



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

DATE: March 27, 2020

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Acting Secretary
Lara Sutherlin, Administrator, Division of Trade and Consumer Protection

SUBJECT: ATCP 134: Residential Rental Practices; Request that the Board Approve a Notice of Preliminary Public Hearing and Comment Period on a Rulemaking Scope Statement (Emergency Under DHS EO #8)

TO BE PRESENTED BY: David Woldseth

REQUESTED ACTION:

At the March 27, 2020 Board meeting, the Department of Agriculture, Trade and Consumer Protection (DATCP) will ask the DATCP Board to approve a Notice of a Preliminary Public Hearing and Comment Period on a Statement of Scope for proposed emergency amendments to the current DATCP rule related to residential rental practices.

DATCP requests the notice be approved because emergency order DHS EO #8 requires security in housing during a public health and economic crisis.

If the notice is approved, DATCP will hold a preliminary public hearing on the scope statement before asking the board to approve the scope statement. A scope statement explains the general purpose and scope of a proposed rule. DATCP may not begin drafting a proposed rule (including a proposal to amend or repeal an existing rule) until the Governor approves a scope statement for the proposed rule and the DATCP Board approves the scope statement.

In accordance with Wis. Stat. § 227.135 (2), the Governor approved this scope statement for emergency rule changes, thereby allowing DATCP to submit this scope statement for publication and to seek approval of the scope statement by the DATCP Board. Before seeking the board's approval of the scope statement, DATCP wants to hold a preliminary public hearing on the scope statement.

Under Wis. Stat. § 227.136 (2), an agency may, at its own initiative, schedule a preliminary public hearing on a scope statement before asking its board to approve the scope statement. Rather than wait up to 10 days for the Joint Committee for the Review of Administrative Rules to issue a written directive requiring such a preliminary public hearing (*See* Wis. Stat. sec. 227.136 (1)), the Department wants to schedule such a hearing promptly due to the urgent nature of this emergency.

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DATCP will formally publish this draft scope statement in the March 30, 2020 *Wisconsin Administrative Register* and has filed a copy with the Department of Administration (DOA). If the DATCP board approves the Notice of a Preliminary Public Hearing and Comment Period, DATCP will then hold that **preliminary public hearing on Friday, April 3, 2020, at 1 p.m.** Public comments will be **due Monday, April 6.**

If the Board approves the notice of preliminary public hearing, the Department will consider public comments before requesting the board's formal approval of the scope statement at a later date.

**State of Wisconsin
Department of Agriculture, Trade and Consumer Protection**

NOTICE OF PUBLIC HEARING AND COMMENT PERIOD FOR SS 0XX-20

Emergency Rule Regarding Residential Rental Practices

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) announces that, pursuant to Wis. Stat. § 227.136 (2), the Department will, on its own initiative, hold a preliminary public hearing and comment period on its proposed statement of scope pertaining to Wis. Admin. Code ch. ATCP 134 regarding residential rental practices.

The Department will hold the public hearing at the time shown below via teleconference due to the restrictions adopted during the COVID-19 emergency. The Department invites the public to participate in the public hearing on the proposed scope statement or to comment on the proposed statement of scope no later than Monday, April 6. Written public comments may be sent to David A. Woldseth, Division of Trade and Consumer Protection, P.O. Box 8911, Madison, WI 53708-8911 or by e-mail to DavidA.Woldseth@wisconsin.gov.

Hearing Date and Location:

Friday, April 3, 2020
Commencing at 1:00 PM
Teleconference Line: 1-855-947-8255, Passcode 8317 411#

You may obtain a copy of the Statement of Scope for this proposed rule by contacting the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of the Secretary, 2811 Agriculture Drive, P.O. Box 8911, Madison, Wisconsin 53708. You may also obtain a copy by contacting the division policy analyst, David A. Woldseth, at DavidA.Woldseth@wisconsin.gov or by calling (608) 224-5164. To view the statement of scope online, go to: <https://docs.legis.wisconsin.gov/code/register/2020> and select the 771A5 Register (3/30/2020).

Hearing-impaired persons may request accommodation for this hearing. Please make reservations by March 31, 2020, by writing, calling, or emailing the analyst, David A. Woldseth.

Dated this ____ day of March, 2020

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____

Randy Romanski, Acting Secretary