

State Bill Takes Away Local Protections for Renters

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Another attack from Madison on local control. Who is a Renter going to call?

MADISON - When a renter calls the city for help, local officials might have their hands tied under a bill that recently passed the Senate. The bill would not allow a local ordinance to govern renters and landlords.

Local officials are the first called in a dispute. This bill creates a situation where locals would not be able to resolve local problems.

For example, current law requires landlords in all but Milwaukee County to store evicted renters' property at the renter's expense. In Milwaukee the job falls on the sheriff. This bill would allow property owners to take or throw away evicted renter's property even if the eviction is disputed and the renter just lost the case.

But if property is thrown away, a renter is going to call the sheriff and ask them to intervene.

The bill allows a car parked in the wrong spot to be towed by property owners. But an owner with a missing car is going to call police and report a stolen car.

If an unscrupulous property owner doesn't disclose a lack of hot water, heat or electricity, local officials might receive a call from the renter who wants things fixed.

But the bill would eliminate local ordinances requiring property owners to disclose certain information to renters unless state or federal law required this disclosure.

At the same time, the bill removed state law that required owners give renters an itemized description of the condition of the premises at the time of check-in.

Instead, renters would be given a blank list. The renter must find any problem within the apartment or house, list it on the form, and, in 7 days, return the completed list to the property owner or the renter could be held responsible for any existing damage when they check out.

The bill would also require renters to pay the full cost of treatment for an infestation of bed bugs. Senator Erpenbach tried to amend the bill to create a fair and standardized way to resolve the bed bug problem. He argued Maine's law had landlords paying for treatment of the building and renters disposing of any infected materials. The amendment failed on a party line vote.

The bill appears to change the role the Department of Ag, Trade and Consumer Protection (DATCP) plays in protecting renters. DATCP wrote "the bill would remove DATCP's authority over many landlord-tenant issues, which also would have the effect of removing the private right of action for those issues."

I phoned DACTP to get a better idea of what this language meant. I learned renters' consumer protection is written into administrative code. DATCP uses this to assist renters. Under the bill, it appears not only would DATCP lose the authority to protect consumers in certain cases, but consumers themselves would lose the ability to take the property owner to court.

There are a few protections left in place. These include return of a security deposit and the language of a lease. In what appears to be legal "never land" is protection from landlords who promise but do not deliver on needed repairs; disclosures to tenants including such items as water, heat and electricity; and prohibited practices like renting condemned property, unauthorized entry to a rental unit, automatic lease renewal and misrepresenting a rental property.

I spoke with several folks who represent tenants and they agreed the language of the bill was confusing. It may take court action to understand exactly what consumer protections are lost. It is very clear, however, local communities can no longer enforce their ordinances protecting renters.

The bill passed the Senate on a partisan vote. The bill now heads to the Assembly where a similar bill passed earlier this year. Left in Limbo are renters' problems that need to be fixed.

"Most landlords do a great job," an Eau Claire woman recently told me. "But 15% of them operate dumps."

Renters who call their local officials need help in disputes. Local officials who get a call in the middle of the night don't need their hands tied by state law.

If this bill becomes law, where does a renter go? Do they call the governor?

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