



Suggestions for Landlords to Minimize the Transfer of Arrearages to the Tax Roll

1. Do credit checks on prospective tenants. This may give you insight into whether the tenant will be reliable for the rent and/or utility payments. Wisconsin residential rental practices law allows landlords to collect the actual cost, up to \$20, for a credit report on a prospective tenant. The code reference is as follows:

Wis. Admin. Code ATCP 134.05 Earnest money deposits and credit check fees

(4)(a) Except as provided under par. (b), a landlord may require a prospective tenant to pay the landlord's actual cost, up to \$20, to obtain a consumer credit report on the prospective tenant from a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. The landlord shall notify the prospective tenant of the charge before requesting the consumer credit report, and shall provide the prospective tenant with a copy of the report.

2. Have a parent co-sign the lease. If the lease includes payment of utilities in addition to rent and the tenant is a student, consider having a parent co-sign the lease. This will allow you to pursue collection of unpaid utility bills and rent from the parent.

3. Ask for duplicate bills. Ask the utility to send you duplicate copies of bills and disconnection notices so you're aware of tenant arrearages.

4. Put service in your name. Ask the utility to put service in your name and increase the tenant's rent to include the cost of the utility service. But remember – the utility is prohibited from disconnecting service if the purpose of the disconnection is to evict a tenant.

5. Change the lease. Add language to your rental lease to make tenancy dependent on payment of utility bills. If the tenant fails to pay the bills, you can pursue an eviction action against the tenant.

6. Deduct unpaid utility bills from the tenant's security deposit. Wisconsin residential rental practices law allows a landlord to withhold unpaid utility bills from a tenant's security deposit. The code reference is as follows:

Wis. Admin Code ATCP 134.06(3)(a)3. Security Deposit Withholding; Restrictions.

(a) A landlord may withhold from a tenant's security deposit only for the following:

3. Payment which the tenant owes under the rental agreement for utility service provided by the landlord but not included in the rent.



Medical or Protective Service Emergencies

Wis. Admin. Code § PSC 185.37(10) prohibits the disconnection or refusal to reconnect water service to a residential customer for up to 21 days if disconnection will aggravate an existing medical or protective services emergency for the occupant or other permanent resident of the premises where service is provided.

The utility is not required to continue water service without receiving written documentation of the medical or protective services emergency. Utilities may require the customer to use a form in these situations in order to obtain the following information:

- Customer's or occupant's name, address and contact numbers.
- Name, address and contact information for the medical, social service or law enforcement provider documenting the medical or protective services emergency.
- Information which identifies occupant with the medical or protective services emergency and specifies the period of time during which disconnection of water service will aggravate the circumstances.

The utility will consider whether the customer's situation constitutes a true "medical or protective services emergency" or whether the absence of water service will merely cause discomfort and/or inconvenience. Utility personnel may contact the customer and/or the person documenting the medical or protective services emergency for clarification, if necessary. If there is a dispute concerning an alleged existent medical or protective services emergency, either party has the right to an informal review by Commission staff.

The rule also states that the utility and the customer need to work together during the 21 day period to make reasonable payment arrangements in order to continue the service on a permanent basis. This means the utility is required to discuss the available payment options and make appropriate referrals for possible financial assistance. The customer is responsible to document the medical emergency and work with the utility to make satisfactory payment arrangements. If the customer has submitted the medical form and there is evidence that they are taking the necessary steps to make payment arrangements, the utility may choose to grant a further postponement. However, if the customer submits the medical form but fails to make payment or payment arrangements on the arrearage, the utility may pursue disconnection of service under Wis. Admin. Code § PSC 185.37.