

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 a unit?

Wisconsin 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 to inspect or make repairs. To show the apartment for sale or rental only requires **12 hours notice**. [MGO 32.05(1)(d), FO 72-29(4)].

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

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

- To inspect (example: 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.
- 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. (ATCP 134 does not define a “health or safety emergency”).
- To protect the premises from damage when the tenant is absent.

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 72-29(4)].
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.
4. Illegal entry does NOT allow you to get out of your lease.

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 72-29(4)].

Tenant Resource Center Main Office

1202 Williamson Street, Suite A, Madison WI 53703
Housing Counseling: (608) 257-0006 Toll-free: (877) 238-RENT
asktrc@tenantresourcecenter.org • www.tenantresourcecenter.org

Tenant Resource Center Campus Office

UW-Madison Student Activity Center, Room 4301
Housing Counseling: 561-3727 or uw@tenantresourcecenter.org

Housing Help Desk at the Dane County Job Center

1819 Aberg Ave. Room 2, Madison, WI 53704 • (608) 242-7406
Updated 12/11

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