

Public Safety Committee Minutes

March 23rd, 2026 6:30pm

Attendance: Trustee Haak, Trustee Koenigs, Trustee Bodden

Notable attendees: Chief Markus

1. The meeting was called to order at 6:30pm.
 2. **Motion made by Bodden, Seconded by Koenigs to approve February 16, 2026 Public Safety Committee Minutes. Motion carried.**
 3. Police Department Report—See Packet
 1. A new police schedule now has an officer on 7 days per week
 2. New cameras are now up on the police station
 4. Fire Commission Report- See packet
 5. Fire Department Report-None Future Agenda Item
 6. Ambulance Commission Report-
 1. They still need to have a final meeting to dissolve the Theresa Ambulance service.
 2. Did the past President set down?
 7. Mayville Ambulance Report-None
 8. **Motion made by Haak, seconded by Koenigs to approve Logan Miller, Natalie Uhrman, and Melissa Albrecht for Operator Licenses. Motion Carried**
 9. No other license or permits before the committee
- Future Agenda Items—Discuss the possibility of a formal crosswalk with flashing lights on the corner of DD and Hwy 175.
11. **Motion to adjourn at 6:40pm by Trustee Bodden, seconded by Trustee Koenigs. Motion Carried.**

Respectfully submitted by Chair Haak



Theresa Police Department Monthly Report

April 2026



Incidents: March 2025

INCIDENTS	Theresa PD	Sheriff's Office	Notes
Alarms	1	2	
Abuse Neglect			
Assist motorist			
Assist Agency	1	2	
Animal	2		
Bar Check	15		
Building/Park Checks	181	5	
Civil Matter	2		
Disorderly Cond		1	
Death Invest			
DPW	1		
Domestic			
Emerg Detention			
EMS Request	5	1	
Family trouble	1		
Fire alarm			
Fraud	2	1	
Found Item			
Hangup	2		
Harassment			
Intox Driver			
Information	1		
Lost Item			
Miscellaneous	11	2	
Mutual Aid			
Neighbor Dispute			
Noise Complaint	1		
Ordinance Viol			
Open records			
Parking			
Search warrant			
Sex Offense			
Suspicious		1	
Violate RO			
Theft			
Threat			
Traffic assign/direct			
Traffic Complaint	1	1	
Traffic Stop	43	3	
Violate RO			
Vandalism	1		
Walk &Talk/Foot Patrol	53	1	
Welfare Check	2	1	



Theresa Police Department Monthly Report



April 2026

Total	347	22	
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Theresa PD VIOLATIONS	CITATIONS	WRITTEN WARNINGS
Parking Violation		
Non-Traffic citations		
Vehicle Violation	23	7

Administrative Activities:

1. The following tasks have been completed in the month:
 - a. Completed monthly reports for the state and Village
 - b. Evaluate operation, procedures and new policies
 - c. New cameras testing
 - d. Ordinance recodification
 - e. Review of village incidents and approval of reports.
 - f. New schedule
2. The following tasks are in Progress:
 - a. EMR program
 - b. New policies
 - c. DAAT training curriculum
 - d. EVOC training scheduling
 - e. Firearms qualification scheduling

Next projects:

- A. Future of the plans of Police Department building.
- B. Speed limits & School Zone on Milwaukee Ave



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Dear Village of Theresa Board,

Here is an update for March.

We responded to 8 calls for service in the Village of Theresa during the month of March, bringing the year-to-date total to 12 calls.

We are currently working with Chief Markus to complete a Local Credential Agreement with the Police Officers and Mayville EMS. This will allow officers to utilize their EMR skills in coordination with our service. We are hopeful this process will be completed and ready to go later this month.

To enhance patient care, we have added four portable Nitrous Oxide units to our ambulances. These units provide an effective first-line option for pain control in a variety of situations and are a great addition to the tools available to our crews.

Additionally, we have increased staffing and have hired two more EMTs who will be starting this month, helping to further support coverage and response capabilities.

As always, if you have any questions or would like additional information, please feel free to reach out.

Thank you for your continued support and partnership.

Sincerely,
Julie Staffin
Director
Mayville EMS

Public Works Committee Minutes

March 23, 2026, 6:30

Attendance: Trustees Brandenburg, Billings, Krapfl,

Notable Attendees: President Steger, DPW Director Jason Jacobitz,

1. Meeting was called to order at 6:30 pm
2. Motion by Brandenburg, Second by Krapfl to approve the minutes Feb 16, 2026 Meeting as presented. Motion Carried.
3. Discussed daily DPW operations and work by MCO. Discussed the DPW Director Report. Will get cold mix for patching. We have recorded a lot of infiltration during the early March rains.
4. The committee discussed public works staffing. Will try another paid ad.
5. The committee discussed Public Works Infrastructure and Equipment
 - a. New tires were purchased for the skid steer.
 - b. Director Jacobitz will get quotes for a generator at Well 1, electrical upgrades at the garage and Rivers Edge Park.
 - c. Will get another quote for the hydrant and valve replacement on Hyland and Forest.
6. President Steger gave an update on the 175 project including costs from We Energies to move light poles on N Milwaukee Street.
7. Future agenda items included:
 - a. Generator for well 1
 - b. Public Works Garage Electrical and Plumbing
 - c. New Valve and Hydrant for Hyland and Forest

Motion by Brandenburg, Second by Billings to adjourn at 6:58pm.

Village of Theresa

Regular Village Board Meeting Minutes

March 23, 2026 | 7:00 p.m. (Rescheduled from March 16, 2026 due to storm)

1. Call to Order

President Steger called the Regular Village Board Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. Roll Call

Present: President Jody Steger; Trustee David Brandenburg; Trustee Joe Haak; Trustee Pat Bodden; Trustee Sandy Koenigs; Trustee Shawn Krapfl; Trustee Robin Billings

Staff Present: Clerk-Treasurer Becky Tellier; Director of Public Works Jason Jacobitz; Police Chief Dan Markus

3. Public Comment

Rick Steger, representing the Town of Theresa, commented that the Town has a bridge replacement project when weather permits on McArthur Road. It was noted the road should be closed at Bancroft. The start date is uncertain, but the project must be completed by September. The structure will be a one-piece box culvert.

4. Approval of Minutes

Motion made by Trustee Bodden, seconded by Trustee Koenigs, approving the minutes from February 16, 2026, as presented. Motion carried unanimously.

