



## 2025 ASSEMBLY BILL 142

March 17, 2025 - Introduced by Representatives BROWN, ANDERSON, ANDRACA, ARNEY, BARE, CLANCY, DESMIDT, FITZGERALD, HONG, J. JACOBSON, KIRSCH, MADISON, MCCARVILLE, PALMERI, PHELPS, ROE, SINICKI, STROUD, SUBECK, TAYLOR and TENORIO, cosponsored by Senators ROYS, DASSLER-ALFHEIM, DRAKE, HESSELBEIN, KEYESKI, LARSON, PFAFF, RATCLIFF and SPREITZER. Referred to Committee on Housing and Real Estate.

- 1 **AN ACT to create** 704.44 (11) and 704.60 of the statutes; **relating to:**
- 2 algorithmic software for residential housing, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits the use of algorithmic software in setting rental rates or occupancy levels for residential dwelling units and prohibits persons from selling, licensing, or providing algorithmic software to a residential landlord. “Algorithmic software” is defined in the bill to mean software that uses an algorithm to perform calculations on nonpublic competitor data regarding rent or occupancy levels in this state for the purpose of informing a landlord’s decision regarding residential housing occupancy rates, whether to leave a residential unit vacant, or the amount of rent that a landlord may obtain for a residential unit. The Department of Agriculture, Trade and Consumer Protection, the attorney general, or a district attorney may investigate violations of this bill, and the attorney general or a district attorney may commence an action seeking an injunction or to recover a civil forfeiture of up to \$1,000 per violation. In addition, a tenant may file a civil action seeking actual damages incurred as a result of a violation of the bill or \$1,000 per violation, whichever is greater, or for injunctive relief, or for a combination of injunctive relief and damages.

Under the bill, if a landlord includes a provision in a lease that 1) waives the landlord’s obligation to comply with the prohibition on the use of algorithmic software or 2) discourages or impedes a tenant from filing an action seeking

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injunctive relief or damages stemming from the landlord's violation of the bill's prohibitions, then the rental agreement is void and unenforceable.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 704.44 (11) of the statutes is created to read:

2           704.44 (11) Waives the landlord's obligation to comply with s. 704.60 (2) or  
3 discourages or impedes a tenant from filing an action or seeking injunctive relief or  
4 damages under s. 704.60 (3).

5           **SECTION 2.** 704.60 of the statutes is created to read:

6           **704.60 Use of algorithmic software. (1) DEFINITIONS.** In this section:

7           (a) "Algorithmic software" means software, including revenue management  
8 software, that uses an algorithm to perform calculations on nonpublic competitor  
9 data regarding rent or occupancy levels in this state for the purpose of informing a  
10 landlord's decision regarding residential housing occupancy rates, whether to leave  
11 a residential unit vacant, or the amount of rent that a landlord may obtain for a  
12 residential unit. "Algorithmic software" includes a product or device that  
13 incorporates algorithmic software. "Algorithmic software" does not include any of  
14 the following:

15           1. A publication of existing aggregated rental data if the publication does not  
16 recommend rental rates or occupancy levels for future leases.

17           2. A product used for the purpose of establishing rent or income limits in  
18 accordance with affordable housing guidelines or requirements of a local, state, or  
19 federal program.

20           (b) "Nonpublic competitor data" means housing-related information that is

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1 not available to the general public regarding actual amounts charged for rent,  
2 occupancy rates, lease start and end dates, or similar data, regardless of whether  
3 the information is attributable to, derived from, or otherwise provided by a person  
4 that competes in the same or related market.

5 **(2) ALGORITHMIC SOFTWARE.** (a) No person shall sell, license, or provide to a  
6 residential landlord algorithmic software.

7 (b) No person may use algorithmic software to set rental rates or occupancy  
8 levels for residential dwelling units.

9 **(3) ENFORCEMENT AND PENALTY.** (a) The department of agriculture, trade  
10 and consumer protection, the attorney general, or a district attorney may  
11 investigate an alleged violation of sub. (2).

12 (b) The attorney general or a district attorney may commence an action in the  
13 name of the state to restrain by temporary or permanent injunction a violation of  
14 sub. (2) or to recover a civil forfeiture of up to \$1,000 per violation. The court shall  
15 award the attorney general or district attorney court costs and, notwithstanding s.  
16 814.04 (1), reasonable attorney fees, if the attorney general or district attorney is  
17 the prevailing party in the action. Each month in which a violation exists or  
18 continues constitutes a separate offense. Each dwelling unit for which a person has  
19 used algorithmic software in violation of sub. (2) (b) constitutes a separate offense.

20 (c) A tenant may file a civil action for a violation of sub. (2) on behalf of himself  
21 or herself, or on behalf of himself or herself and all persons similarly situated, for  
22 actual damages incurred as a result of a violation of sub. (2), or damages of \$1,000  
23 per violation, whichever is greater, or for injunctive relief, or for a combination of  
24 damages and injunctive relief. The court shall award the tenant court costs and,

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1 notwithstanding s. 814.04 (1), reasonable attorney fees if the tenant is the  
2 prevailing party in the action. The court may also award any equitable relief to a  
3 prevailing party as may be determined by the court if the tenant, or the tenant and  
4 all persons similarly situated, is the prevailing party in the action.

5 **(END)**