

# DATCP and NBIA Collaboration Opportunities



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# BUREAU OF CONSUMER PROTECTION











How we serve Wisconsin consumers and businesses:

- Operate Wisconsin's Consumer Protection Hotline
- Mediate consumer complaints, investigate cases, and take enforcement action
- Educate and inform Wisconsin consumers and businesses



# TOP TEN COMPLAINTS OF 2022

- Bureaus of Consumer Protection, Business Trade Practices, and Weights and Measures received more than 11,000 consumer complaints in 2022.
- Returned approximately \$2.8 million to affected consumers in 2022.

| Rank | Category   | Complaints |
|------|--|------------|
| 1    |  Landlord/Tenant              | 1,912      |
| 2    |  Telemarketing                | 1,651      |
| 3    |  Home Improvement             | 1,216      |
| 4    |  Telecommunications           | 655        |
| 5    |  Identity Theft               | 513        |
| 6    |  Medical Services             | 440        |
| 7    |  Travel                     | 224        |
| 8    |  Health & Medical Products  | 217        |
| 9    |  Furniture/Home Furnishings | 189        |
| 10   |  Auto Sales (New & Used)    | 184        |



# LANDLORD / TENANT RULES AND REGULATIONS



Landlord and Tenant laws in Wisconsin are:

- Wisconsin Statute Chapter 704
- Wisconsin Administrative Code Chapter ATCP 134





## DISCLOSURE REQUIREMENTS – ATCP 134.04(2)

Before entering into a rental agreement or accepting any earnest money or security deposit from the prospective tenant, the landlord shall disclose any building code or housing code violation to which all of the following apply:

1. The landlord has actual knowledge of the violation.
2. The violation affects the dwelling unit that is the subject of the prospective rental agreement or a common area of the premises.
3. The violation presents a significant threat to the prospective tenant's health or safety.
4. The violation has not been corrected.



## DISCLOSURE REQUIREMENTS – ATCP 134.04(2)

The landlord must also disclose the following conditions affecting habitability which the landlord knows, or could know on basis of reasonable inspection, whether or not notice has been received from code enforcement authorities:

1. The dwelling unit lacks hot or cold running water.
2. Heating facilities serving the dwelling unit are not in safe operating condition, or are not capable of maintaining a temperature, in all living areas of the dwelling unit, of at least 67° F (19° C) during all seasons
  - Temperatures in living areas shall be measured at the approximate center of the room, midway between floor and ceiling.



## DISCLOSURE REQUIREMENTS – ATCP 134.04(2)

*(continued)*

- 3.** The dwelling unit is not served by electricity, or the electrical wiring, outlets, fixtures or other components of the electrical system are not in safe operating condition.
- 4.** Any structural or other conditions in the dwelling unit or premises which constitute a substantial hazard to the health or safety of the tenant, or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the premises other than negligent use or abuse of the premises by the tenant.
- 5.** The dwelling unit is not served by plumbing facilities in good operating condition.
- 6.** The dwelling unit is not served by sewage disposal facilities in good operating condition.



## PROMISES TO REPAIRS – ATCP 134.07



- (1) Every promise or representation made by a landlord to a tenant or prospective tenant ***shall specify the date*** or time period on or within which the cleaning, repairs or improvements are to be completed.
- (2) All promises made before the initial rental agreement ***shall be in writing*** with a copy furnished to the tenant.
- (3) Every promise or representation ***shall be completed within the time period represented*** unless the delay is beyond the landlord's control. The landlord shall give timely notice to the tenant of reasons beyond the landlord's control for any delay and when the cleaning, repairs or improvements will be completed.





## RETALIATORY EVICTION – ATCP 134.09(5)

No landlord shall terminate a tenancy or give notice preventing the automatic renewal of a lease in retaliation against a tenant because the tenant has:

(a) Reported a violation of this chapter or a building or housing code to any governmental authority, or filed suit alleging such violation



# HOME IMPROVEMENT RULES AND REGULATIONS



Home Improvement Practice Laws  
in Wisconsin are:

- Wisconsin Administrative Code  
Chapter ATCP 110



# HOME IMPROVEMENT PRACTICES – ATCP 110



## What IS covered?

- Residential property
- Non-commercial property

## What is NOT covered?

- New construction
- Commercial property
- Major renovation of an existing structure





# “PROPERTY” ISN’T LIMITED TO THE STRUCTURE

- Roofing, windows, siding
- Patios/decks
- Driveways
- Swimming pools
- Porches
- HVAC
- Landscaping
- Floor coverings
- Home alarm systems



# TRADE PRACTICES – ATCP 110

- Contract requirements
- Prohibited Trade Practices
- Substituting products or materials; altering the written contract
- Lien Waivers
- Delay in contract performance/Cancellation
- Building permits
- Warranties
- Contract cancellation; return of payments





# ENFORCEMENT & PENALTIES

## Progressive Enforcement

- Complaint history
- Nature of violations
- Losses

## Potential Penalties

- Injunctive relief
- Restitution
- Civil forfeiture
- Possible criminal charges



# THANK YOU !!!



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