relief as may be determined by the court.

10 (8) An agreement to waive the requirements of this section in a residential
11 tenancy, including an agreement in a rental agreement, is void.

12

(END)