5. Business Items

CDBG / Income Survey Update – Tammy Hampton

Tammy Hampton reported the income survey has been approved, with Low-to-Moderate Income exceeding 51%. The Citizen Participation Plan (CPP) allows for community involvement. The committee should include trustees, with at least one Low-to-Moderate Income member. Individuals may self-certify without disclosing income.

Two public hearings are required: one prior to the start of the project and one at the conclusion. The first public hearing is scheduled for April 20, 2026, at 6:00 p.m. This hearing will include discussion on the Highway 175 project, additional projects, affordable housing, and funding opportunities. Tammy will provide agenda topics and guidance. Additional CDBG requirements will occur in April.

Motion made by Trustee Haak, seconded by Trustee Brandenburg, approving the Citizen Participation Plan for the Community Development Block Grant Program. Motion carried, 7-0.

Motion made by Trustee Haak, seconded by Trustee Krapfl, approving Resolution 2026-03: Resolution to Adopt a Citizen Participation Plan. Motion carried, 7-0. Note: the date of the resolution changed from March 16 to March 23, 2026.

River View Hills – Developer’s Agreement Exception

Motion by Trustee Brandenburg, seconded by Trustee Koenigs, to grant an exception for River View Hills to allow for a garage at 405 Martin Drive with a side yard setback of approximately 10-feet instead of the 12-foot minimum stated in the Developer’s Agreement. Motion carried unanimously.

Innovation Grant

Clerk-Treasurer Tellier participated in a Microsoft Teams meeting hosted by Julie Staffin of Mayville EMS regarding the Innovation Grant opportunity. Following the meeting, Tellier consulted with Tammy Hampton to clarify program requirements. Hampton confirmed there are no restrictions on the use of funds under this grant. It was also determined that there is no direct benefit to submitting a joint application with other municipalities, aside from the potential to share consulting costs associated with grant preparation services provided by Dana Sechler of Strategic Management & Consulting. Tellier indicated her willingness to prepare and submit the grant application on behalf of the Village of Theresa and to consult with Hampton as needed throughout the process. The application deadline is March 31, 2026. If awarded, the first reimbursement is anticipated on June 30, 2026, with the program extending through 2030.

Motion made by Haak, seconded by Brandenburg, to have Clerk-Treasurer Tellier apply for the Innovation Grant with oversight by Tammy Hampton if needed. Motion carried, 7-0.

Clerk-Treasurer Report

Clerk-Treasurer Tellier reported ongoing bank reconciliation issues, citing discrepancies between bank transactions and Caselle records. As an example, a Town resident submitted a tax payment through the Portal in error. The payment was identified and subsequently reversed. The bank statement reflects the original deposit in December and the corresponding withdrawal in January; however, neither transaction is reflected in Caselle. Tellier will continue to work with Caselle technicians and the bank to resolve these discrepancies.

Library Board Report

Motion by Trustee Brandenburg, seconded by Trustee Krapfl, to rescind the motion made on October 20, 2025, approving the 2026 Joint Library Agreement, including the provision designating the Village of Theresa as fiscal agent. Motion carried, 7-0.

At a prior meeting, the Village Board approved the 2026 Joint Library Agreement, which included a provision designating the Village of Theresa as fiscal agent, with costs shared equally between the Village and the Town of Theresa. Since that time, the agreement has not been executed by both municipalities, as the Town of Theresa has not approved or signed the agreement. As a result, the agreement is not in effect. Due to the lack of a fully executed agreement, the Village Board determined it necessary to rescind its prior approval to ensure that Village records accurately reflect the current status and to avoid

any confusion regarding financial or administrative responsibilities. At this time, no Joint Library Agreement has been executed by both municipalities.

7. Reports

Public Safety Committee

There is at least one officer on duty daily. Cameras have been installed at the Police Department. The Sheriff's Office continues to conduct building and park checks.

Fire Department

The Fire Department's budget operates on a fiscal year from November through October, with its annual meeting traditionally held in November. Ryan Koll will review the bylaws to determine whether the fiscal year can be changed to a calendar year to align with the Village and Town budgets, which appropriate funding for the Fire Department.

Ambulance Committee

The Ambulance Committee has not yet held a final meeting. A President must be appointed and a final meeting scheduled. It was reported that conflicting information was provided regarding the need for a meeting. Town representatives are prepared to meet at any time, stated Rick Steger. Trustee Brandenburg will contact Chris Giese. February call data from Mayville EMS has not yet been received.

Public Works Committee

Daily operations were discussed. Pump issues occurred due to snowmelt and rain, with flows reaching approximately 460 gallons per second at the lift station. Similar issues occurred again over the weekend.

Potholes were filled; however, snowplowing removed some of the patch material. The operator position has been advertised with no applicants. WE Energies has not responded regarding four light poles slated for relocation or replacement. New skid steer tires were installed. Silt fence and rolled mulch must remain in place and the erosion control ordinance followed. Director Jacobitz will follow up as needed.

Parks Committee

A new ball box for River's Edge Park was constructed by Rick Krapfl. Follow-up on a kayak pier project indicated no recent contact, and it is believed the Eagle Scout project may not proceed. Concerns were noted regarding park users not cleaning up after themselves.

Finance & Personnel Committee

Motion by Trustee Brandenburg, seconded by Trustee Haak, to approve the February 12, 2026, meeting minutes. Motion carried.

Motion by Trustee Brandenburg, seconded by Trustee Haak, to approve bills and wages as presented. Motion carried.

Motion by Trustee Brandenburg, seconded by Trustee Haak, to approve the Fund Summary Report. Motion carried. Tellier noted that there are issues with the headings in the report and they have been reported to Caselle.

Motion by Trustee Brandenburg, seconded by Trustee Haak, to approve Page 13(d) regarding police officer overtime calculation for 80 hours, retroactive to March 1, 2026. Motion carried.

Motion by Trustee Brandenburg, seconded by President Steger, to approve the Treasurer's Report. Motion carried.

9. Closed Session

Motion by Trustee Bodden, seconded by Trustee Brandenburg, to convene into closed session at 8:03 p.m. pursuant to Wis. Stat. §19.85(1)(g), for the purpose of conferring with legal counsel regarding strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Roll call vote was taken; all members voted in favor.

10. Return to Open Session

Motion by Trustee Koenigs, seconded by Trustee Bodden, to return to open session at 8:57 p.m. Motion carried.

12. Adjournment

President Steger declared the meeting adjourned at 8:57 p.m.

