

2013 DRAFTING REQUEST

Senate Amendment (SA-SB179)

Received: 5/31/2013 Received By: pkahler
Wanted: Soon Same as LRB: a0342
For: Frank Lasee (608) 266-3512 By/Representing: Rob Kovach
May Contact: Drafter: pkahler
Subject: Courts - civil procedure Addl. Drafters: phurley
Real Estate - landlord/tenant
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Miscellaneous changes relating to evictions

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>
/1	pkahler 5/31/2013	scalvin 5/31/2013	phenry 6/3/2013	_____	sbasford 6/3/2013	sbasford 6/3/2013	

FE Sent For:

<END>

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/1	pkahler	11 sec 05/31/2013	6/3 pk	x	_____	_____	_____

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

landlord/tenant bill

fn Sen. Lasee S-31

Rob Kovach by phone

draft amdt **1** + 9 to ~~the~~ the assembly bill
(AB 183)
fn the Senate Bill 179



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa034271

PJK&PJH:sac:ms

stays - must run

0528/1

SENATE ASSEMBLY AMENDMENT 1, TO ASSEMBLY BILL 183 179

(in 5-31) SOON

May 8, 2013 - Offered by Representative STROEBEL.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 1: after "landlords," insert "terminating the tenancy of an
- 3 offending tenant in a manufactured or mobile home community,".
- 4 **2.** Page 9, line 4: delete lines 4 to 17 and substitute:
- 5 **"SECTION 10c.** 704.05 (5) (b) 2. (intro.) of the statutes is amended to read:
- 6 704.05 (5) (b) 2. (intro.) If the abandoned tenant removes from the premises and
- 7 leaves behind personal property that is a manufactured home, mobile home, or titled
- 8 vehicle, before disposing of the abandoned property the landlord shall give notice of
- 9 the landlord's intent to dispose of the property by sale or other appropriate means
- 10 to all of the following:
- 11 **SECTION 10m.** 704.05 (5) (bf) of the statutes is amended to read:
- 12 704.05 (5) (bf) *Notice that landlord will not store property.* If the landlord does
- 13 not intend to store personal property left behind by a tenant who removes from the

1 premises, except as provided in par. (am), the landlord shall provide written notice
2 to a tenant, when the tenant enters into, ~~and when the tenant~~ or renews, a rental
3 agreement, that the landlord will not store any items of personal property that the
4 tenant leaves behind when the tenant removes from the premises, except as provided
5 in par. (am). Notwithstanding pars. (a), (am), and (b), if the landlord ~~does not provide~~
6 has not provided to a tenant the notice required under this paragraph, the landlord
7 shall comply with s. 704.05, 2009 stats., with respect to any personal property left
8 behind by the tenant when the tenant removes from the premises.”.

9 **3.** Page 9, line 18: delete lines 18 to 20.

10 **4.** Page 10, line 16: after that line insert:

11 **“SECTION 13c.** 704.16 (3) (a) of the statutes is renumbered 704.16 (3) (a) (intro.)
12 and amended to read:

13 704.16 (3) (a) (intro.) In this subsection, ~~“offending:~~

14 4. “Offending tenant” is a tenant whose tenancy is being terminated under this
15 subsection.

16 **SECTION 13e.** 704.16 (3) (a) 1. of the statutes is created to read:

17 704.16 (3) (a) 1. “Community” has the meaning given in s. 710.15 (1) (ad).

18 **SECTION 13g.** 704.16 (3) (a) 2. of the statutes is created to read:

19 704.16 (3) (a) 2. “Manufactured home” has the meaning given in s. 101.91 (2).

20 **SECTION 13j.** 704.16 (3) (a) 3. of the statutes is created to read:

21 704.16 (3) (a) 3. “Mobile home” has the meaning given in s. 710.15 (1) (b).

22 **SECTION 13m.** 704.16 (3) (b) 1. of the statutes is amended to read:

23 704.16 (3) (b) 1. The offending tenant commits one or more acts, including
24 verbal threats, that cause another tenant, or a child of that other tenant, who

1 occupies a dwelling unit in the same single-family rental unit, multiunit dwelling,
2 or apartment complex, or a manufactured home or mobile home in the same
3 community, as the offending tenant to face an imminent threat of serious physical
4 harm from the offending tenant if the offending tenant remains on the premises.”.

5 **5.** Page 11, line 4: delete lines 4 to 9 and substitute:

6 “**SECTION 15c.** 704.28 (4) (b) of the statutes is amended to read:

7 704.28 (4) (b) If the tenant vacates the premises or is evicted before the
8 termination date of the rental agreement, the date on which the tenant’s rental
9 agreement terminates or, if the landlord rerents the premises before the tenant’s
10 rental agreement terminates, the date on which the new tenant’s tenancy begins.

