

2001 DRAFTING REQUEST

Bill

Received: **07/02/2001**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Cynthia Kieper**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Addl. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Require a tenant's security deposit to be returned within 45 days

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 07/30/2001	jdyer 08/01/2001		_____			
/1			jfrantze 08/01/2001	_____	lrb_docadmin 08/01/2001	lrb_docadmin 09/21/2001	

FE Sent For:

<END>

→ Not Needed

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1?	kahlepj	<i>1/8/01 jld</i>	<i>6/8/01</i>	<i>Self</i> <u>8/1</u>			

FE Sent For:

<END>

Kahler, Pam

From: Kieper, Cynthia L.
Sent: Monday, July 02, 2001 2:51 PM
To: *Legislative Reference Bureau

2) Request to author a bill draft to increase the current Wisconsin Law of 21 days to return a renters security deposit to 45 days.

I apologize if this is incorrect. This is the first time I have sent a request for a bill draft. If you want these done differently or this is just wrong please have patience with me and give me a call at 6-0215 and I'll make the appropriate changes.

Cynthia L. Kieper
Legislative Assistant for Representative Schneider
266-0215



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3477

PJK:.....

Jed

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Draft

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1 AN ACT relating to: return of security deposit to tenant.

Analysis by the Legislative Reference Bureau

This bill provides that a landlord must, within 45 days after a tenant surrenders the rental premises, deliver or mail to the tenant the full amount of any security deposit paid by the tenant, less any amounts properly withheld from the security deposit by the landlord, along with a written statement that itemizes the amount withheld. The bill requires the department of agriculture, trade and consumer protection (DATCP) to, by rule, define "security deposit" and specify when premises are surrendered and what amounts may be properly withheld from a security deposit.

Currently, administrative rules of DATCP define "security deposit," specify when premises are surrendered and what amounts may be properly withheld from a security deposit, and require a written statement of the amounts withheld. The rules also provide, however, that a security deposit must be delivered or mailed to a tenant within 21 days after the premises are surrendered. Thus, the bill increases the length of time for a landlord to return a security deposit.

from accounting for

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 704.28 of the statutes is created to read:

3 704.28 Return of security deposit. (1) A landlord shall deliver or mail to
4 a tenant, within 45 days after the tenant surrenders the premises, the full amount

1 of any security deposit paid by the tenant and held by the landlord, less any amounts
2 properly withheld by the landlord, along with a written statement itemizing the
3 withheld amounts.

4 (2) For purposes of sub. (1), the department of agriculture, trade and consumer
5 protection shall by rule define "security deposit" and specify when surrender of the
6 premises occurs and what amounts a landlord may properly withhold from a tenant's
7 security deposit.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to tenancies entered into on the effective date of this
10 subsection.

11 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3477/dn

PJK:.....

Jld

Do you want to delay the effective date? Forms used by landlords may include information about the return of security deposits and those forms may need to be updated.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3477/1dn
PJK:jld:jf

August 1, 2001

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

August 1, 2001

MEMORANDUM

To: Representative Schneider

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-3477/1 Require a tenant's security deposit to be returned within 45 days

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

MM JACKET FOR ASSEMBLY _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.