Respectfully submitted,

Becky Tellier - MMC, WCPC

Clerk-Treasurer

Village of Theresa
Authorizing Resolution to Submit a
Community Development Block Grant Application

Resolution No. 2026 - 05

Relating to the Village of Theresa's participation in the Community Development Block Grant Public Facilities Program:

WHEREAS, federal monies are available under the Community Development Block Grant (CDBG) Program, administered by the Wisconsin Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR), for the purpose of the provision or development of utility and road improvements for the Village of Theresa through the CDBG Public Facilities Program; and

WHEREAS, after a public meeting and due consideration, the Village Board of the Village of Theresa has recommended that an application be submitted to DOA for the following project: Village of Theresa – STH 175/Milwaukee Street Reconstruction Project; and

WHEREAS, it is necessary for the Village Board of the Village of Theresa to approve the preparation and filing of an application for the Village of Theresa to receive funds from this program; and

WHEREAS, the Village Board of the Village of Theresa has reviewed the need for the proposed project and the benefits to be gained therefrom.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Theresa does hereby approve and authorize the preparation and filing of an application for the above-named project; and that the Village President of the Village of Theresa is hereby authorized to sign all necessary documents on behalf of the Village of Theresa, and that authority is hereby granted to the Village Board of the Village of Theresa to take the necessary steps to prepare and file the application for funds under this program in accordance with this Resolution.

The Village Board of the Village of Theresa has authorized the above Resolution by Resolution No. 2026 - 05.

ADOPTED this 20th day of April, 2026 by the Village Board of the Village of Theresa.

Jody Steger, Village President

April 20, 2026

ATTEST:

Becky Tellier, Village Clerk - Treasurer

April 20, 2026

Village of Theresa

**Authorizing Resolution to Commit Match Funds &
Certification of Match Funds Secured**

RESOLUTION NO. 2026 - 06

A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF THERESA

providing a Guarantee of Match Funds for the
2026 Community Development Block Grant Public Facilities (CDBG -PF) Application

Related to the Village of Theresa's participation in the Community Development Block Grant (CDBG) Program;

WHEREAS, federal monies are available under the CDBG Public Facilities annual competition administered by the State of Wisconsin Department of Administration, for the purpose of the provision or improvement of public facilities;

WHEREAS, the Village Board of the Village of Theresa has authorized the submission of a CDBG Public Facilities Application to the State of Wisconsin for the following project: Milwaukee Street/STH 175 Reconstruction Project;

WHEREAS, an adequate local financial match must be provided for the proposed CDBG Public Facilities project by the Village of Theresa;

WHEREAS, the Village of Theresa must certify that all matching funds required to complete the proposed project have been secured and committed to the project prior to the submission of the CDBG application; and

WHEREAS, the Village of Theresa must acknowledge that a delay in starting construction by July 1, 2027 and/or completing construction by October 31, 2028 due to the Village of Theresa not having the matching funds that are reported as committed and secured in the CDBG application documents, then the State of Wisconsin Department of Administration Division of Energy, Housing and Community Resources may deny a timeline extension and may rescind the CDBG award.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Theresa does hereby authorize the commitment of match funds to be used as outlined in the CDBG application, for the match amount of \$1,009,562.00 from the following secured source(s):

- | | |
|--|--------------|
| ○ Empeople Credit Union 60-month Municipal CD: | \$563,541.00 |
| ○ Village of Theresa General Fund: | \$446,021.00 |

The Village of Theresa has identified the following other potential alternate source(s), with the funding/award(s) pending:

- Wisconsin Department of Natural Resources Safe Drinking Water Loan Program:
amount not yet determined
- Wisconsin Department of Natural Resources Clean Water Fund Loan Program:
amount not yet determined
- WisDOT Community Sensitive Design Grant: \$12,160.00 (estimated)

The Village Board, as the governing board of the Village of Theresa, has authorized the above resolution to commit match and certify match funds secured for the CDBG project referenced within the resolution.

ADOPTED on April 20, 2026.

Chief Elected Official: _____ April 20, 2026
Jody Steger, Village President

Attest: _____ April 20, 2026
Becky Tellier, Clerk-Treasurer

VILLAGE OF THERESA WISCONSIN RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR CDBG PROGRAMS

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the Village of Theresa in accordance with the [Housing and Community Development Act of 1974](#), as amended; and the U.S. Department of Housing and Urban Development (HUD) regulations at [24 CFR Part 42.325](#) and is applicable to our CDBG¹ projects.

Minimize Displacement:

Consistent with the goals and objectives of activities assisted under the Act, the Village of Theresa will take the following actions to minimize the direct and indirect displacement of persons from their homes:

- ☒ Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- ☒ Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- ☒ Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- ☒ If feasible, demolish or convert only dwelling units that are **not** occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" as defined in [24 CFR Part 42.305](#)).
- ☒ Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons:

The Village of Theresa will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of [24 CFR Part 42.350](#). A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at [49 CFR Part 24](#).

One-for-One Replacement of Lower-Income Dwelling Units:

The Village of Theresa will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program in accordance with [24 CFR Part 42.375](#).

Before entering into a contract committing the Village of Theresa to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the Village of Theresa will make public by publishing a Class I legal notice in the Village's official newspaper (Dodge County Pioneer) and submit to the U.S. Department of Housing and Urban Development (HUD) through the State, under the State CDBG Program, the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: Also see [24 CFR Part 42.375\(d\)](#).*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom unit), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and [24 CFR Part 42.375\(b\)](#).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the Village of Theresa will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability:

Under [24 CFR Part 42.375\(d\)](#), the Village of Theresa may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Contacts:

The Village Clerk-Treasurer is responsible for tracking the replacement of lower-income dwelling units and ensuring that they are provided within the required period.

The Village Clerk-Treasurer, telephone number 920.488.5421, is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted by the Village of Theresa Village Board on April 20, 2026.

Chief Elected Official: _____
Jody Steger, Village President

April 20, 2026

Attest: _____
Becky Tellier, Clerk-Treasurer

April 20, 2026

Village of Theresa
Resolution 2026-07 to Repeal and Recreate Chapter 162 – Fair Housing
Ordinance

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 162 –
FAIR HOUSING OF THE MUNICIPAL CODE
OF THE VILLAGE OF THERESA’S CODE OF ORDINANCES
ADOPTING WISCONSIN STATUTES, SECTION 106.50, AS AMENDED,
RELATING TO THE EQUAL RIGHTS OF ALL PERSONS TO FAIR HOUSING, AND
PROVIDING MEANS FOR THE IMPLEMENTATION AND ENFORCEMENT THEREOF.

