State of Wisconsin
Department of Workforce Development
Equal Rights Division

Wisconsin's Fair Housing Law & Complaint Process Wisconsin Statutes Section 106.50

Fair Housing Law

The Wisconsin Fair Housing Law protects the rights of people in the rental or purchase of housing.

- It is unlawful to discriminate against a person in housing, even in part, because of that person's protected class. The protected classes are shown on the chart on the following page.
- Essentially, all housing is covered under the law **except** when a person is seeking a roommate to share a dwelling.

What Are Examples Of Discrimination?

- Refusing to rent or negotiate with someone for the rental or sale of a dwelling.
- Failing to renew a lease or lying about the availability of a dwelling.
- Applying different terms or rental conditions.
- Providing different rental privileges or services.
- Not allowing a person with a disability to make reasonable modifications to the unit.
- Applying different rental or mortgage application standards or fees.
- Failing to build accessible multi-family housing.
- Harassing or interfering with a person's quiet enjoyment of a dwelling.
- Steering persons to certain units or buildings within an apartment complex.

Are There Exceptions Under The Law?

Yes, there are circumstances when discrimination may be legal. A few examples are:

- A family with "too many" people may be turned away, if a reasonable government requirement limits the number of occupants for the dwelling unit.
- Housing primarily intended and operated for older persons may, under certain conditions, be restricted to persons over a certain age.
- Housing may be denied to a person who poses a direct threat to the safety of others or whose tenancy would result in substantial physical damage to property, provided the risk can't be sufficiently reduced by a reasonable accommodation.

Can A Fair Housing Council Help?

Yes, if a Fair Housing Council serves your area it can help you understand your rights under the law and outline a variety of ways to pursue a complaint. Fair Housing Councils may also be able to conduct investigations using "testing," which is a method of investigating complaints that compares treatment of various home seekers to determine whether differences in treatment are occurring. Testing may later be used as evidence in administrative or judicial actions. A Fair Housing Council may also be able to refer you to an attorney experienced in fair housing matters. To determine if a Fair Housing Council serves your area of the state, contact the Metropolitan Milwaukee Fair Housing Council at (414) 278-1240.

How Is A Complaint Filed Under Wisconsin Law?

A person alleging discrimination may file a complaint within **1 year** of the discriminatory action.

- A complaint form with instructions is available from the Equal Rights Division. Please see the last page of this document for the addresses and telephone numbers.
- Usually, settlement possibilities will be explored before an investigation begins. Many housing complaints are resolved by compromise, which is usually a good option for both parties.
- If the investigation finds **probable cause** to believe that discrimination may have occurred, the Equal Rights Division will issue a CHARGE of discrimination, along with the investigator's determination. Either party may elect to have the charge decided in a CIVIL ACITON filed by the complainant in Circuit Court.

If a civil action is not chosen, the complainant will be decided after a hearing held by an Administrative Law Judge of the Equal Rights Division. Note that the Equal Rights Division does not provide legal representation for either party.

If **no probable cause** is found at the investigation, the case will be dismissed. The dismissal will become final unless the Equal Rights Division receives a written appeal letter within **20 days** of the determination.

PROTECTED CLASSES	DESCRIPTION	Also covered in federal law
Race	Generally, a member of a group united or classified together based on a common history, nationality or geography.	X
Color	The color of a person's skin.	X
Family Status	A household with minor children. A person who is pregnant or seeking custody of a child, or is planning adoption or guardianship is included.	X
Disability	Having a physical or mental impairment that substantially limits one or more major life activities, or having a record of, or being perceived as having a disability.	X
Sex	Being male or female.	X
National Origin	Generally, a member of a nation by birth or naturalization or having common origins or traditions.	X
Religion	Sincerely held religious, moral or ethical beliefs and practices.	X
Marital Status	The status of being married, widowed, single, divorced, or separated.	
Ancestry	The country, nation or tribe of the identifiable group from which a person descends.	
Source of Income	The lawful source of a person's income, including wages, a voucher having monetary value, social security, public assistance or other related payments.	
Sexual Orientation	Having a preference for heterosexuality, homosexuality, or bisexuality or having a history of being so identified.	
Age	Being at least 18 years of age.	
Status as a Victim of Domestic Abuse, Sexual Abuse or Stalking.		

What Remedies Are Available Under The Law?

Relief varies with the circumstances of each case. Generally, persons who **prove** they were victims of discrimination may receive:

- Out of pocket losses and interest
- Attorney fees and costs
- Compensatory damages for losses or injury
- Punitive damages if filed in court
- Injunctive relief

Other remedies or fines may also be ordered. The U.S. Fair Housing Act provides remedies similar to those available under Wisconsin Law.

Federal or Local Fair Housing Laws

Federal laws and local ordinances differ from state laws and, in some cases, provide greater protection to home seekers. Title VIII of the Civil Rights Act of 1968 is the primary federal fair housing law. To file a federal fair housing complaint or for addition information contact:

The U.S. Department of Housing and Urban Development
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507

1(800) 765-9372
TTY 1(800) 927-9275

To file electronically: www.hud.gov

Housing Discrimination Is Illegal!

If you believe that you have been treated unfairly in the rental or purchase of housing because of:

Race	Family Status	Sexual Orientation
Source of Income	Disability	Ancestry
Sex	Marital Status	Religion
National Origin	Color	Age

Status as a Victim of Domestic Abuse, Sexual Abuse, or Stalking

If you would like more information about the law and your rights, contact one of the offices shown below:

State of Wisconsin
Department of Workforce Development
Equal Rights Division

201 E WASHINGTON AVE - ROOM A100
PO BOX 8928
MADISON WI 53708

Telephone: (608) 266-6860
TTY: (608) 264-8752

819 N 6th ST
ROOM 723
MILWAUKEE WI 53203

Telephone: (414) 227-4384
TTY: (414) 227-4081

Web Site: http://dwd.wisconsin.gov/er

DWD is an equal opportunity employer and service provider. If you need assistance to access services or need material in an alternate format, please contact us.