



TENANT RESOURCE CENTER



Wisconsin Law Changes - 3/1/14 2013 Wis. Act 76 (SB179) Madison (**MAD**) and Dane County (**DANE**)



2013 Wis. Act 76 pre-empts local governments from passing the laws that do any of the following:

1. Enacts an ordinance that limits a residential tenant's responsibility, or a residential landlord's right to recover, for: any damage or waste to, or neglect of, the premises that occurs during the tenant's occupancy of the premises; or for any other costs, expenses, fees, payments, or damages for which the tenant is responsible under the rental agreement or applicable law. [Wis. Stat. 66.0104\(2\)\(c\)](#), [2013 Wis. Act 76, Sec. 1](#)
2. Enacts an ordinance that requires a landlord to communicate to tenants any information that is not required to be communicated to tenants under federal or state law.
 - a. This does not apply to an ordinance that has a reasonable and clearly defined objective of regulating the manufacture of illegal narcotics. [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
3. Enacts an ordinance that requires a landlord to communicate to the city, village, town, or county any information concerning the landlord or a tenant, unless any of the following applies:
 - a. The information is required under federal or state law.
 - b. The information is required of all residential real property owners.
 - c. The information is solely information that will enable a person to contact the owner or, at the option of the owner, an agent of the owner. [Wis. Stat. 66.0104\(2\)\(d\)2.](#), [2013 Wis. Act 76, Sec. 2](#)

The State Law impacts Madison (**MAD**), Fitchburg (**FB**) and Dane County (**DANE**) in the following ways:

In Madison (**MAD**) and all of Dane County (**DANE**):

1. Landlords no longer need to tell applicants why they were denied housing. [MGO 32.08\(5\)](#), [DCO 31.24](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
2. Landlords no longer need to tell tenants why the lease was non-renewed. [MGO 32.08\(5\)](#), [DCO 31.24](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)

In Madison (**MAD**) and Fitchburg (**FB**):

3. Landlord entry may be reduced from a 24 hour notice to a 12 hour notice for repairs and inspections. [MGO 32.05\(1\)\(d\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
4. Landlords won't have to tell new tenants that the tenant has the right to abate rent due to a previous tenant calling the building inspector. [MGO 32.08\(2\)\(c\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)

In Madison (**MAD**) only:

5. Landlords will no longer have to have a written guest policy, but will still have to do whatever is written in their current lease. [MGO 32.05\(1\)\(g\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
6. Landlords will no longer have to give out the "Tenants' Rights and Responsibilities" brochure. [MGO 32.06\(2\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
7. Landlords will no longer have to educate tenants about fire safety ([MGO 34.907\(1\)\(d\)](#)) and no longer use the form notifying the tenant that they are in violation of the ordinance if they tamper with a smoke alarm. [MGO 32.06\(4\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
8. Landlords will no longer have to give out voter registration information. [MGO 32.06\(5\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
9. Landlords can charge anything they want for a late fee, instead of being limited to 5% of the monthly rent. Landlords can also charge more than 5% if the tenant doesn't agree to prepay the rent at a discounted rate. [MGO 32.12\(10\)](#), [MGO 32.07\(2\)\(e\)](#), [Wis. Stat. 66.0104\(2\)\(c\)](#), [2013 Wis. Act 76, Sec. 1](#)
10. Landlords will no longer be required to provide a phone number for the tenants to call. [MGO 32.08\(1\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
11. Landlords won't have to notify tenants of the occupancy limits in the apartment. [MGO 32.08\(2\)\(d\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
12. Leases for 3 units or more are no longer required to tell tenants there is no smoking in common areas in the lease. [MGO 23.05\(p\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)
13. Lodging houses will no longer be required to have two people to contact for emergency work. [MGO 27.07\(2\)\(g\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1.](#), [2013 Wis. Act 76, Sec. 2](#)

14. Landlords won't have to tell tenants if their building does not qualify for the on-street parking permits. [MGO 32.08\(2\)\(d\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1](#), [2013 Wis. Act 76, Sec. 2](#)
15. Landlords won't have to disclose what kind of minimum income standards they are applying or what information an applicant would need to provide to demonstrate how they can comply with the rules. [MGO 32.12\(7\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1](#), [2013 Wis. Act 76, Sec. 2](#)
16. Landlords no longer have to provide receipts and estimates to the tenant as part of the itemized list of deductions from the security deposit. [MGO 32.07\(7\)\(b\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1](#), [2013 Wis. Act 76, Sec. 2](#)
17. Landlords are no longer required to list the hours worked or amount paid per hour when deducting from security deposits. [MGO 32.07\(7\)\(b\)](#), [Wis. Stat. 66.0104\(2\)\(d\)1](#), [2013 Wis. Act 76, Sec. 2](#)

NOTE: For items #17 and 18, while this information is not required to be disclosed to the tenant, judges and court commissioners will still want to see the evidence in court.

Madison (MAD) only, these are laws which may not be affected by this law change:

18. Landlord registration. [MGO 9.25](#), [Wis. Stat. 66.0104\(2\)\(d\)2](#), [2013 Wis. Act 76, Sec. 2](#)
19. Chronic Nuisance Ordinance. [MGO 25.09](#), [Wis. Stat. 66.0104\(2\)\(d\)2](#), [2013 Wis. Act 76, Sec. 2](#)
20. Presumption that landlords have to perform pest control regardless of who caused the problem. [2013 Wis. Act 76, Sec. 12](#)
21. Self-help repair ordinance. [MGO 32.17](#), [Wis. Stat. 66.0104\(2\)\(d\)2](#), [2013 Wis. Act 76, Sec. 2](#)

Many laws remain in Dane County, Madison and Fitchburg ordinances. Looking at the city and county ordinances may be very confusing because most of the pre-empted laws are still on the books and local officials have been unwilling to remove pre-empted provisions. **Only the Madison Equal Opportunities Ordinance has been updated.** The City of Madison has specifically refused to remove some of its laws (required disclosures about smoke detectors under [2013 Wis. Act 76](#) in particular, by a unanimous vote) and indicated they may prosecute landlords and fight any legal challenges to local control. The City of Madison is also pursuing charter ordinances to override the statewide pre-emption.

Complicated changes. How these law changes affect a specific situation will depend on many factors. Most importantly in the City of Madison, it will be what the city chooses to challenge and what they choose not to challenge. Other factors include: what the lease says (or doesn't say); where the tenant lives, and the details of the dispute. Some of the laws that were pre-empted are essentially still in effect; either because the courts expect certain practices, or because other laws with the same or similar protections are still in effect. Landlords should be careful when considering their practices. This act may make additional minor changes which are not listed in this summary. Please contact Tenant Resource Center with specific questions.

www.tenantresourcecenter.org

1202 Williamson Street, Suite 102, Madison, WI 53703 | Monday-Friday, 9 AM-6 PM | Walk in, no appointment necessary
 Campus: 333 East Campus Mall, Student Activity Center, Room 3156. See website for current hours.
 Housing Counseling Dane County: 608-257-0006 | Outside Dane County: 877-238-RENT (7368)
 Español: 608-257-0006 x1 | Hmong: 608-257-0006 x 2 | Campus: 608-216-2321
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