THE VILLAGE BOARD OF THE VILLAGE OF THERESA DOES ORDAIN AS FOLLOWS:

Chapter 162 – Fair Housing Ordinance of the Village of Theresa’s Code of Ordinances is repealed and recreated to read as follows:

FAIR AND OPEN HOUSING

WHEREAS, the Village Board of the Village of Theresa recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and the prohibition of discrimination therein;

THEREFORE, BE IT ORDAINED THAT:

- 1) The Village of Theresa hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- 2) The officials and employees of the Village of Theresa shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Theresa municipal jurisdiction by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- 3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of Theresa to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

Jody Steger, Village President

ATTEST:

Becky Tellier, Village Clerk-Treasurer

Adopted: _____

Published: _____

Effective: _____

13 Updated 23-24 Wis. Stats.

APPRENTICE AND EMPLOYMENT PROGRAMS

106.50

extension, jointly or individually, shall annually prepare a review of agricultural education programs in the University of Wisconsin System, with input from or review by the University of Wisconsin System administration.

(5) **ANNUAL REPORT.** In September of each year, the council shall submit a report to the appropriate standing committees of the legislature as determined by the speaker of the assembly and the president of the senate, under s. 13.172 (3), the governor, the secretary of agriculture, trade and consumer protection, the state superintendent of public instruction, the secretary of workforce development, the secretary of natural resources, the chief executive officer of the Wisconsin Economic Development Corporation, the president of the University of Wisconsin System, the director of the technical college system, the dean of the University of Wisconsin-Madison division of extension, the chancellor of the University of Wisconsin-Madison, the chancellor of the University of Wisconsin-Platteville, the chancellor of the University of Wisconsin-River Falls, and the chancellor of the University of Wisconsin-Stevens Point. The council shall include all of the following in the report:

(a) A summary of the activities of the council during the fiscal year ending on the preceding June 30.

(am) The reviews prepared under sub. (4s).

(b) The council's reaction to the reviews prepared under sub. (4s).

(c) A list of current and anticipated challenges related to agricultural education.

(d) Recommendations of the council, including any recommendations related to the structure of the council or the termination of the council.

(e) Dissents of any council member related to the activities and recommendations of the council.

History: 2007 a. 223; 2011 a. 32; 2017 a. 59 s. 1238; Stats. 2017 s. 106.40; 2023 a. 152.

SUBCHAPTER III

EQUAL RIGHTS PROGRAMS

106.50 Open housing. (1) INTENT. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under ss. 66.0125 and 66.1011. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences that are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be considered an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity, and human rights of the people of this state.

(1m) DEFINITIONS. In this section:

(ad) "Advertise" means to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing or rental of housing.

(am) "Age", in reference to a member of a protected class, means at least 18 years of age.

(b) "Aggrieved person" means a person who claims to have

been injured by discrimination in housing or believes that he or she will be injured by discrimination in housing that is about to occur.

(c) "Complainant" means a person who files a complaint alleging discrimination in housing.

(d) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the complainant, the respondent and the department.

(e) "Condominium" has the meaning given in s. 703.02 (4).

(f) "Condominium association" means an association, as defined in s. 703.02 (1m).

(g) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), unless the individual is participating in a supervised drug rehabilitation program.

(h) "Discriminate" means to segregate, separate, exclude, or treat a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

(i) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(im) "Emotional support animal" means an animal that provides emotional support, well-being, comfort, or companionship for an individual but that is not trained to perform tasks for the benefit of an individual with a disability.

(j) "Family" includes one natural person.

(k) "Family status" means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

1. A person is pregnant.

2. A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

3. A person's household includes one or more minor or adult relatives.

4. A person's household includes one or more adults or minor children in his or her legal custody or physical placement or with whom he or she has visitation rights.

5. A person's household includes one or more adults or minor children placed in his or her care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

(km) "Hardship condition" means a situation under which a tenant in housing for older persons has legal custody or physical placement of a minor child or a minor child is placed in the tenant's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the minor child.

(L) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in s. 101.91 (10), manufactured home, as defined in s. 101.91 (2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction

106.50 APPRENTICE AND EMPLOYMENT PROGRAMS

Updated 23-24 Wis. Stats. 14

or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(m) "Housing for older persons" means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(mm) "Interested person" means an adult relative or friend of a member of a protected class, or an official or representative of a private agency, corporation or association concerned with the welfare of a member of a protected class.

(mx) "Licensed health professional" means a physician, psychologist, social worker, or other health professional who satisfies all of the following:

1. He or she is licensed or certified in this state.

2. He or she is acting within the scope of his or her license or certification.

(nm) "Member of a protected class" means a group of natural persons, or a natural person, who may be categorized because of sex, race, color, disability, sexual orientation, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

(om) "Political subdivision" means a city, village, town or county.

(q) "Relative" means a parent, grandparent, greatgrandparent, stepparent, step grandparent, brother, sister, child, stepchild, grandchild, step grandchild, greatgrandchild, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepbrother, stepsister, half brother or half sister or any other person related by blood, marriage or adoption.

(r) "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(s) "Respondent" means the person accused in a complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

(t) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(u) "Status as a victim of domestic abuse, sexual assault, or stalking" means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been, or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in s. 813.12 (1) (am), sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32.

(1s) DEPARTMENT TO ADMINISTER. This section shall be administered by the department through its division of equal rights. The department may promulgate such rules as are necessary to carry out this section. No rule may prohibit the processing of any class action complaint or the ordering of any class-based remedy, or may provide that complaints may be consolidated for administrative convenience only.

(2) DISCRIMINATION PROHIBITED. It is unlawful for any person to discriminate:

(a) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or

more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By advertising in a manner that indicates discrimination by a preference or limitation.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(g) In providing the privileges, services or facilities that are available in connection with housing.

(h) By falsely representing that housing is unavailable for inspection, rental or sale.

(i) By denying access to, or membership or participation in, a multiple listing service or other real estate service.

(j) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(k) In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

1. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

2. Selling, brokering or appraising residential real property.

(L) By otherwise making unavailable or denying housing.

(2m) REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES.

No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:

(a) The lowering of real estate values in the area concerned.

(b) A deterioration in the character of the area concerned.

(c) An increase in criminal or antisocial behavior in the area concerned.

(d) A decline in the quality of the schools or other public facilities serving the area.

