



2011 ASSEMBLY BILL 617

February 22, 2012 - Introduced by Representatives RIVARD and AUGUST,
cosponsored by Senator LASEE. Referred to Committee on 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 a person from renting out of the person's residential dwelling.

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, a person from renting out the person's residential dwelling for seven consecutive days or longer. The bill defines "residential dwelling" as any building or structure, or part thereof, that is primarily used and occupied for human habitation or intended to be so used. 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 residential dwelling rental prohibited.** (1) In this
3 section:

4 (a) “Political subdivision” means any city, village, town, or county.

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

6 **(2)** (a) A political subdivision may not enact or enforce an ordinance that
7 prohibits, or unreasonably restricts, a person from renting out the person’s
8 residential dwelling for 7 consecutive days or longer.

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

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

13 254.61 (1) (g) Is not a residential dwelling rental.

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

15 254.61 (3) “Hotel” means all places wherein sleeping accommodations are
16 offered for pay to transients, in 5 or more rooms, and all places used in connection
17 therewith except that “hotel” does not include a residential dwelling rental.
18 “Hotelkeeper”, “motelkeeper” and “innkeeper” are synonymous and “inn,” “motel,”
19 and “hotel” are synonymous.

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

