



2023 ASSEMBLY BILL 701

November 27, 2023 - Introduced by Representatives CLANCY, C. ANDERSON, RATCLIFF, MADISON, PALMERI, J. ANDERSON, BALDEH, BARE, CABRERA, CONSIDINE, DRAKE, EMERSON, HONG, JACOBSON, JOERS, MOORE OMOKUNDE, SHELTON, SINICKI, SNODGRASS, STUBBS and HAYWOOD, cosponsored by Senators LARSON, HESSELBEIN, L. JOHNSON, ROYS and SMITH. Referred to Committee on Housing and Real Estate.

1 **AN ACT to amend** 704.17 (1p) (a), 704.17 (2) (a) and 799.40 (1m) of the statutes;
2 **relating to:** evicting tenants for failure to pay rent.

Analysis by the Legislative Reference Bureau

Under current law, if a tenant fails to pay rent when due, the landlord may terminate the tenancy by giving the tenant a notice requiring the tenant to pay rent or vacate the premises within at least five days. This bill extends this period for paying rent or vacating to 30 days.

Also under current law, if a landlord brings an eviction action against a tenant for failing to pay rent, the case may not be dismissed based on the fact that the landlord accepts payment from the tenant after the eviction action is filed. This bill provides that an eviction action must be dismissed if the tenant pays all rent owed, and any other payment required by the court, at any point before judgment is entered in the eviction action.

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

3 **SECTION 1.** 704.17 (1p) (a) of the statutes is amended to read:
4 704.17 (1p) (a) If a month-to-month tenant or a week-to-week tenant fails to
5 pay rent when due, the tenant's tenancy is terminated if the landlord gives the tenant

ASSEMBLY BILL 701**SECTION 1**

1 notice requiring the tenant to pay rent or vacate on or before a date at least ~~5~~ 30 days
2 after the giving of the notice and if the tenant fails to pay accordingly. A
3 month-to-month tenancy is terminated if the landlord, while the tenant is in default
4 in payment of rent, gives the tenant notice requiring the tenant to vacate on or before
5 a date at least 14 days after the giving of the notice.

6 **SECTION 2.** 704.17 (2) (a) of the statutes is amended to read:

7 704.17 (2) (a) If a tenant under a lease for a term of one year or less, or a
8 year-to-year tenant, fails to pay any installment of rent when due, the tenant's
9 tenancy is terminated if the landlord gives the tenant notice requiring the tenant to
10 pay rent or vacate on or before a date at least ~~5~~ 30 days after the giving of the notice
11 and if the tenant fails to pay accordingly. If a tenant has been given such a notice
12 and has paid the rent on or before the specified date, or been permitted by the
13 landlord to remain in possession contrary to such notice, and if within one year of any
14 prior default in payment of rent for which notice was given the tenant fails to pay a
15 subsequent installment of rent on time, the tenant's tenancy is terminated if the
16 landlord, while the tenant is in default in payment of rent, gives the tenant notice
17 to vacate on or before a date at least 14 days after the giving of the notice.

18 **SECTION 3.** 799.40 (1m) of the statutes is amended to read:

19 799.40 (1m) ACCEPTANCE OF RENT OR OTHER PAYMENT. If a landlord commences
20 an action under this section against a tenant whose tenancy has been terminated for
21 failure to pay rent ~~or for any other reason~~, the action under this section ~~may not~~ shall
22 be dismissed because, and the tenancy reinstated, if the landlord accepts tenant, at
23 any time before judgment is entered in the action, pays to the landlord all past due