(2r) DISCRIMINATION AGAINST PERSONS WITH DISABILITIES PROHIBITED. (b) *Types of discrimination prohibited.* In addition to discrimination prohibited under subs. (2) and (2m), no person may do any of the following:

1. Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available or a disability of a person associated with that buyer or renter.

2. Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is

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sold, rented or made available or a disability of a person associated with that person.

3. Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that in the case of rental housing the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

4. Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(bg) *Animals that do work or perform tasks for individuals with disabilities.* 1. If an individual has a disability and a disability-related need for an animal that is individually trained to do work or perform tasks for the individual, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an animal that is individually trained to do work or perform tasks in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the animal, unless the disability is readily apparent or known. If the disability is readily apparent or known but the disability-related need for the animal is not, the individual may be requested to submit reliable documentation of the disability-related need for the animal.

3. An individual with a disability who keeps an animal that is individually trained to do work or perform tasks in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd. 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial

physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

(br) *Emotional support animals.* 1. If an individual has a disability and a disability-related need for an emotional support animal, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from the individual as a condition of continued residence in housing, or engage in the harassment of the individual because he or she keeps such an animal.

2. If an individual keeps or is seeking to keep an emotional support animal in housing, an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association may request that the individual submit to the owner, lessor, agent, or representative reliable documentation that the individual has a disability and reliable documentation of the disability-related need for the emotional support animal from a licensed health professional.

3. An individual with a disability who keeps an emotional support animal in housing shall accept liability for sanitation with respect to, and damage to the premises caused by, the animal.

4. Nothing in this subsection prohibits an owner, lessor, lessor's agent, owner's agent, or representative of a condominium association from denying an individual the ability to keep an animal in housing if any of the following applies:

a. The individual is not disabled, does not have a disability-related need for the animal, or fails to provide the documentation requested under subd. 2.

b. Allowing the animal would impose an undue financial and administrative burden or would fundamentally alter the nature of services provided by the lessor, owner, or representative.

c. The specific animal in question poses a direct threat to a person's health or safety that cannot be reduced or eliminated by another reasonable accommodation.

d. The specific animal in question would cause substantial physical damage to a person's property that cannot be reduced or eliminated by another reasonable accommodation.

5. An individual shall forfeit not less than \$500 if he or she, for the purpose of obtaining housing, intentionally misrepresents that he or she has a disability or misrepresents the need for an emotional support animal to assist with his or her disability.

6. A licensed health professional shall forfeit not less than \$500 if he or she, for the purpose of allowing the patient to obtain housing, misrepresents that his or her patient has a disability or misrepresents his or her patient's need for an emotional support animal to assist with his or her patient's disability.

(c) *Design and construction of covered multifamily housing.* In addition to discrimination prohibited under pars. (b), (bg), and (br) and subs. (2) and (2m), no person may design or construct covered multifamily housing, as defined in s. 101.132 (1) (d), unless it meets the standards specified in s. 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2) (b) 1., 2. or 3., whichever is applicable.

(5m) EXEMPTIONS AND EXCLUSIONS. (a) 1. Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

1e. Under this paragraph, housing under sub. (1m) (m) 3. may qualify as housing for older persons only if the owner of the housing maintains records containing written verification that all of the following factors apply to the housing:

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b. At least 80 percent of the dwelling units under sub. (1m) 3. are occupied by at least one person 55 years of age or older.

c. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under sub. (1m) 3. for persons 55 years of age or older. The owner or manager may document compliance with this subd. 1e. c. by maintaining records containing written verification of the ages of the occupants of the housing.

1m. No person may discriminate by refusing to continue renting to a person living in housing for older persons under sub. (1m) 3. who is subject to a hardship condition.

2. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether one or more dwelling units were unoccupied on that date, if the persons who first occupy the housing on or after that date have attained the age of 62.

(am) Nothing in this section prohibits an authority, as defined in s. 66.1201 (3) (b), created by a 1st class city or an instrumentality, subsidiary, or not-for-profit affiliate of an authority created by a 1st class city from discriminating based on source of income when renting housing units located in a property wholly or partially owned before October 1, 2021, by the authority, provided that the discrimination is material to an identified objective of the authority or for the purpose of transitioning the renter to economic self-sufficiency and is consistent with federal law.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.

(dm) It is not discrimination based on status as a victim of domestic abuse, sexual assault, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless subd. 1. or 2. applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

1. That the tenant is a victim of domestic abuse, sexual assault, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was not the invited guest of the tenant.

2. That the tenant is a victim of domestic abuse, sexual assault, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:

a. Sought an injunction under s. 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.

b. Upon receiving notice under s. 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

(e) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(em) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71 (2) except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub. (2) (d), 42 USC 3604 (c), or any rules or regulations promulgated under this section or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(f) 1. Nothing in this section prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, ancestry, national origin, religion, creed, status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd. 2., age.

2. Notwithstanding subd. 1., an owner or agent may require that a person who seeks to buy or rent housing under sub. (1m) 3. supply information concerning his or her age for the purpose of verifying compliance with par. (a) 1e. b.

(g) A person may not be held personally liable for monetary damages for a violation of sub. (2), (2m) or (2r) if the person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons. For purposes of this paragraph, a person may show reasonable reliance, in good faith, on the application of the exemption under this subsection relating to housing for older persons only if the person shows all of the following:

1. That he or she has no actual knowledge that the housing is not or will not be eligible for the exemption.

2. That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.

(6) FAIR HOUSING ADMINISTRATIVE ENFORCEMENT. (a) *Complaints.* 1. The department may receive and investigate a complaint charging a violation of sub. (2), (2m) or (2r) if the complaint is filed with the department not later than one year after the alleged discrimination occurred or terminated.

2. The complaint shall include a written statement of the essential facts constituting the discrimination that is charged, and shall be signed by the complainant.

3. The complaint may be filed by an aggrieved person, by an interested person, by the department of workforce development under par. (b) or, if the complaint charges a violation of sub. (2r) (c), by the department of safety and professional services. The

department of workforce development shall, upon request, provide appropriate assistance in completing and filing complaints.

4. The department shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits and choice of forums provided under this subsection and the right to bring a private civil action under sub. (6m).

5. Upon the filing of an initial, amended, final or supplemental complaint, the department shall promptly serve a copy of the complaint upon the respondent, except where testing may be conducted. The initial complaint shall be served before the commencement of the investigation by the department, except where testing may be conducted. The notice shall be sent by certified mail, return receipt requested. The notice to the respondent shall include a written statement from the department directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice and further stating that, if the respondent fails to answer the complaint in writing, the department will make an initial determination as to whether discrimination has occurred based only on the department's investigation and the information supplied by the complainant.

