

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Residential Rental Practices
Adm. Code Reference: ATCP 134
Rules Clearinghouse #:
DATCP Docket #: 19-R-02

Rule Summary

This proposed rule would modify a current rule related to residential rental practices. Existing Wis. Admin. Code ch. ATCP 134 (Residential Rental Practices) and existing Wis. Stat. ch. 704 (Landlord and Tenant) both regulate dealings involving residential renters and their landlords. However, because of a recent addition to Wis. Stat. ch. 704, by 2017 Wis. Act 317, § 41, there is now a specific matter – namely, the maximum actual cost amount that a landlord may require a prospective tenant to pay for a consumer credit report – where Wis. Admin. Code ch. ATCP 134 is inconsistent with Wis. Stat. ch. 704. This rulemaking will eliminate that inconsistency.

Summary of Changes

This rule changes the maximum amount that a landlord may charge a prospective tenant for a consumer credit report from \$20 to \$25.

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

Since the rule merely changes the fee that may be collected from \$20 to \$25, no additional professional skills will be required.

Accommodation for Small Business

Many of the landlords affected by this rule are “small businesses.” However, because the change permits landlords to charge prospective tenants \$5 more for consumer credit reports, the rule will not adversely affect landlords. In addition, the rule change is required due to a change in state statute, so no accommodations or special exceptions can be made.

Conclusion

This rule will generally benefit affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in Wis. Stat. § 227.22 (2) (e).

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