

The Real Deal with Landlord Entry



Tenants in Wisconsin have the right to exclusive possession of their apartment. This means that a landlord cannot enter without advance notice, and that they can only enter at reasonable times and for certain purposes. This notice provision can be waived on a temporary case-by-case basis or, if outside the City of Madison, through a NONSTANDARD RENTAL PROVISION clause where the tenant and landlord agree to alternative rules in writing.

[Wis. Stats. 704.05(2), ATCP 134.09(2)(c), MGO 32.05(1)].

How much notice is required for a landlord to enter my rental unit?

Landlords cannot enter an apartment unless they give **at least 12 hours notice** to the tenant. Notice may be verbal (including leaving a message) or in writing. There is no requirement that the tenant actually receive that notice (for example, during an extended absence). [ATCP 134.09(2)].

Your local ordinances may require additional notice. In the cities of **Madison and Fitchburg**, landlords must give **at least a 24-hour notice** to enter the tenant's premises. [MGO 32.05(1)(d), FO 28.05(1)(d)].

What are the reasons my landlord can enter my rental unit?

State law permits landlords to enter a rental unit only for the following purposes [Wis. Stat. 704.05 (2), ATCP 134.09(2)(a)1.]:

- to inspect (ex. a routine inspection, to check out a problem prior to making requested repairs, or to inspect for occupancy)
- to make repairs, including required maintenance requested by or promised to a tenant, or
- to show the premises to prospective tenants or buyers.

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A landlord may only enter without advance notice under the following circumstances:

- if the tenant, knowing the proposed time of entry, requests or consents to the entry
- if a “health or safety emergency” exists
- to protect the premises from damage when the tenant is absent (ATCP 134 does not define a “health or safety emergency”).

What can I do if my landlord enters without proper notice?

1. Write your landlord a letter citing the dates of illegal entry as well as the law prohibiting it [violation of ATCP 134.09(2) & MGO 32.05(1)(d) or FO 28.05(1)(d)].
2. File a written complaint with the Department of Agriculture, Trade and Consumer Protection at 1-800-422-7128 or <http://www.datcp.state.wi.us>.
3. Call the police. The police may say that this is a civil matter, but the tenant can at least request that a police report be written documenting the illegal entry. You can also call the police if you’re home when the landlord tries to enter illegally.

Announce and Identify - before entering, the landlord must announce his or her presence to persons in the unit and identify him or herself upon request. [ATCP 134.09(2)(d), MGO 32.05(1)(f), FO 28.05(1)(f)].

FAQ: Can I break my lease if a landlord enters without proper notice? A: No

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