6. The department may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence from the department concerning the complaint, if the department's correspondence requests a response and if the correspondence is sent by certified mail, return receipt requested, to the last known-address of the complainant.

(b) *Powers and duties of department.* The department of workforce development and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The department of workforce development may test and investigate for the purpose of establishing violations of sub. (2), (2m) or (2r) and may make, sign and file complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department of safety and professional services may make, sign and file complaints alleging violations of sub. (2r) (c). The department of workforce development shall employ examiners to hear and decide complaints of discrimination under this section, and to assist in the administration of this section. The examiners may make findings and issue orders under this subsection. The department of workforce development shall develop and implement an investigation manual for use in conducting investigations under par. (c).

(c) *Investigation and finding of probable cause.* 1. The department shall investigate all complaints that allege a violation of this section and that are filed within the time specified under par. (a). The department may subpoena persons or documents for the purpose of investigation. If during an investigation it appears that the respondent has engaged in discrimination against the complainant which is not alleged in the complaint, the department may advise the complainant that the complaint should be amended. If the complaint is amended, the department shall also investigate the allegations of the amended complaint.

2. At the conclusion of the investigation of the allegations, the department shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur. In making a determination of probable cause, the department shall consider whether the facts concerning the alleged discrimination are sufficient to warrant the initiation of a civil action. If the department determines that probable cause exists, the department shall immediately issue a charge on behalf of the aggrieved person and refer the charge to the attorney general. If the attorney general concurs in the department's determination of probable cause, the attorney general shall represent the aggrieved person at the hearing under par. (f) or, if an election is

made under subd. 2m., shall commence a civil action in the name of the state on behalf of the aggrieved person under sub. (6m).

2m. Service of copies of the charge shall be made on the complainant, the respondent, and the aggrieved person by certified mail, return receipt requested. When a charge is filed, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action under sub. (6m) in lieu of a hearing under par. (f). The election shall be made no later than 20 days after the receipt by the electing person of service of the charge, along with information about how to make the election. If an election is made, the person making the election shall give notice of doing so to the department and to all other complainants and respondents to whom the charge relates. The department shall notify the aggrieved persons that an election is made.

3. No charge may be issued regarding alleged discrimination after the beginning of the trial of a civil action commenced by the aggrieved party under sub. (6m) or 42 USC 3613, seeking relief with respect to that discriminatory act.

4. If the department initially determines that there is no probable cause to believe that discrimination occurred as alleged in the complaint, it may dismiss those allegations. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the claim to the secretary for a hearing on the issue by a hearing examiner. Service of the determination shall be made by certified mail, return receipt requested. If the hearing examiner determines that no probable cause exists, that determination is the final determination of the department and may be appealed under par. (j).

(d) *Temporary judicial relief.* At any time after a complaint is filed alleging discrimination in violation of sub. (2), (2m), or (2r), the department may request the attorney general to file a petition in the circuit court for the county in which the act of discrimination allegedly occurred or for the county in which a respondent resides or transacts business, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing an act that would tend to render ineffectual an order that the department may enter with respect to the complaint, pending final determination of proceedings under this section. On receipt of the department's request, the attorney general shall promptly file the petition.

(e) *Conciliation.* 1. Upon the filing of a complaint alleging discrimination in violation of sub. (2), (2m) or (2r), the department may endeavor to eliminate the discrimination by conference, conciliation and persuasion. The department shall notify the parties that conciliation services are available.

2. Conciliation efforts may be undertaken by the department during the period beginning with the filing of the complaint and ending with the dismissal of the complaint under par. (c) 4. or the issuance of a charge under par. (c) 2.

3. If conciliation resolves the dispute, a written conciliation agreement shall be prepared which shall state all measures to be taken by each party. The agreement may provide for dismissal of the complaint if the dismissal is without prejudice to the complainant's right to pursue the complaint against any respondent who fails to comply with the terms of the agreement. The agreement shall be signed by the respondent, the complainant and the aggrieved person and is subject to approval by the department. A conciliation agreement entered into under this subdivision is a public record and is subject to inspection under s. 19.35, unless the parties to the agreement request that the record be exempt from disclosure and the department finds that disclosure is not required to further the purposes of this section.

4. Whenever the department has reasonable cause to believe

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that a respondent has breached a conciliation agreement, the department shall refer the matter to the attorney general with a recommendation that a civil action be filed for enforcement of the agreement.

(f) *Hearing procedures.* 1. After the department issues a charge under par. (c) 2., the department shall serve the charge, along with a written notice of hearing, specifying the nature and acts of discrimination which appear to have been committed, and requiring the respondent to answer the charge at a hearing before an examiner. The notice shall specify a time of hearing, not less than 10 days after service of the charge, and a place of hearing within the county in which the violation is alleged to have occurred.

2. If an election is not made under par. (c) 2m., the hearing shall be conducted by a hearing examiner. If the attorney general has concurred in the department's determination of probable cause under par. (c) 2., the aggrieved person on whose behalf the charge was issued shall be represented by the attorney general. Any other person who is aggrieved, with respect to the issues to be determined at the hearing, may be represented by private counsel.

3. The department, the attorney general, or a party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney shall be in substantially the same form as provided in s. 805.07 (4) and shall be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the hearing examiner who is responsible for conducting the hearing.

4. The testimony at the hearing shall be recorded by the department. Discovery shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence. The hearing under this paragraph shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The burden of proof is on the party alleging discrimination.

5. If after the hearing the examiner finds by a fair preponderance of the evidence that the respondent has violated sub. (2), (2m) or (2r), the examiner shall make written findings and order the respondent to take actions that will effectuate the purpose of sub. (2), (2m) or (2r), and may order other penalties, damages and costs as provided in pars. (h) and (i). The department shall serve a certified copy of the final findings and order on the aggrieved party, the complainant and the respondent. The order shall have the same force as other orders of the department and be enforced as provided in this subsection except that the enforcement of the order is automatically stayed upon the filing of a petition for review under par. (j).

6. If the examiner finds that the respondent has not engaged in discrimination as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the aggrieved party, the complainant and the respondent together with an order dismissing the complaint. If the complaint is dismissed, costs in an amount not to exceed \$100 plus actual disbursements for the attendance of witnesses may be assessed against the department in the discretion of the department.

