



1995 ASSEMBLY BILL 593

October 2, 1995 - Introduced by Representatives LA FAVE, GOETSCH, PLACHE, DOBYNS, KRUSICK, KAUFERT, KRUG, F. LASEE, RYBA, HAHN, BALDUS, NOTESTEIN, TURNER, AINSWORTH, GROTHMAN, ROBSON, OLSEN, GRONEMUS, BLACK, WASSERMAN, OTT, BOYLE and GARD, cosponsored by Senators ROSENZWEIG, BURKE, DARLING, A. LASEE, BRESKE, COWLES, ANDREA and BUETTNER. Referred to Committee on Housing.

1 **AN ACT to amend** 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b) and 893.80 (7) of the
2 statutes; **relating to:** eviction of tenants of a criminal gang house.

Analysis by the Legislative Reference Bureau

Under current law, if a building or structure is used in the delivery or manufacture of controlled substances or to facilitate criminal gang activities, the building or structure is a public nuisance and the local unit of government may bring an action to stop the activities related to controlled substances. Under current law, if a law enforcement agency of the local unit of government sends written notice to the property owner that his or her building or structure is a public nuisance because the building or structure is used in the delivery or manufacture of controlled substances, the property owner may give the tenant a 5-day notice to leave the building or structure.

This bill allows a property owner to give a tenant a 5-day notice to leave the building or structure if a law enforcement agency of the local unit of government sends written notice to the property owner that his or her building or structure is a public nuisance because the building or structure is used to facilitate criminal gang activities.

Current law prohibits commencing a suit against a city, town or village or an official, employe or agent of a city, town or village who, in good faith, notifies or fails to notify a property owner that a public nuisance exists because the property is used in the delivery or manufacture of controlled substances. This bill extends the same law suit prohibition regarding the notification about properties that are public nuisances because they facilitate criminal gang activities.

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

3 **SECTION 1.** 704.17 (1) (c) of the statutes is amended to read:

1 704.17 (1) (c) A property owner may terminate the tenancy of a week-to-week
2 or month-to-month tenant if the property owner receives written notice from a law
3 enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or
4 (1m) (b) exists in that tenant's rental unit or was caused by that tenant on the
5 property owner's property and if the property owner gives the tenant written notice
6 requiring the tenant to vacate on or before a date at least 5 days after the giving of
7 the notice. The notice shall state the basis for its issuance and the right of the tenant
8 to contest the termination of tenancy in an eviction action under ch. 799. If the
9 tenant contests the termination of tenancy, the tenancy may not be terminated
10 without proof by the property owner by the greater preponderance of the credible
11 evidence of the allegation in the notice from the law enforcement agency of a city,
12 town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's
13 rental unit or was caused by that tenant.

14 **SECTION 2.** 704.17 (2) (c) of the statutes is amended to read:

15 704.17 (2) (c) A property owner may terminate the tenancy of a tenant who is
16 under a lease for a term of one year or less or who is a year-to-year tenant if the
17 property owner receives written notice from a law enforcement agency of a city, town
18 or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental
19 unit or was caused by that tenant on the property owner's property and if the
20 property owner gives the tenant written notice requiring the tenant to vacate on or
21 before a date at least 5 days after the giving of the notice. The notice shall state the
22 basis for its issuance and the right of the tenant to contest the termination of tenancy
23 in an eviction action under ch. 799. If the tenant contests the termination of tenancy,
24 the tenancy may not be terminated without proof by the property owner by the
25 greater preponderance of the credible evidence of the allegation in the notice from

1 the law enforcement agency of a city, town or village that a nuisance under s. 823.113
2 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that tenant.

3 **SECTION 3.** 704.17 (3) (b) of the statutes is amended to read:

4 704.17 (3) (b) A property owner may terminate the tenancy of a tenant who is
5 under a lease for a term of more than one year if the property owner receives written
6 notice from a law enforcement agency of a city, town or village that a nuisance under
7 s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that
8 tenant on the property owner's property and if the property owner gives the tenant
9 written notice to vacate on or before a date at least 5 days after the giving of the
10 notice. The notice shall state the basis for its issuance and the right of the tenant
11 to contest the termination of tenancy in an eviction action under ch. 799. If the
12 tenant contests the termination of tenancy, the tenancy may not be terminated
13 without proof by the property owner by the greater preponderance of the credible
14 evidence of the allegation in the notice from the law enforcement agency of a city,
15 town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's
16 rental unit or was caused by that tenant.

17 **SECTION 4.** 893.80 (7) of the statutes is amended to read:

18 893.80 (7) No suit may be brought against any city, town or village or any
19 governmental subdivision or agency thereof or against any officer, official, agent or
20 employe of any of those entities who, in good faith, acts or fails to act to provide a
21 notice to a property owner that a public nuisance under s. 823.113 (1) or (1m) (b)
22 exists.

23 **SECTION 5. Initial applicability.**

