

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 7-0900

By/Representing: Jefferson

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

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM20,

Topic:

Allow landlords and tenants to have separate agreement regarding carpet cleaning

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 06/23/2001	gilfokm 06/23/2001		_____			
/1			kfollet 06/23/2001	_____	lrb_docadmin 06/23/2001		

FE Sent For:

<END>

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1?	kahlepj	1-6/23 Kung	1/1 6/23	1/1/self 6/23			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Allow landlords to deduct carpet cleaning costs from security deposits in specific circumstances.

Legislator Grothman

Amendment 20

Legislator 2

Pass or Fail Pass

Legislator 3

Spending Cut

Legislator 4

Withdrawn

Staff contact Maggie Delaporte

Package

Agency Agriculture, Trade, and Consumer Protection

Summary Prior to January 1, 1999, landlords were permitted to deduct carpet cleaning costs from the security deposit at the end of a tenancy, provided there was an agreement at the time of the initial rental. A change to the administrative code (ATCP 134) beginning in 1999 states that there can be no security deposit deduction for routine painting or carpet cleaning if there is no unusual damage caused by tenant abuse.

Landlords sought revisions. Representatives of landlords and tenants met at DATCP and came up with a compromise rule allowing for a deduction for professional carpet cleaning only if certain safeguards specified in a separate nonstandard rental provision were met. However, an Attorney General's opinion concluded that the proposed carpet cleaning rule would be invalid under Wis Stats., 704.07.

This amendment would revise Wis.Stats., 704.07(1) to allow an agreement authorized by rule promulgated by DATCP to stand, and direct DATCP to proceed with the enactment of the negotiated carpet cleaning rule.

Fiscal Impact None.

Drafting Inst

ARC Analyst Jefferson

PJK

Request # 135

Thursday, June 21, 2001

Page 4 of 13

13. DOT Implement Farm Sign Program

Joint Finance put language in to implement this program but did not put a start date. Clarify language by adding structure to the program and have program up and running by March 1, 2002.

TNF & Co.

Eligible signs will identify and provide directional information to certain facilities that meet the following criteria:

- a.) Markets Wisconsin farm products
- b.) Processes and markets agricultural products of which at least 50% are grown and produced in this state
- c.) Promotes tourism by providing tours and on-site sales or samples of Wisconsin agricultural products.

The department may assess the facility the actual cost of the sign.

Fiscal Impact: None

✓ 14. Allow Landlords to Deduct Carpet Cleaning Cost From Security Deposits in Specific Circumstances. (requested by Grothman, motion request #135)

This amendment would revise Wis.Stats., 704.07(1) to allow an agreement authorized by rule promulgated by DATCP to stand, and direct DATCP to proceed with the enactment of the negotiated carpet cleaning rule.

Fiscal Impact: None

61479

PJK



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1479/1

PJK: King

ARC:.....Jefferson – AM20, Allow landlords and tenants to have separate agreement regarding carpet cleaning

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1182, line 2: after that line insert:

3 “SECTION 3768m. 704.07 (5) of the statutes is created to read:

4 704.07 (5) CARPET CLEANING. (a) Notwithstanding subs. (1), (2) (a), and (3) (a),
5 a landlord may deduct from a tenant’s security deposit at the end of the tenant’s
6 tenancy carpet cleaning costs incurred by the landlord due to normal wear and tear
7 of the carpet if all of the following apply:

8 1. The landlord provided the tenant with a written document separate from the
9 lease regarding the deduction for carpet cleaning costs.

10 2. The document was entitled “Nonstandard Rental Provisions.”

1 3. The conditions required by rule under par. (b) are satisfied.

2 (b) The department of agriculture, trade and consumer protection shall
3 promulgate a rule that specifies conditions that must be satisfied in order for a
4 landlord to deduct from a security deposit the carpet cleaning costs specified in par.
5 (a)."

6 ✓ 2. Page 1300, line 12: after that line insert:

7 (7) ^{2z} "7) RULES ON DEDUCTING CARPET CLEANING COSTS. The department of
8 agriculture, trade and consumer protection shall submit in proposed form the rule
9 required under section 704.07 (5) (b) of the statutes, as created by this act, to the
10 legislative council staff under section 227.15 (1) of the statutes no later than the first
11 day of the 7th month beginning after the effective date of this subsection."

12 ✓ 3. Page 1394, line 18: after that line insert:

13 (7) ^{2z} "7) DEDUCTING CARPET CLEANING COSTS. The treatment of section 704.07 (5)
14 of the statutes first applies to tenancies entered into on the first day of the 13th
15 month beginning after publication."

16 (END)

*the effective
date of this
subsection*



ARC:.....Jefferson – AM20, Allow landlords and tenants to have separate agreement regarding carpet cleaning

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