(g) *Time limitations.* 1. The department shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.

2. The department shall investigate the allegations of the complaint and complete the investigation not later than 100 days after receipt of the complaint. If the department is unable to complete the investigation within 100 days, it shall notify the

complainant and respondent in writing of the reasons for not doing so.

3. The department shall make final administrative disposition of a complaint within one year after the date of receipt of a complaint, unless it is impracticable to do so. If the department is unable to do so, it shall notify the complainant and respondent in writing of the reasons for not doing so.

(h) *Damages and penalties.* 1. If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under sub. (2), (2m) or (2r), the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and noneconomic damages suffered by the aggrieved person, regardless of whether he or she intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.

2. In addition to any damages ordered under subd. 1., the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding \$10,000, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under sub. (2), (2m) or (2r) during the preceding 5-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is not a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) during the preceding 7-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding \$50,000.

3. In addition to any damages ordered under subd. 1., the administrative law judge may assess a forfeiture against a respondent who is a natural person in an amount not exceeding \$10,000, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under sub. (2), (2m) or (2r). If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$25,000. If a respondent who is a natural person has been adjudged to have committed 2 or more prior discriminatory acts under sub. (2), (2m) or (2r) based on an offense date that is before September 1, 1992, the administrative law judge may assess a forfeiture in an amount not exceeding \$50,000.

(i) *Attorney fees and costs.* The hearing examiner may allow a prevailing complainant, including the state, reasonable attorney fees and costs. The state shall be liable for those fees and costs if the state is a respondent and is determined to have committed a discriminatory act under sub. (2), (2m) or (2r).

(j) *Judicial review.* Within 30 days after service upon all parties of an order or determination of the department under this subsection, the respondent, the complainant or the aggrieved party may appeal the order or the determination to the circuit court for the county in which the alleged discrimination took place by the filing of a petition for review. The court shall review the order or determination as provided in ss. 227.52 to 227.58.

(6m) CIVIL ACTIONS. (a) Any person alleging a violation of sub. (2), (2m), or (2r), including the attorney general on behalf of an aggrieved person, may bring a civil action for injunctive relief, for damages, including punitive damages, and, in the case of a prevailing plaintiff, for court costs and reasonable attorney fees.

(b) An action commenced under par. (a) may be brought in

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the circuit court for the county where the alleged violation occurred or for the county where the person against whom the civil complaint is filed resides or has a principal place of business, and shall be commenced within one year after the alleged violation occurred or terminated. The one-year statute of limitations under this paragraph shall be tolled while an administrative proceeding with respect to the same complaint is pending.

(c) The court may issue a permanent or temporary injunction or restraining order to assure the rights granted by this section. The court may order other relief that the court considers appropriate, including monetary damages, actual and punitive, a forfeiture as provided in sub. (6) (h) and costs and fees as provided in sub. (6) (i).

(d) If the attorney general has reasonable cause to believe that any person is engaged in a pattern or practice of discrimination in violation of sub. (2), (2m) or (2r) or that any person has been denied any of the rights granted under sub. (2), (2m) or (2r), and such denial raises an issue of general public importance, the department of justice may commence a civil action.

(8) DISCRIMINATION BY LICENSED OR CHARTERED PERSONS.

(a) If the department finds reasonable cause to believe that an act of discrimination has been or is being committed in violation of this section by a person taking an action prohibited under sub. (2), (2m) or (2r) and that the person is licensed or chartered under state law, the department shall notify the licensing or chartering agency of its findings and may file a complaint with such agency together with a request that the agency initiate proceedings to suspend or revoke the license or charter of such person or take other less restrictive disciplinary action.

(b) Upon filing a complaint under par. (a), the department shall make available to the appropriate licensing or chartering agency all pertinent documents and files in its custody, and shall cooperate fully with such agency in the agency's proceedings.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 30 s. 108; 2001 a. 109; 2005 a. 25; 2007 a. 11; 2009 a. 95; 2011 a. 32, 258; 2017 a. 317; 2021 a. 196; s. 35.17 correction in (5m) (am).

NOTE: 1991 Wis. Act 295, which affected this section, contains extensive legislative council notes.

Cross-reference: See also ch. DWD 220, Wis. adm. code.

"Harassment" under sub. (2) (f) includes sexual harassment as defined in s. 111.32 (13). Sexual harassment injures the tenant's dignity and civil rights, and those injuries are compensable. *Chomicki v. Wittekind*, 128 Wis. 2d 188, 381 N.W.2d 561 (Ct. App. 1985).

A violation of sub. (2) (d) requires that an ordinary reader find that an advertisement suggests a particular class is preferred or "dispreferred." *Milwaukee Fair Housing Council v. LIRC*, 173 Wis. 2d 199, 496 N.W.2d 159 (Ct. App. 1992).

The state, in administering the fair housing act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. *County of Sawyer Zoning Board v. Department of Workforce Development*, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99-0707.

To establish a disability under this section, the complainant must show: 1) that he or she has an actual impairment, a record of impairment, or is regarded as having an impairment; and 2) that the impairment, whether real or perceived, is one that substantially limits one or more major life activities, or is regarded by the respondent as substantially limiting one or more major life activities. *Kitten v. DWD*, 2002 WI 54, 252 Wis. 2d 561, 644 N.W.2d 649, 00-3562.

This section should be interpreted parallel to its federal analog. State law, like the relevant federal law, allows landlords to impose reasonable occupancy requirements based on factors such as the number and size of sleeping areas or bedrooms and the overall size of the dwelling unit. *Jones v. Baecker*, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

Courts have recognized that prohibited discrimination can occur principally in two ways. The first is by disparate treatment. Disparate treatment occurs when some people are treated less favorably than others because of a protected criterion. Proof of discriminatory motive is critical to a disparate treatment claim. Alternatively, a plaintiff may allege that a particular practice, even if not evidencing intentional discrimination, may have a disproportionately adverse effect on minorities and other protected classes. *Jones v. Baecker*, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

A plaintiff alleging disparate treatment racial discrimination may elect to prove his or her case using either the direct method, involving the presentation of direct or circumstantial evidence of disparate treatment, or the burden-shifting framework

first established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). Under the direct method, summary judgment for the defendant is warranted on a disparate treatment claim if the plaintiff cannot produce either direct evidence of discriminatory intent or indirect evidence creating an inference of discriminatory intent. The plaintiff's evidence, whatever its nature, must sufficiently demonstrate that discriminatory intent was a substantial factor motivating the defendant's conduct. *Jones v. Baecker*, 2017 WI App 3, 373 Wis. 2d 235, 891 N.W.2d 823, 15-0325.

