

Legal Action of Wisconsin Presents: Renter's Rights & Eviction Defense Project

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La Crosse County Eviction Defense Project

- This Project commenced June 30, 2023.
- We provide on the spot services at the La Crosse County courthouse (333 Vine Street) every Friday beginning at 8:30 a.m.
- Services are available for eligible clients at their Return Date (mediation date). Services include:
 - Consultation with an attorney (generally limited to 20 minutes)
 - Brief legal advice
 - Assistance in Mediation with Landlord and mediator
 - Possible assistance with drafting Answer
 - Possible assistance with eviction hearing

Tenant Rights and the Eviction Process



Leases and Rental Agreements

- Contracts
- Written or Oral
- End Date:
 - Lease: Fixed
 - Rental Agreement: Open

3 Types of Tenancies



- Lease
- Periodic
- Tenancy at Will

The Eviction Process

Termination
Notice



Termination
Notice
Expires



Eviction
Filed



Court
Papers
Served



Return Date



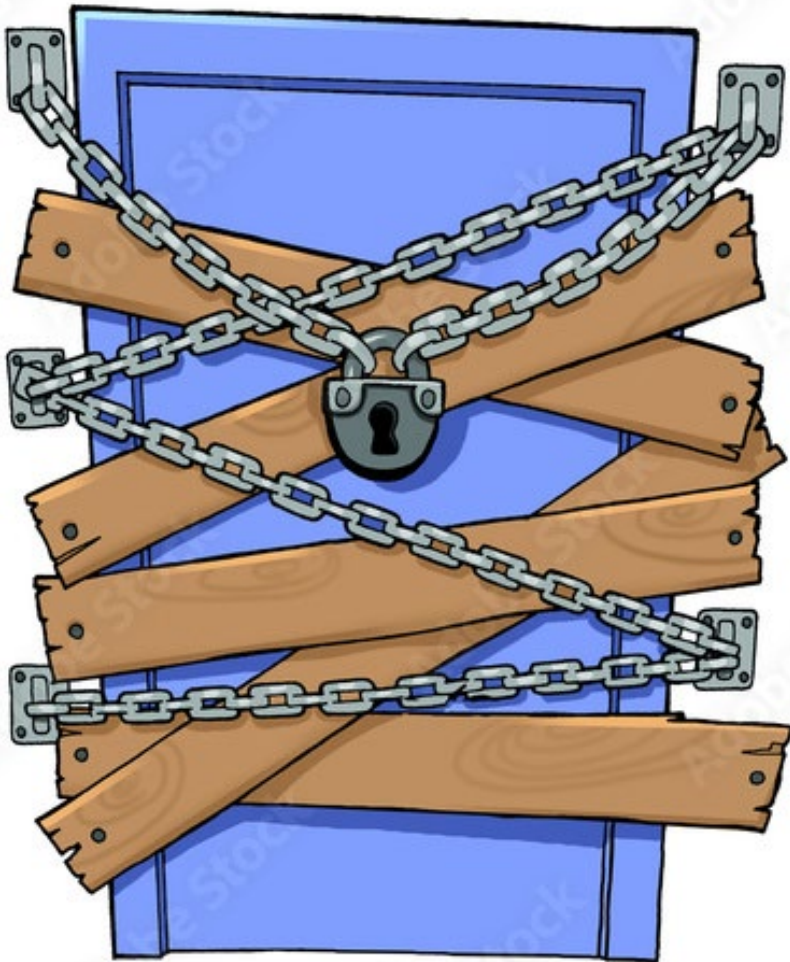
Trial



Money
Claims
Hearing



Self Help Eviction



Can a landlord change the locks after a notice has expired?

No. Landlord can only remove a tenant by getting a court order for an eviction (called a writ of restitution) that is carried out by the sheriff's department. To get a writ, the landlord needs to go through the court process of an eviction against the tenant(s).

If a landlord changes the locks without a court order and does not provide you entry, you may be able to file a lawsuit or counterclaim against your landlord.

Types of Written Notices Terminating Tenancy

Timing	Reason Given	Right to Cure
5 day	Breach	Yes, 5 days
28 days	None	No
14 days	Breach	No
5 days	Criminal Activity	No

Right to Cure Notice

Problem	How to Cure
Unpaid Rent	Pay Rent (check, MO) Repayment Agreement?
Hoarding	<i>Start</i> to Clean, Remove Clutter
Loud Party	Note or Letter to Landlord
Unauthorized Guests	Remove Guest(s) Add Guest to Lease Get Written Permission from Landlord for Guest ???

Exceptions and Rights for Victims of Domestic Violence



- Cannot evict victim of abuse by **uninvited guest**

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Rights of Victims of DV

- Lease break
- Lock change
- Evict abuser
- Notice of rights
- Cannot retaliate

Discrimination

Equal Rights Division (ERD)

- Complaint must be filed within 1 year of the discriminatory action

- In Wisconsin discrimination is not a defense to an eviction action.

US Dept. of Housing and Urban
Development (HUD)



Conditions Issues and Rent Abatement

When to Abate

When tenant deprived of **full, normal use** of premises

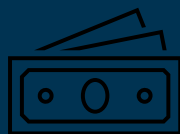
Health & Safety

How to Abate

- ✓ 1-2 Written Requests for Repair
- ✓ Documentation/Inspection Report
- ✓ Check with attorney
- ✓ Notice of Abatement
- ✓ Abate only statutory percentage- not 100 %
- ✓ Return abated amount
- ✓ RISK

Suing your Landlord and Security Deposit Returns

Security Deposits



- security Deposits must be returned by your landlord within 21 days of the end of your lease or when you move out
- Or the landlord must provide an itemized list of the damages or unpaid rent/utilities/fees/etc that they are taking out of the security deposit

Commons issues to sue landlords



- Discrimination
- Constructive eviction
- Retaliation
- Failure to return a security deposit or statement withholding within 21 days
- Illegal removal of your belongings or illegally changing the locks without the required court order

Rent Increases: Notice and Cap

Notice

- How much notice is required depends on the type of tenancy
- The landlord must give notice equal to the rent paying period
- For a fixed lease term rent cannot be raised or amended until the lease has expired

Cap on How Much

- In Wisconsin there is no cap for how much a landlord can increase the rent for private housing.
- Some types of federally-subsidized housing may have limits on rent increases.

Thank You!

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