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# TENANT

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## RESOURCE CENTER

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### Motels

**GENERALLY**, an individual staying in a motel, hotel, boarding house, or similar housing (all of which will be referred to as a “motel” in this fact sheet) IS A TENANT when:

- the motel **is** the individual’s permanent residence

**OR**

- when the individual is a tourist or visitor staying at the motel for 60 or more days while traveling away from their permanent residence.

**BUT** Wisconsin’s landlord tenant laws do not apply to all motel housing situations. The individual IS NOT A TENANT *even if* the motel is their primary residence:

- If the motel room is being provided free of charge in exchange for maintaining or operating the motel.
  - For example, an individual is not a tenant if they are able to stay in a motel room for free as long as they clean, provide security, or work as a clerk for the motel.

**OR**

- If a government agency is paying for the motel as part of a program to shelter individuals - then it is operating as a shelter
  - For example, the City of Madison has paid for motel rooms for individuals experiencing homelessness. Placing individuals in a motel under a government program like this is similar to providing a homeless shelter. Individuals living in a shelter are not tenants.

**This means that a person staying in and paying for a motel as their home even for one night may be a tenant and the hotel owner a landlord.** The tenant (the individual staying in the hotel) and landlord (the hotel owner) in this situation are required to comply with their rights and responsibilities under Wis. Stat. ch. 704 and ATCP ch. 134, and any rental agreement between them.

Those rights and responsibilities include that a landlord may not lock a tenant out of their hotel room because the tenant did not pay rent. Locking out a tenant is an **unlawful** self-help eviction under ATCP 134.09(7). Landlords, even at motels, must follow the notice process under Wis. Stat. ch. 704 and eviction procedures under Wis. Stat. ch. 799.

## Room Taxes

Each city, township, or municipality imposes different, or no, room taxes for stays in a motel. In the City of Madison, room taxes apply to stays of less than 30 consecutive nights. The tax does not apply when a government agency, or charitable or religious organization rents the room for themselves or another individual staying in the motel room. See [City of Madison Informational Letter](#).