

2005 DRAFTING REQUEST

Bill

Received: **11/18/2004**

Received By: **mlief**

Wanted: **12/01/2004**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **scott**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Real Estate - landlord/tenant**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Termination of a tenancy for drug or gang activity

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 11/18/2004	jdye 11/20/2004		_____			
/1			rschluet 11/22/2004	_____	lemery 11/22/2004	lnorthro 03/11/2005	

FE Sent For:

<END>

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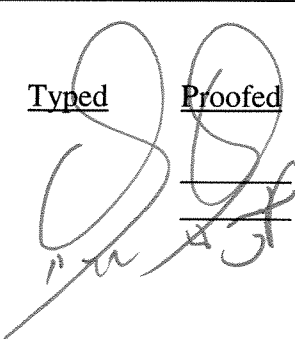
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FE Sent For:

<END>

"/R Te - Scott Rep Wickert

03-2375

~~Blaine~~

Redmt → AB 370

Scott

Needs in 2 weeks

ASSEMBLY BILL 370 (LRB -2375)

An Act to amend 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b) and 893.80 (7) of the statutes; relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

2003

09-18.	A.	Introduced by Representatives Wieckert, Grothman, Pettis, Hines, Krawczyk, Ladwig, Olsen, McCormick, Nass, Townsend, Musser, Weber, Ott, Seratti, Gunderson, Hundertmark, Vrakas, Loeffelholz, Van Roy, Hahn, Bies, Jeskewitz, Stone, Turner, Morris and Staskunas ; cosponsored by Senators Stepp, Zien, Schultz, Lassa, Roessler, Hansen and Darling.	
05-29.	A.	Read first time and referred to committee on Housing	220
06-10.	A.	Public hearing held.	
08-28.	A.	Executive action taken.	
08-28.	A.	Assembly amendment 1 offered by committee on Housing (LRB a0645)	349
09-18.	A.	Report Assembly Amendment 1 adoption recommended by committee on Housing, Ayes 5, Noes 0	362
09-18.	A.	Report passage as amended recommended by committee on Housing, Ayes 5, Noes 0	362
09-18.	A.	Referred to committee on Rules	362
10-30.	A.	Placed on calendar 11-5-2003 by committee on Rules.	
11-05.	A.	Read a second time	491
11-05.	A.	Assembly amendment 1 adopted	491
11-05.	A.	Ordered to a third reading	491
11-05.	A.	Rules suspended	491
11-05.	A.	Read a third time and passed	491
11-05.	A.	Ordered immediately messaged	491
11-06.	S.	Received from Assembly	471
11-06.	S.	Read first time and referred to committee on Economic Development, Job Creation and Housing	472

2004

02-18.	S.	Public hearing held.	
02-20.	S.	Executive action taken.	
02-20.	S.	Report concurrence recommended by committee on Economic Development, Job Creation and Housing, Ayes 5, Noes 0	621
02-20.	S.	Available for scheduling.	
03-31.	S.	Failed to concur in pursuant to Senate Joint Resolution 1	749

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 370**

August 28, 2003 – Offered by COMMITTEE ON HOUSING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 14: delete the material beginning with “This” and ending with
3 “(b).” on line 16.

4 **2.** Page 3, line 6: delete the material beginning with “This” and ending with
5 “(b).” on line 8.

6 **3.** Page 3, line 22: delete the material beginning with “This” and ending with
7 “(b).” on line 24.

8 (END)

6902
jld

2003 ASSEMBLY BILL 370

D-N

To ed. 11/18
Due 12/11

LPS
PWJH
Please

Reger

May 29, 2003 - Introduced by Representatives WIECKERT, GROTHMAN, PETTIS, HINES, KRAWCZYK, LADWIG, OLSEN, MCCORMICK, NASS, TOWNSEND, MUSSER, WEBER, OTT, SERATTI, GUNDERSON, HUNDERTMARK, VRAKAS, LOEFFELHOLZ, VAN ROY, HAHN, BIES, JESKEWITZ, STONE, TURNER, MORRIS and STASKUNAS, cosponsored by Senators STEPP, ZIEN, SCHULTZ, LASSA, ROESSLER, HANSEN and DARLING. 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: termination of a tenancy if notice given regarding drug
3 or criminal gang activity.

Analysis by the Legislative Reference Bureau

Under current law, if a property owner receives notice from a law enforcement agency of a city, town, or village that a rental unit is a nuisance because the unit is being used to facilitate the delivery, distribution, or manufacture of a controlled substance or is being used to facilitate the activities of a criminal gang, the property owner may terminate the tenancy by giving the tenant written notice requiring the tenant to vacate on or before a date at least five days after the giving of the notice.

Under current law, the city, town, or village, and officers and employees of those municipalities who act in good faith, are immune from liability for acts or omissions related to the provision of a notice that a rental unit is a public nuisance.

This bill expands the law enforcement agencies that may give notice to a property owner that a rental unit is a nuisance to include any law enforcement agency of the state or of a political subdivision of the state and provides immunity to those additional entities and their officers and employees.

