

2005 DRAFTING REQUEST

Bill

Received: 06/13/2005

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters:

Subject: Real Estate - condominiums

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Repairs to condominium units

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>
/?	mlief 06/16/2005	wjackson 06/21/2005		_____			
/1			rschluet 06/22/2005	_____	lnorthro 06/22/2005	lnorthro 10/06/2005	

FE Sent For:

<END>

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/?	mlief	1 WJ 6/21					
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FE Sent For:

<END>

BILL

*Rep. Gundrum

- Condo. owner may make repairs w/i 90
+ get reimbursement
withhold from monthly payment

2005

Date (time) needed 6/23

LRB - 3199 / 1

BILL

D-N

MJL:WLJ

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to: repair of common elements of a condominium

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

- For the main heading, execute: create -> anal: -> title: -> head
For the subheading, execute: create -> anal: -> title: -> sub
For the sub-subheading, execute: create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

- For the text paragraph, execute: create -> anal: -> text

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:

SECTION #.

Section #. 703.18 (2) (a) of the statutes is amended to read:

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

History: 1977 c. 407.

Not

within 90 days of the damaging event

If the association fails to repair or reconstruct the damaged common elements so that they are in a condition compatible with the remainder of the condominium, a unit owner may undertake to repair or reconstruct the damaged common elements. The unit owner may withhold from any assessment owed to the association the cost of the repairs or reconstruction unless the association fully reimburses the unit owner within 30 days of the completion of the repair or reconstruction.

reconstruction

(end)

Representative Gundrum (1)

~~(1)~~ (1) This bill ^{also} allows for the association to ~~fully~~ reimburse the unit owner fully for the cost of repair within 30 [✓] days of completion of the repair ^{OK?} ~~of the repair~~ ~~of parts~~

(1) Also, the bill addresses the issue of repair of common elements because under condominium law ~~regarding~~ the ~~term~~ [✓] common elements [✓] encompasses ~~everything~~ ^{condominium} all of a ~~condominium~~ except its units [✓] your constituent's [✓] problem concerned ^a tree on real property on which the unit was situated and this real property would be considered a [✓] common element (1) [✓]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3199/1dn
MJL:wlj:rs

June 22, 2005

Representative Gundrum:

This bill also allows for the association to reimburse the unit owner fully for the cost of repair within 30 days of the completion of the repair. OK?

Also, the bill addresses the issue of repair of common elements because under condominium law the term "common elements" encompasses all of a condominium except its units. Your constituent's problem concerned a tree on real property on which the unit was situated and this real property would be considered a "common element."

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

Basford, Sarah

From: Usealman, Kevin
Sent: Thursday, October 06, 2005 1:47 PM
To: LRB.Legal
Subject: Please send me a jacket for LRB 3199 - thanks!

Kevin Usealman
Communications and Policy Director
State Representative Mark Gundrum's Office
o: (608) 267-5158
c: (608) 215-0776

10/06/2005