

Wisconsin Institute for Law & Liberty: Defeats gun ban, defends Second Amendment

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Housing Authority of the City of Menomonie to remove unconstitutional lease provision

The News: The Wisconsin Institute for Law & Liberty (WILL), on behalf of Tom Chapin, agreed to a settlement with the Housing Authority of the City of Menomonie to protect the Second Amendment rights of Housing Authority residents. WILL challenged the Authority's lease provision that banned firearms, a violation of the Second Amendment.

Background: Tom Chapin, a veteran, gun-owner, and resident of the Housing Authority of the City of Menomonie was forced to pay for safe storage of legal firearms off site because of a lease provision that banned firearms in residents' own homes. WILL agreed to represent Chapin because the Constitution's Second Amendment cannot be abridged based upon where one chooses to live.

In a [May 2019 letter](#) to the Housing Authority, Deputy Counsel Tom Kamenick urged an end to the gun ban. He wrote, in part, "We are aware of no ban on firearm ownership by residents of public housing that has survived a legal challenge. The Authority's ban plainly violates the constitutional rights of Mr. Chapin and all other residents of the Authority's housing."

Upon receipt of WILL's letter, the City of Menomonie Housing Authority agreed to stop enforcing their gun ban and pledged to remove the gun ban from all leases by April 2020. A formal agreement was signed on September 13.

This case is, unfortunately, not an isolated incident. Similar gun bans in public housing have been successfully challenged in [Illinois, California, and Delaware](#). WILL

is encouraging residents of public housing to review their lease agreements for unconstitutional gun bans.

The Quote: Deputy Counsel Tom Kamenick said, “Citizens do not have to give up their constitutional rights based on where they decide to live. We are pleased by the outcome in this case, and WILL is willing to present the same case wherever unconstitutional gun bans exist in residential agreements.”