The Wisconsin open housing law permits, but does not require, the department to receive and process class action complaints of housing discrimination. 70 Atty. Gen. 250.

The insurer of an apartment had a duty to defend an owner and manager for liability under this section. *Gardner v. Romano*, 688 F. Supp. 489 (E. D. Wis. 1988).

Federal rent vouchers are not clearly within the meaning of "lawful source of income." *Knapp v. Eagle Property Management Corp.* 54 F.3d 1272 (1995).

Closing the Door on Cohabitants Under Wisconsin's Open Housing Law. *Neuman*, 1995 WLR 965.

106.52 Public places of accommodation or amusement. (1) DEFINITIONS. In this section:

(a) "Complainant" means a person who files a complaint alleging a violation of sub. (3).

(b) "Conciliation" has the meaning given in s. 106.50 (1m) (d).

(c) "Disability" has the meaning given in s. 106.50 (1m) (g).

(cm) "Fitness center" means an establishment, whether operated for profit or not for profit, that provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. "Fitness center" does not include an organization solely offering training or facilities in an individual sport or a weight reduction center, as defined in s. 100.177 (1) (e).

(d) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 97.01 (1g).

2. A hotel, as defined in s. 97.01 (7).

3. A tourist rooming house, as defined in s. 97.01 (15k).

4. A campground.

(e) 1. "Public place of accommodation or amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation; lodging establishments; restaurants; taverns; barber, cosmetologist, aesthetician, electrologist, or manicuring establishments; nursing homes; clinics; hospitals; cemeteries; and any place where accommodations, amusement, goods, or services are available either free or for a consideration, subject to subd. 2.

2. "Public place of accommodation or amusement" does not include a place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods or services during an event in which the organization or institution provides the accommodations, amusement, goods or services to the following individuals only:

a. Members of the organization or institution.

b. Guests named by members of the organization or institution.

c. Guests named by the organization or institution.

(f) "Respondent" means the person accused in a complaint or amended complaint of committing a violation of sub. (3).

(fm) "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

(g) "Sexual orientation" has the meaning given in s. 111.32 (13m).

(2) DEPARTMENT TO ADMINISTER. The department shall administer this section through its division of equal rights. The de-

VILLAGE OF THERESA

RESOLUTION ADOPTING POLICY ON NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS TO PROHIBIT THE USE OF EXCESSIVE FORCE AND TO ENFORCE APPLICABLE STATE AND LOCAL LAWS PROHIBITING PHYSICALLY BARRING ENTRANCES & EXITS

RESOLUTION NO. 2026 - 04

A Resolution of the Village Board of the Village of Theresa to adopt the policy to prohibit the use of excessive force and to enforce applicable state and local laws prohibiting physically barring entrances/exits for non-violent civil rights demonstrations:

WHEREAS Section 104 (l)(1) of Title I of the Housing and Redevelopment Act of 1974 as amended (42 U.S.C. 69 §5304(l)) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction;

AND WHEREAS it is in the interest of the Village of Theresa to pursue Community Development Block Grant Funds and to adopt a policy that complies with Section 104 (l)(1) of Title I of the Housing and Redevelopment Act of 1974 as amended (42 U.S.C. 69 §5304(l));

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND THE VILLAGE BOARD OF THE VILLAGE OF THERESA:

- I. It is the policy of the Village of Theresa to prohibit the use of excessive force by law enforcement agencies within the Village of Theresa's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.
- II. It is the policy of the Village of Theresa to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the Village of Theresa's jurisdiction.
- III. The officials and employees of the Village of Theresa shall assist in the orderly prevention of all excessive force within the Village of Theresa by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.
- IV. The Village of Theresa's Village Board directs the Chief of Police of the Village of Theresa Police Department to implement this Resolution by amending applicable Village of Theresa Police Department procedures.

Passed by the Village President and the Village Board of the Village of Theresa on April 20, 2026.

Jody Steger, Village President

Date: April 20, 2026

ATTEST:

Becky Tellier, Village Clerk - Treasurer

Date: April 20, 2026

Village of Theresa
Clerk-Treasurer's Administrative Report
Meeting Month: April 2026
Prepared by: Becky Tellier, Clerk-Treasurer

Regular Monthly Duties

- Prepared agendas, packets, and minutes for Village Board and committee meetings.
 - Processed accounts payable and accounts receivable; coordinated check runs and electronic payments.
 - Processed payroll, payroll tax deposits, and benefit withholdings.
 - Completed routine bank deposits and continued work on monthly bank reconciliations.
 - Responded to resident, trustee, and staff inquiries by phone, email, and in person.
 - Processed utility payments and tracked delinquencies.
 - Maintained Village records, filing, and retention per statutory requirements.
 - Posted required public notices on the Village website, and outside Village Hall.
-

Projects & Notable Tasks – March

- Received notification that I received a scholarship from the Wisconsin Clerk's Education Fund for the full registration and 1-night hotel for the Wisconsin Municipal Clerk's Northern Conference in Eau Claire (\$240)
- **Innovation Grant**
 - Application submitted and if approved the Village will receive \$8498 June 30 annually for 5-years
 - Provided documents to the Town of Theresa so they could also submit the application
- **Library Annual Report to DPI**
 - The Village provided payment in the amount of \$39,837 in 2025; annual report underreported by \$1,283 and funds carried forward from previous year not reported
 - Library Board President sent letter with request for corrections to DPI and steps to correct going forward
- **Taxes**
 - Escrow companies continue to send tax payments to the Village and we can no longer accept after January 31
- **Library Payroll Removed from Village Worker's Compensation Insurance**
 - Removed \$34,000 from the "clerical" category for the remaining library payroll for the current year
- **Election**
 - Properly post and publish notices
 - Prepare for In-Person Absentee Voting (March 24-April 3)
 - Send 3 election workers to training with the Dodge County Clerk
- **Legal Counsel**
 - Contact Dempsey Law regarding Bertram Communications – no payment made yet for 2026 and I have not received signed amendment
- **Provided Open Records Requests**
- **Public Service Commission**
 - Complaint closed – resident needs to pay for meter that was replaced due to freezing
- **Theresa Community Connect Users = 347** (Auto Pay = 141 accounts)