



Tenant's Rights: Retaliation

What is landlord retaliation?

In the landlord/tenant context, it is unlawful for a landlord to punish a tenant for reporting poor conditions, health and safety issues or exercising their legal rights as a tenant.

Retaliation can be a defense¹

Retaliation can be a defense to certain eviction actions.

It is not retaliatory if your landlord seeks to evict you because you did not pay rent.

It is retaliatory if your landlord gives you a 28 Day Notice and tells you it is because you called the City to complain about an unrepaired condition issue.

A tenant must prove that:

- **More likely than not, the landlord is seeking to evict you, raise the rent, or decrease services**
- **Because you did any of the following:**
 - Made a good faith complaint about a defect to the building inspector
 - Complained about conditions of the unit, or
 - Exercised another legal tenant right

It is not retaliatory if you are complaining about poor conditions that were caused by your negligence or improper use of the rental property.

Retaliation is also an affirmative claim²

Retaliation is also an affirmative claim you can make in a lawsuit against your landlord.

A tenant must prove that:

1. Landlord more likely than not:

- Did not renew your lease
- Terminated your tenancy
- Cut off your utility services

2. *Solely because you did any of the following:*

- Reported building code violations
- Complained about conditions of the unit
- Joined or organized a tenant's union
- Exercised any other legal tenant right

Retaliation claims can be difficult to prove because landlords can give other reasons for their actions, such as rising costs for repairs, or property taxes.

Under current state law, there is no limit to the amount a landlord can raise rent.

The City of Milwaukee has ordinances³ to prevent retaliation.

Enforcement of these ordinances is handled by the Department of Neighborhood Services.

¹ Wis. Stat. § 704.45 Retaliatory Conduct in Residential Tenancies Prohibited

² Wis. Admin. Code § 134.09(5) Prohibited Practices – Retaliatory Eviction.

³ City of Milwaukee Ordinance 200-21-8 – Essential Services in Residential Premises – Retaliation Prohibited
City of Milwaukee Ordinance 200-20-2 – Landlord-Tenant Regulations, Evictions