

2005 ASSEMBLY BILL 749

October 13, 2005 – Introduced by Representatives GUNDRUM, NISCHKE, HINES, OTT and OWENS. Referred to Committee on Housing.

1 **AN ACT** *to amend* 703.18 (2) (a) of the statutes; **relating to:** repair of common
2 elements of a condominium.

Analysis by the Legislative Reference Bureau

Current law generally requires a condominium association to repair promptly damaged common elements. This bill provides that if a condominium association fails within 90 days of a damaging event to repair the damage, a unit owner may repair the damage and withhold the cost of the repair from any assessment owed to the condominium association, unless the condominium association fully reimburses the unit owner within 30 days of the completion of the repair.

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

3 **SECTION 1.** 703.18 (2) (a) of the statutes is amended to read:

4 703.18 (2) (a) Unless otherwise provided in the declaration, in the event of
5 damage to or destruction of common elements of a condominium, the association
6 shall promptly undertake to repair or reconstruct it to a condition compatible with
7 the remainder of the condominium. All cost of the repair or reconstruction in excess

ASSEMBLY BILL 749**SECTION 1**

1 of available insurance proceeds shall be a common expense. If the association fails
2 within 90 days of the damaging event to repair or reconstruct the damaged common
3 elements so that they are in a condition compatible with the remainder of the
4 condominium, a unit owner may undertake to repair or reconstruct the damaged
5 common elements. The unit owner may withhold from any assessment owed to the
6 association the cost of the repairs or reconstruction unless the association fully
7 reimburses the unit owner within 30 days of the completion of the repair or
8 reconstruction.

9 (END)