



2011 SENATE BILL 482

February 15, 2012 – Introduced by Senator LASEE, cosponsored by Representative RIVARD. Referred to Committee on Insurance and Housing.

1 **AN ACT** *to amend* 254.61 (3); and *to create* 66.1014, 254.61 (1) (g), 254.61 (4f),
2 254.61 (4m) and 254.61 (6) (d) of the statutes; **relating to:** lodging
3 establishments and restricting a local government’s ability to prohibit or
4 restrict an individual from renting his or her home.

Analysis by the Legislative Reference Bureau

This bill prohibits a political subdivision (any city, village, town, or county) from enacting or enforcing an ordinance that prohibits, or unreasonably restricts, an individual from renting out his or her home for seven consecutive days or longer. The bill defines “home” as any residential dwelling owned by an individual as either a primary or secondary dwelling. If any political subdivision has such an ordinance in effect on the effective date of the bill, the ordinance does not apply and may not be enforced.

Under current law, the Department of Health Services regulates a variety of types of lodging establishments, including hotels, bed and breakfast establishments, and tourist rooming houses. This bill excludes from the definitions of “hotel,” “bed and breakfast establishment,” and “tourist rooming house” a residential dwelling that is rented exclusively for periods that are seven consecutive days or longer. Thus, the bill provides that a residential dwelling that is rented exclusively for periods of seven consecutive days or longer does not qualify as a hotel, a bed and breakfast establishment, or a tourist rooming house and therefore is not subject to regulations that apply to such lodging establishments.

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For further information see the *state and local* 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.** 66.1014 of the statutes is created to read:

2 **66.1014 Limits on home rental prohibited. (1)** In this section:

3 (a) “Home” means any residential dwelling owned by an individual, as either
4 the individual’s primary dwelling or secondary dwelling.

5 (b) “Political subdivision” means any city, village, town, or county.

6 (c) “Residential dwelling” has the meaning given in s. 254.61 (4f).

7 (d) “Secondary dwelling” means any residential dwelling owned by an
8 individual other than the individual’s primary dwelling.

9 **(2)** (a) A political subdivision may not enact or enforce an ordinance that
10 prohibits, or unreasonably restricts, an individual from renting out his or her home
11 for 7 consecutive days or longer.

12 (b) If a political subdivision has in effect on the effective date of this paragraph
13 [LRB inserts date], an ordinance that is inconsistent with par. (a), the ordinance
14 does not apply and may not be enforced.

15 **SECTION 2.** 254.61 (1) (g) of the statutes is created to read:

16 254.61 **(1)** (g) Is not a residential dwelling rental.

17 **SECTION 3.** 254.61 (3) of the statutes is amended to read:

18 254.61 **(3)** “Hotel” means all places wherein sleeping accommodations are
19 offered for pay to transients, in 5 or more rooms, and all places used in connection
20 therewith except that “hotel” does not include a residential dwelling rental.

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1 “Hotelkeeper”, “motelkeeper” and “innkeeper” are synonymous and “inn,” “motel,”
2 and “hotel” are synonymous.

3 **SECTION 4.** 254.61 (4f) of the statutes is created to read:

4 254.61 (4f) “Residential dwelling” means any building, structure, or part of the
5 building or structure, that is primarily used and occupied for human habitation or
6 intended to be so used and includes any appurtenances belonging to it or usually
7 enjoyed with it.

8 **SECTION 5.** 254.61 (4m) of the statutes is created to read:

9 254.61 (4m) “Residential dwelling rental” means a residential dwelling that
10 is offered for rent exclusively for periods of 7 consecutive days or longer.

11 **SECTION 6.** 254.61 (6) (d) of the statutes is created to read:

12 254.61 (6) (d) A residential dwelling rental.

13

(END)