

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

LRB-2269/P3dn  
PJK:cjs:rs

July 5, 2007

1) This version of the draft incorporates the suggestions provided by Bob Andersen with two modifications:

a) In proposed s. 704.16, I have made providing notice to the landlord in the manner required under s. 704.21 a prerequisite for termination of the tenancy, along with the requirement to provide the landlord with a certified copy of any of the listed items.

b) Besides using a different section number, in proposed s. 704.44, I have provided that the lease is "void and unenforceable," not just "unenforceable." I think saying that the lease is just unenforceable is a little too vague. I'm not sure what it means, exactly. Does it mean that the lease is still in effect, but it just can't be enforced by either party? I think saying that it is void and unenforceable is a little clearer.

Are these changes OK?

2) Note the length of time under s. 704.19 (3) for giving notice of termination of a periodic tenancy. Is this OK? Of course, under s. 704.19 (2) (a) 2., termination may be effected without giving notice by surrendering the premises.

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