**KNOW YOUR LEGAL RIGHTS**

**Renters have a right to a safe and decent home**

Know Your Legal Rights is a bi-monthly column distributed by the State Bar of Wisconsin. It is written by members of the State Bar of Wisconsin’s Lawyer Referral and Information Service (LRIS), which connects Wisconsin residents with lawyers throughout the state. Learn more at [*wislaw.org*](http://www.wislaw.org/).

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Your landlord refuses to fix a broken lock on your apartment door. He or she is not returning your calls. What should you do?

Wisconsin has laws to protect tenants. These laws can vary depending on the city or county in which you live. Below are some general guidelines and resources meant to help you if you experience problems with your landlord.

**First step: Document all problems in writing**

Maybe your toilet is broken or your refrigerator is not getting cold. Always express your concerns to your landlord in writing. Be specific – include dates and times of when your problem first occurred – and ask for a response within a certain date. Keep all documentation of your written concerns.

**Problem not solved? Should you withhold rent?**

There is a process you and your landlord must follow for a repair, and it varies by city and county. In some areas of Wisconsin and under certain circumstances, you may withhold rent until the problem is fixed. This is called rent abatement. There is no definite or formal rent abatement process under Wisconsin law. Be sure to check your areas rent abatement rules, housing codes and ordinances.

Of course, there are exceptions. If you live in Madison and you do not hear back from your landlord after repeated and documented attempts to contact him or her about your necessary repair, a city building inspector must come into your apartment to review the problem before you can withhold your rent payment.

No matter where you live, I urge you to take caution before withholding your rent, with a clear understanding of the law. Otherwise, you may be putting yourself at risk of eviction.

**Take steps to protect yourself**

Be sure you understand your legal rights before you move in. As mentioned, tenant rights vary by city and county in Wisconsin. For example, your landlord may require you to move your car for snow removal during winter. If you refuse, the landlord may fine or tow you. Additionally, on-street parking restrictions may severely impact your ability to find a space near your home. If this is a concern, consider renting elsewhere.

**Helpful resources**

You may live in an area that does not have a building inspector. Your options include:

* Contacting the municipal office or council of the city you live in to ask if they can provide you resources for tenant rights;
* Filing a written complaint with the Wisconsin Department of Agriculture, Trade & Consumer Protection at [DATCPHotline@Wisconsin.gov](http://www.DATCPHotline@Wisconsin.gov) or through their toll-free hotline at 800-422-7128; or
* Calling your local fire department (non-emergency line), public health department or the Wisconsin Department of Safety and Professional Services.

**Eviction Notices**

If your landlord intends to evict you, there are laws he or she must follow. There are different types of notices and the way they are served can vary by county. You must be properly served with a copy of the papers which will have the date of the court hearing. You must appear at that hearing. Court appearance requirements vary by county.

For help with an eviction case, I encourage you to contact an attorney who specializes in landlord-tenant law.

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