

HOUSE BILL NO. HB0117

Domestic abuse-adverse landlord actions and phone numbers.

Sponsored by: Representative(s) Biteman, Brown, Clem,
Halverson, Jennings, Lindholm, Olsen, Pelkey
and Salazar and Senator(s) Nethercott

A BILL

for

1 AN ACT relating to domestic abuse and sexual violence;
2 prohibiting adverse actions by a landlord for reasons
3 related to domestic abuse or sexual violence; providing
4 exceptions; allowing a court to transfer to a petitioner
5 the sole right to use and sole financial responsibility for
6 a telephone number as part of an order of protection;
7 providing conditions on transfers of telephone numbers;
8 providing immunity; providing notice and compliance
9 requirements regarding telecommunications providers; and
10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 1-21-1303(c), by creating a new
15 subsection (d) and by renumbering (d) as (e), 35-21-102(a)

1 by creating new paragraphs (vi) and (vii) and by
2 renumbering (vi) as (viii), 35-21-105(a) by creating a new
3 paragraph (viii) and 35-21-106 by creating a new subsection
4 (e) are amended to read:

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6 **1-21-1303. Breach of lease; recovery of rent;**
7 **affirmative defense.**

8

9 (c) A landlord ~~may shall~~ not ~~terminate a tenancy take~~
10 ~~adverse action~~ based solely on ~~the tenant's or applicant's~~
11 ~~a tenant, an applicant~~ or a household member's status as a
12 victim of domestic abuse or sexual violence. A landlord
13 shall not take adverse action based solely on a tenant, an
14 applicant or a household member's request for assistance
15 from a law enforcement agency relating to domestic abuse or
16 sexual violence committed against the tenant, applicant or
17 household member. "Adverse action" under this subsection
18 includes:

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20 (i) Terminating a tenancy;

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22 (ii) Refusing to enter into or renew a tenancy;

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1 (iii) Increasing rent;

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3 (iv) Decreasing services; or

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5 (v) Imposing different rules, conditions or
6 standards on the tenancy.

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8 (d) This—Subsection (c) of this section does not
9 prohibit adverse housing decisions:

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11 (i) If the landlord has previously given the
12 tenant a written warning regarding the conduct of the
13 perpetrator relating to domestic abuse or sexual violence
14 and:

15

16 (A) The tenant consents to the
17 perpetrator's presence on the landlord's premises knowing
18 that the perpetrator is an actual and imminent threat to
19 the safety of other persons on the premises; or

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21 (B) The perpetrator is an unauthorized
22 occupant and the tenant consents to the perpetrator living

1 on the premises owned by the landlord and covered by the
2 lease without the landlord's permission.

3

4 (ii) Based upon other lawful factors within the
5 landlord's knowledge.

6

7 ~~(d)~~ (e) Nothing in this act shall be construed to be a
8 defense against:

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10 (i) An action for recovery of rent for the
11 period of time before the tenant vacated the landlord's
12 premises and gave notice to the landlord as required in
13 this section; or

14

15 (ii) Forcible entry and detainer for failure to
16 pay rent before the tenant gave notice to the landlord as
17 required in this section and vacated the premises.

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19 **35-21-102. Definitions.**

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21 (a) As used in this act:

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1 (vi) "Financial responsibility" means an
2 obligation to pay to a provider service fees and other
3 costs and charges associated with the provision of
4 commercial mobile services;

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6 (vii) "Provider" means a person or entity that
7 provides commercial mobile services as defined in 47 U.S.C.
8 § 332(d);

9
10 ~~(vi)~~ (viii) "This act" means W.S. 35-21-101
11 through 35-21-111.

12
13 **35-21-105. Order of protection; contents; remedies;**
14 **order not to affect title to property; conditions.**

15
16 (a) Upon finding that an act of domestic abuse has
17 occurred, the court shall enter an order of protection
18 ordering the respondent household member to refrain from
19 abusing the petitioner or any other household member. The
20 order shall specifically describe the behavior that the
21 court has ordered the respondent to do or refrain from
22 doing. As a part of any order of protection, the court may:

23

1 (viii) Grant the petitioner and order a provider
2 to transfer to the petitioner the sole right to use and
3 sole financial responsibility for a telephone number used
4 by the petitioner or a minor child in the petitioner's
5 custody and terminate the respondent's use of, and access
6 to any data associated with, the telephone number. An order
7 issued under this paragraph shall list the name and billing
8 telephone number of the account holder, the name and
9 contact information of the petitioner and each telephone
10 number to be transferred to the petitioner. In issuing an
11 order under this paragraph, the court shall ensure that the
12 petitioner's contact information is not disclosed to the
13 respondent or any account holder. The order shall be served
14 on the provider pursuant to W.S. 35-21-106(e). A provider
15 may, not later than five (5) business days after being
16 served with an order under this paragraph, notify the
17 petitioner and the court that compliance with the order is
18 not possible because an account holder named in the order
19 has terminated the account or because compliance with the
20 order would impair proper function of a wireless device,
21 result in network or service disruption or cause other
22 technical or operational issues. In complying with an order
23 issued under this paragraph, a provider may apply any

1 customary requirements for establishing an account and
2 transferring a telephone number. A provider is immune from
3 civil liability for complying with an order issued under
4 this paragraph.

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6 **35-21-106. Service of order; duration and extension**
7 **of order; violation; remedies not exclusive.**

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9 (e) The clerk of the court shall cause that part of
10 an order of protection directing the transfer of a
11 telephone number to a petitioner as provided in W.S.
12 35-21-105(a)(viii) to be served on the affected provider
13 pursuant to W.S. 17-28-104.

14

15 **Section 2.** This act is effective July 1, 2018.

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(END)