11 **SECTION 15m.** 704.28 (4) (c) of the statutes is amended to read:

12 704.28 (4) (c) If the tenant vacates the premises or is evicted after the
13 termination date of the rental agreement, the date on which the landlord learns that
14 the tenant has vacated the premises or has been removed from the premises under
15 s. 799.45 (2).”.

16 **6.** Page 11, line 14: delete that line and substitute:

17 “**SECTION 18c.** 704.44 (9) of the statutes is amended to read:

18 704.44 (9) Allows the landlord to terminate the tenancy of a tenant ~~if a crime~~
19 ~~is committed in or on the rental property, even if the tenant could not reasonably have~~
20 ~~prevented the crime~~ in a manner contrary to s. 106.50 (5m) (dm) or 704.16.”.

21 **7.** Page 11, line 21: after that line insert:

22 “**SECTION 19m.** 710.15 (5t) of the statutes is created to read:

1 710.15 (5t) TERMINATION OF TENANCY FOR THREAT OF SERIOUS HARM.
2 Notwithstanding sub. (5m), nothing in this section prevents termination of a tenancy
3 because of an imminent threat of serious physical harm, as provided in s. 704.16.”.

4 **8.** Page 12, line 2: delete “14” and substitute “25”.

5 **9.** Page 12, line 9: after “member” insert “, as defined in s. 183.0102 (15),
6 agent.”.

7 **10.** Page 13, line 1: delete “an” and substitute “a residential”.

8 **11.** Page 13, line 2: delete that line and substitute “shall hold and complete
9 a court or jury trial of the issue of possession of the premises involved in the action
10 within 30 days of the”.

11 **12.** Page 14, line 3: after that line insert:

12 “**SECTION 27m.** 799.44 (1) of the statutes is amended to read:

13 799.44 (1) ORDER FOR JUDGMENT. In an eviction action, if the court finds that
14 the plaintiff is entitled to possession, the court shall immediately enter an order for
15 judgment shall be for the restitution of the premises to the plaintiff and, if. If an
16 additional cause of action is joined under s. 799.40 (2) and plaintiff prevails thereon,
17 the court shall enter judgment for such other relief as the court orders. Judgment
18 shall be entered accordingly as provided in s. 799.24.”.

19 **13.** Page 14, line 6: after “shall” insert “immediately”.

20 **14.** Page 14, line 6: delete “, and” and substitute “, and”.

21 **15.** Page 14, line 7: delete “the writ may be within 5 days and” and substitute
22 “the writ may be”.

23 **16.** Page 16, line 11: after “704.05” insert “(5) (a), (am), (c), and (cm)”.

1 **17.** Page 20, line 8: after that line insert:

2 “(1m) NOTICE REGARDING NONSTORAGE OF PROPERTY. The treatment of section
3 704.05 (5) (bf) of the statutes first applies to personal property left behind by a tenant
4 under a rental agreement that is renewed on the effective date of this subsection.”.

5 **18.** Page 20, line 10: after “(b)” insert “, (c)”.

6 **19.** Page 20, line 14: after that line insert:

7 “(3m) VOID RENTAL AGREEMENT. The treatment of section 704.44 (9) of the
8 statutes first applies to rental agreements that are entered into or renewed on the
9 effective date of this subsection.”.

10 **20.** Page 20, line 17: after that line insert:

11 “(4m) TERMINATION OF TENANCY IN MANUFACTURED OR MOBILE HOME COMMUNITY.
12 The treatment of sections 704.16 (3) (b) 1. and 710.15 (5t) of the statutes, the
13 renumbering and amendment of section 704.16 (3) (a) of the statutes, and the
14 creation of section 704.16 (3) (a) 1., 2., and 3. of the statutes first apply to acts causing
15 an imminent threat of serious physical harm committed on the effective date of this
16 subsection.”.

17 **21.** Page 20, line 18: delete “799.05 (3) (b)” and substitute “704.05 (5) (a) 1.,
18 799.05 (3) (b), 799.06 (2)”.

19 **22.** Page 20, line 19: after “799.206 (3),” insert “799.40 (1) and (1m)”.

20 **23.** Page 20, line 19: delete “and 799.44 (2)” and substitute “799.44 (2), and
21 799.45 (title), (1), (2) (b), (bg), and (c), (3) (title), (a), (am) (intro.), 1., 2., 3., 4., 5., 6.,
22 and 7., (b), and (c), and (4)”.

