

The Rights of Madison Tenants Will Change!

Tenant Resource Center Main Office- (608) 257-0006
Tenant Resource Center Campus Office - (608) 561-3727

The Apartment Association of South Central Wisconsin recently lobbied the Wisconsin Senate to pass a bill that takes away many tenant rights for renters in Dane County.

The rights you lost with SB107:

In the application process:

- **Minimum Income Requirements:** previously, landlords in Madison couldn't deny tenants if tenants could prove that they had paid a similar amount of rent in the past. Now, landlords don't have to take that into consideration.
- Landlords can now use tenants' **occupation** in considering whether to accept or deny them. However, other protections may still apply, since Fair Housing Law prevents a landlord from looking at tenants' source of income in an application.
- Landlords can now use **court records, including arrest and conviction records**, in considering whether to accept or deny tenants. Previously, landlords could only look at these records when they were clearly related to housing issues, and only for the past 2 years. Now, landlords can deny a tenant whether or not the arrest was proven in court, related to housing, or recent.
- Landlords can now require disclosure of tenants' **social security number** in the application process. Previously, landlords couldn't require this disclosure.

For Security Deposits:

- Landlords can ask tenants to **pay any amount as a security deposit**. Previously, landlords could only ask for 1 month's rent (or less) as a security deposit.
- Previously, landlords had to give tenants **check-in forms, check-out forms and take photos** in order to take any damages at all out of the security deposit. These are no longer required in order to automatically deduct for damages from the security deposit, though the deductions can still be disputed.
- Before this law, tenants could **sue landlords for triple the amount wrongfully withheld** from security deposits. This protection is now eliminated, and tenants can only sue for double the amount wrongfully withheld.
- Landlords are **no longer required to pay interest** on security deposits.

During the lease period:

- Landlords can now **show the rental unit and begin a new lease at any point in the lease term**. Previously in Madison, landlords had to wait until a lease was 25% completed before they could show or re-lease the rental unit.
- Landlords now must only give **12 hours notice to show the rental unit**. Previously, the landlord had to give 24 hours notice.

Keep in mind: if a landlord wishes to apply these new laws, they must do it to all their tenants. These laws can't be used in a retaliatory or discriminatory way. That's still illegal.

Rights that you still have:

Landlords can't discriminate based on any of the following:

- race, color, religion, sex, national origin, mental or physical disability, family status, sexual orientation, marital status, age and lawful source of income
- type of military discharge
- physical appearance
- gender identity
- domestic partnership status
- genetic identity (City of Madison only)
- political beliefs
- student status
- receipt of rental assistance (Section 8)
- marital status of person maintaining household

For Security Deposits:

- Landlords **can still only deduct for** 1. unpaid rent, 2. unpaid utilities, 3. unpaid mobile home parking fees, 4. damage waste or neglect NOT due to normal wear and tear, and 5., anything else noted in the Nonstandard Rental Provisions of a tenant's lease that is an actual damage (no random fees).
- **Tenants can still sue landlords** in small claims court for improperly withheld security deposits. However, tenants are now only able to sue for **double** what was wrongfully withheld, not triple.
- The landlord **still must return a security deposit within 21 days** after a tenant surrenders the unit. However, if a landlord doesn't return the security deposit within that time, instead of automatically owing the tenant the full deposit, a tenant must begin the complaint process to assert their right to have the full amount.

During the lease period:

- Landlords **must still give tenants the chance to write a list of pre-existing damages** for the unit. They are not required to give a form.
- Landlords **must still give 24 hours notice if they are entering the unit to inspect or make repairs**. The law only changes the amount of advance notice to 12 hours in regards to showing the apartment to prospective tenants.

Questions?

- contact the **Tenant Resource Center (info below)**
- contact the **Fair Housing Centers about discrimination**

Frustration?

- contact your elected officials. Find out who they are by going to <http://legis.wisconsin.gov/> and selecting "Who Represents Me?"

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