

LANDLORD BOOT CAMP
Landlord Tenant Law In Wisconsin
Atty. Tristan R. Pettit

I. SCREENING AND QUALIFYING PROSPECTIVE TENANTS

- A. Basics
- B. Verify That The Applicant Is Who They Say They Are
- C. Utilize A Checklist With Each Caller or Applicant
- D. Have Written Screening Criteria and Apply It Consistently
- E. Avoiding Discrimination
 - 1. Basics
 - 2. Federal Fair Housing Act
 - 3. Wisconsin Open Housing Law
 - 4. Practical Applications
 - 5. "Reasonable Modifications"
 - 6. Restoration Agreements
 - 7. Animals Assisting Persons with Disabilities
 - 8. "Reasonable Accommodations"
- F. Credit Checks
- G. Consolidated Court Automated Program (CCAP)
- H. Rejecting An Applicant

Note: Outline for this section is 10 pages long and includes 6 attached exhibits/forms

II. RENTAL DOCUMENTS

- A. Rental Application
 - 1. Basics
 - 2. Unit Information
 - 3. Personal Information
 - 4. Rental History
 - 5. Employment History
 - 6. Other Sources of Income
 - 7. Credit and Financial Information
 - 8. Other Information
- B. Rental Agreement
 - 1. Basics
 - 2. Parties
 - 3. Property
 - 4. Monthly Rent
 - 5. Late Fees
 - 6. Rental Term
 - 7. Utility Charges
 - 8. Security Deposit
 - 9. Code Violations and Conditions Affecting Habitability
 - 10. Promises To Repair, Clean or Improve
 - 11. Deductions From Prior Tenant's Security Deposit
 - 12. Subleasing / Assignment
 - 13. Covenant of Quiet Use and Enjoyment
 - 14. Other Provisions To Consider Adding
 - 15. Prohibited rental Agreement Provisions
- C. Rules and Regulations

- D. Nonstandard Rental Provisions
- E. Tenant Inspection/Acceptance Form ("Check-In Check-Out Form")
- F. Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards and EPA Pamphlet
- G. Pet Agreement

Note: Outline for this section is 16 pages long and includes 8 attached exhibits/forms

III. RESIDENTIAL RENTAL PRACTICES - ATCP 134

- A. Background Information
- B. Scope of ATCP 134
- C. Remedies For Violations of ATCP 134
- D. Rental Agreements and Receipts
- E. Disclosure Requirements
 - 1. Contact Information
 - 2. Code Violations and Conditions Affecting Habitability
 - 3. Utility Charges
- F. Earnest Money Deposits and Credit Check Fees
 - 1. Earnest Money
 - 2. Credit Check/report Fee
- G. Security Deposit Withholding
 - 1. Check-In Procedures and Pre-Existing Damages
 - 2. Security Deposit
 - 3. Nonstandard rental Provisions
 - 4. "Normal Wear and Tear"
- H. Promises To Repair
- I. Prohibited Rental Agreement Provisions
- J. Prohibited Practices
 - 1. Advertise or Rent Condemned Property
 - 2. Unauthorized Entry
 - 3. Automatic Renewal of Lease Without Notice
 - 4. Confiscating Personal Property
 - 5. Retaliatory Eviction
 - 6. Failure To Deliver Possession To Tenant
 - 7. Self-Help Evictions
 - 8. Late Fees
 - 9. Miscellaneous
- K. Conflict with Local Ordinances

Note: Outline for this section is 14 pages long and includes 4 attached exhibits/forms

IV. CAUSES FOR EVICTION

- A. Breach for Non-Payment of Rent
 - 1. Month-To-Month and Week-To-Week Tenancies
 - 2. Tenancies Under A Lease for 1 Year or Less and Year To Year Tenancies
 - 3. Leases for More Than 1 Year
- B. Breach Other Than for Non-Payment of Rent
 - 1. Month-To-Month and Week-To-Week Tenancies
 - 2. Tenancies Under A Lease for 1 Year or Less and Year To Year Tenancies
 - 3. Leases for More Than 1 Year

- C. Nuisance (Drug House or Criminal Gang Houses)
- D. Miscellaneous
 - 1. Ending of Lease for Fixed Term
 - 2. Termination of Tenancy for Any Reason or No Reason - 28 Day Notice
 - 3. Subsidized Housing
 - 4. Mobile Homes
 - 5. Sale of Property
 - 6. Rent Assistance
 - 7. Fair Debt Collection Practices Act

Note: Outline for this section is 8 pages long and includes 8 attached exhibits/forms

V. NOTICES TERMINATING TENANCY

- A. Length of Notice Period
- B. Form of Notice
- C. Contents of Notice
 - 1. Market Rate Housing
 - 2. Subsidized Housing
- D. Service of Notice / Manner of Giving Notice
 - 1. Market Rate Housing
 - 2. Subsidized Housing
- E. When Is Notice Deemed Given
 - 1. Market Rate Housing
 - 2. Subsidized Housing
- F. Effect of Notice
- G. Improper Date On Notice
- H. Tenant's Notice To Terminate Tenancy
- I. Miscellaneous

Note: Outline for this section is 5 pages long and includes 1 attached exhibits/forms

VI. THE EVICTION PROCESS

- A. Pre-Suit Considerations
- B. Lawsuit
 - 1. Summons and Complaint
 - 2. Service of Summons and Complaint
 - 3. Initial Appearance / Return Date: 1st Cause of Action - Eviction
 - 4. Trial: 1st Cause of Action - Return of Premises
 - 5. Judgment for Restitution of The Premises
 - 6. Execution of Writ
 - 7. Initial Appearance / Return Date: 2nd and 3rd Cause of Action - Money Damages
 - 8. Hearing: 2nd and 3rd Causes of Action - Money Damages
 - 9. Damages

Note: Outline for this section is 21 pages long and includes 13 attached exhibits/forms

VII. ABANDONED AND UNCLAIMED TENANT PROPERTY

- A. Wisconsin Statutes
- B. Wisconsin Administrative Code
- C. Abandoned Property Provision - Rental Agreement
- D. Lien Provisions - Nonstandard Rental Provision

Note: Outline for this section is 2 pages long and includes 1 attached exhibits/forms

VIII. COLLECTIONS: ENFORCEMENT OF YOUR JUDGMENT

- A. Considerations Before Pursuing Judgment - Should You Even Bother?
 - 1. Is It Worth Your Time and Energy To Attempt To Collect This Judgment?
 - 2. Recoverable Damages
- B. Obtain Necessary Information To Collect Judgment Early In The Rental Process
- C. Taking Judgment
- D. Docketing Judgment
- E. Financial Disclosure Forms
- F. Supplemental Examination
- G. Garnishment of Property Other Than Earnings
- H. Earning Garnishment - Wages\

Note: Outline for this section is 7 pages long and includes 14 attached exhibits/forms