

This document is for general informational purposes only. It is subject to change, and is not to be considered legal advice. Individuals who wish to obtain legal advice in a particular matter should consult an attorney. Individuals who desire more information about state law may contact the Equal Rights Division of the State of Wisconsin at (608) 266-6860 in Madison or (414) 227-4384 in Milwaukee. Individuals who desire more information about the federal fair housing law may contact the U.S. Department of Housing Development at (414) 297-3214, ext. 8301.

Housing Remedies

y = available	Wisconsin Open Housing Law	U.S. Fair Housing Act
Out-of-pocket Losses	y	y
Injunction	y	y
Attorney fees and Costs	y	y
Interest	y	y
Compensatory Damages (e.g., emotional harm)	y	y
Punitive Damages	in court	y
Fines	y	y
Other Remedies	y	y

Wisconsin Open Housing Law Notes:

The Wisconsin Open Housing Law is at [section 106.50, Wisconsin Statutes](#). It covers the following protected classes: **sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry, status as a victim of domestic abuse, sexual abuse or stalking.**

The law may be enforced by either filing a complaint with the Equal Rights Division or going through the administrative hearing process, or by filing a civil action directly in court. All of the above-listed remedies except for punitive damages may be awarded after an administrative hearing. (Punitive damages are only available in a court proceeding.)

The item “**Other Remedies**” on the chart includes “such remedies as cease and desist orders, and requiring a housing provider to furnish appropriate training.

Federal Law Notes:

The U.S. Fair Housing Act, 42 U.S.C. sec. 3601, et seq., prohibits discrimination based on **race, color, religion, sex, handicap, familial status, and national origin.** The federal law may be enforced administratively through the U.S. Department of Housing and Urban Development (HUD), or by a civil action in court.

Public Accommodations Remedies

Public Accommodations Law Notes:

The Wisconsin Public Accommodations and Amusements Law is at [section 106.52, Wisconsin Statutes](#). It covers the following protected classes: **sex, race, color, creed, disability, sexual orientation, national origin and ancestry**. There are also some provisions which prohibit **age** discrimination.

Enforcement:

An individual may file a claim with the Equal Rights Division and seek administrative enforcement. After hearing, a decision may be appealed to the Labor and Industry Review Commission (LIRC). A LIRC decision may be appealed to court, but the court will hold a new trial. A jury trial can also be requested. This procedure differs from the procedure in fair employment cases under sec. 111.31, et seq. Wisconsin Statutes where the appeal of a LIRC decision is reviewed by the court, but does not result in a new trial.

It is also possible to file a civil action directly in court.

Remedies:

Remedies available in a **civil action** include, but are not necessarily be limited to, damages (including punitive damages), court costs, and reasonable attorney fees. Fines may also be imposed.

At the administrative level, if a violation is found, an order shall be issued, for “such action by the Respondent as will effectuate the purpose of (3) of this subsection.” [[See section 106.52\(4\) \(a\) 4, Wisconsin Statutes](#)]. At this time the scope of administrative remedies is not entirely settled, but would likely include at least out-of-pocket expenses, reasonable costs, and attorney fees, cease and desist orders, appropriate training and other “make-whole” type remedies, and fines.

For more information, please contact us.

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CIVIL RIGHTS BUREAU**

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