

Redemption As Part Of Wisconsin Housing Policy

Mar 05 2009

Practice Area: Community Associations

Assembly Bill 22, Being Considered By The Wisconsin State Legislature, Is Considering Adding A New Class To Fair Housing Protection; Those Individuals With An Arrest Or conviction Record That Is More Than Three Years Old.

Many of you know that federal and state fair housing laws prohibit discrimination on the basis of disability, race, gender, and other classes. These laws apply to condominium associations.

Now, Assembly Bill 22, being considered by the Wisconsin state legislature, is considering adding a new class to fair housing protection: those individuals with an arrest or conviction record that is more than three years old.

What is an arrest or conviction record? For the purposes of this proposal, it's pretty broad. An arrest record is "information indicating that an individual has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted, or tried for any felony, misdemeanor, or other offense pursuant to any law enforcement or military authority more than 3 years before." A conviction record is "information indicating that an individual has been convicted of any felony, misdemeanor, or other offense, has been adjudicated delinquent, has been less than honorably discharged, or has been placed on probation, fined imprisoned, placed on extended supervision, or paroled pursuant to any law enforcement or military authority more than 3 years before."

For our Madison area clients, Dane County already has a similar ordinance.

Associations that retain the power to approve renters – a power fraught with potential for litigation in any event – will want to pay close attention as this bill proceeds through the Legislature.

von Briesen & Roper Legal Update is a periodic publication of von Briesen & Roper, s.c. It is intended for general information purposes for the community and highlights recent changes and developments in the legal area. This publication does not constitute legal advice, and the reader should consult legal counsel to determine how this information applies to any specific situation.