

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Residential Rental Practices (Emergency)
Adm. Code Reference: ATCP 134
DATCP Docket #: 20-R-02

Rule Summary

This emergency rule modifies the late fees provision of the current rule related to residential rental practices. Existing ch. ATCP 134 (Residential Rental Practices) and existing ch. 704, Stats. (Landlord and Tenant) both regulate dealings involving residential renters and their landlords.

Summary of Changes

The emergency rule prohibits charging late rent fees or late rent penalties for any missed rent payment or for any late rent payment during the period of abnormal economic disruption arising from the public health emergency caused by the COVID-19 virus, and during the 90 days following the public health emergency. The emergency rule does so by temporarily creating Wis. Admin. Code s. ATCP 134.09 (8) (d).

Small Business Affected

Many of the landlords affected by this rule will qualify as “small businesses.”

Reporting, Bookkeeping and other Procedures

There is no mandatory reporting or bookkeeping tied to this amendment to the rule.

Professional Skills Required

No additional professional skills will be required to comply with the emergency rule. A prohibition on charging late rent fees during a public health emergency does not create a new administrative function.

Accommodation for Small Business

Many of the landlords affected by this rule are “small businesses.” However, no accommodations or special exceptions have been planned because none are needed.

Conclusion

This rule will have little, perhaps no, adverse effect on businesses, including “small businesses,” by temporarily prohibiting the charging of late rent fees or late rent penalties during a public health emergency. The department does not know how many residential tenants are currently being charged late rent fees or late rent penalties during the public health emergency. Negative effects, if any, of prohibiting such charges will be few and limited.

Because this rule will not have a significant adverse effect on “small business,” it is not subject to the delayed “small business” effective date provided in Wis. Stat. s 227.22 (2) (e). Due to its emergency nature, the change will go into effect upon publication in the official state newspaper.

Dated this _____ day of _____, 2020.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Lara Sutherlin, Administrator
Division of Trade and Consumer Protection