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

ASSEMBLY BILL 370

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

2 704.17 (1) (c) A property owner may terminate the tenancy of a week-to-week
3 or month-to-month tenant if the property owner receives written notice from a law
4 enforcement agency of a city, town or village, [✓]as defined in s. 165.83 (1) (b), that a
5 nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was
6 caused by that tenant on the property owner's property and if the property owner
7 gives the tenant written notice requiring the tenant to vacate on or before a date at
8 least 5 days after the giving of the notice. The notice shall state the basis for its
9 issuance and the right of the tenant to contest the termination of tenancy in an
10 eviction action under ch. 799. If the tenant contests the termination of tenancy, the
11 tenancy may not be terminated without proof by the property owner by the greater
12 preponderance of the credible evidence of the allegation in the notice from the law
13 enforcement agency [✓]of a city, town or village that a nuisance under s. 823.113 (1) or
14 (1m) (b) exists in that tenant's rental unit or was caused by that tenant. This

15 ~~paragraph does not require the sheriff of Milwaukee County to provide a property~~
16 ~~owner with a written notice that a nuisance exists under s. 823.113 (1) or (1m) (b).~~

17 **SECTION 2.** [✓]704.17 (2) (c) of the statutes is amended to read:

18 704.17 (2) (c) A property owner may terminate the tenancy of a tenant who is
19 under a lease for a term of one year or less or who is a year-to-year tenant if the
20 property owner receives written notice from a law enforcement agency [✓]of a city, town
21 or village, [✓]as defined in s. 165.83 (1) (b), that a nuisance under s. 823.113 (1) or (1m)
22 (b) exists in that tenant's rental unit or was caused by that tenant on the property
23 owner's property and if the property owner gives the tenant written notice requiring
24 the tenant to vacate on or before a date at least 5 days after the giving of the notice.
25 The notice shall state the basis for its issuance and the right of the tenant to contest

ASSEMBLY BILL 370

1 the termination of tenancy in an eviction action under ch. 799. If the tenant contests
2 the termination of tenancy, the tenancy may not be terminated without proof by the
3 property owner by the greater preponderance of the credible evidence of the
4 allegation in the notice from the law enforcement agency of a city, town or village that
5 a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was
6 caused by that tenant. This paragraph does not require the sheriff of Milwaukee

7 County to provide a property owner with a written notice that a nuisance exists
8 under s. 823.113 (1) or (1m) (b).

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

10 704.17 (3) (b) A property owner may terminate the tenancy of a tenant who is
11 under a lease for a term of more than one year if the property owner receives written
12 notice from a law enforcement agency of a city, town or village, as defined in s. 165.83
13 (1) (b), that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental
14 unit or was caused by that tenant on the property owner's property and if the
15 property owner gives the tenant written notice to vacate on or before a date at least
16 5 days after the giving of the notice. The notice shall state the basis for its issuance
17 and the right of the tenant to contest the termination of tenancy in an eviction action
18 under ch. 799. If the tenant contests the termination of tenancy, the tenancy may
19 not be terminated without proof by the property owner by the greater preponderance
20 of the credible evidence of the allegation in the notice from the law enforcement
21 agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists
22 in that tenant's rental unit or was caused by that tenant. This paragraph does not

23 require the sheriff of Milwaukee County to provide a property owner with a written
24 notice that a nuisance exists under s. 823.113 (1) or (1m) (b).

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

ASSEMBLY BILL 370

1 893.80 (7) No suit may be brought against ~~any city, town or village or~~ [✓] the state
2 or any governmental subdivision or agency thereof or against any officer, official,
3 agent or employee of any of those entities who, in good faith, acts or fails to act to
4 provide a notice to a property owner that a public nuisance under s. 823.113 (1) or
5 (1m) (b) exists.

6

(END)

d-note
↓

D-N

Rep. Wickert:

I assumed that you wanted 2003 AB-370
drafted to reflect the inclusion of AA1, which
the assembly adopted. Accordingly, this bill
deletes the language that the amendment deleted,
concerning notice provided in Milwaukee County.

MJC

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0900/1dn
MJL:jld:rs

November 22, 2004

Rep. Wieckert:

I assumed that you wanted 2003 AB-370 drafted to reflect the inclusion of AA 1, which the assembly adopted. Accordingly, this bill deletes the language that the amendment deleted, concerning notice provided in Milwaukee County.

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

Northrop, Lori

From: Becher, Scott
Sent: Friday, March 11, 2005 12:32 PM
To: LRB.Legal
Subject: FW: Law and Order for Apartment Living -- Co-Sponsorship LRB-0900/1

Please jacket...

-----Original Message-----

From: Rep. Wieckert
Sent: Friday, March 11, 2005 12:29 PM
To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats
Subject: Law and Order for Apartment Living -- Co-Sponsorship LRB-0900/1

To: All Legislators and Staff
From: Rep. Steve Wieckert
Date: Friday, March 11, 2005
Re: **Law and Order for Apartment Living -- Co-Sponsorship LRB-0900/1**

Dear Colleague,

This bill will help improve enforcement against criminal gang and drug dealing activities in residential apartment areas.

Currently, law enforcement officials from a city, town or village, can issue a nuisance notice to the landlord of a property that is being used by the tenant for gang or drug dealing activities. With this notice the landlord may issue a five-day notice to vacate. This is current law.

This bill would also allow county law enforcement officials to also issue these type of notices as well as any law enforcement agency of the state or of a political subdivision. It also provides immunity to these county law enforcement officials who act in good faith, giving counties the same option that now is given to cities and towns.

This legislation, in principle, has the support of:

1. Wisconsin Sheriffs Association
2. Wisconsin Apartment Association
3. Wisconsin Realtors Association
4. Wisconsin Police Association
5. Milwaukee Deputy Sheriffs Association
6. Apartment Association of Southeast Wisconsin

The bill has no fiscal note. There is no additional government cost to implementing this bill. This bill passed by a very large majority in the Assembly previously, but the session ended before the Senate could act.

This would allow neighborhoods to become safer and freer of gang and drug activities. **This is something that every peace-loving law-abiding person living in an apartment would certainly appreciate.**

If you would like to cosponsor this bill, please call Scott of my staff at 266-3070 or reply to this e-mail by Friday, March 18, 2005.