

2009 DRAFTING REQUEST

Bill

Received: **09/17/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **himself**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit landlord from making a claim for rent in a deceased tenant's estate

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>
/?	pkahler 09/17/2009	jdye 09/18/2009		_____			
/1			rschluet 09/18/2009	_____	mbarman 09/18/2009	mbarman 10/19/2009	

FE Sent For:

<END>

↳ Not Needed

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/?	pkahler	1 9/18 jld		9/18 JRS			

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<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9-17

Spencer Block

draft bill same as ~~1997~~ 1997 AB335

that prohibits claims from estates of
deceased tenant

(effect is to ~~not~~ terminate lease
after tenant has died)



State of Wisconsin
2009 - 2010 LEGISLATURE

3475/1
LRB-2825/P1
PJK:jld:jf
↑
↑
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(in 9-17)

Reger

✓

1 AN ACT *to create* 704.43 and 859.025 of the statutes; **relating to:** barring
2 landlords from requiring certain payments and from making certain claims
3 against estates. ✓

Analysis by the Legislative Reference Bureau

Under current law, if a tenant unjustifiably removes from the premises before the termination of his or her tenancy and defaults in the payment of rent, the landlord may recover rent owed for the remainder of the term of the tenancy, but must attempt to mitigate the damages by trying to rerent the premises.

This bill provides that, if a residential tenant dies during the term of his or her tenancy, the tenant's landlord may not make a claim against the deceased tenant's estate for fees for late payment of rent or fees for early termination of the tenancy.

✓ and ←

If the tenant was the only adult tenant occupying the premises at the time of his or her death, the landlord may not make a claim against the deceased tenant's estate for rent that is due on the residential property for a payment period that begins after all the deceased tenant's property is removed from the premises and the keys are returned. If the tenant was not the only adult tenant occupying the rental premises at the time of his or her death, the landlord may not make a claim against the deceased tenant's estate for any rent that is due.

The bill also provides that no landlord may require payments and no rental agreement may contain provisions that are inconsistent with or in violation of or that

attempt to circumvent the prohibition against making those claims against the tenant's estate.

Such a
✓ making (those) claims against the

*

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

1 SECTION 1. 704.43 of the statutes is created to read:

2 **704.43 Prohibited fee and rent payment requirements.** Notwithstanding
3 s. 704.29, no landlord may require, and no rental agreement may provide for, the
4 payment of late fees, early termination fees, or rent, in the event of the tenant's death
5 during the term of the rental agreement, in a manner that is inconsistent with or that
6 violates or attempts to circumvent s. 859.025.

7 SECTION 2. 859.025 of the statutes is created to read:

8 **859.025 Certain claims of landlords barred.** Notwithstanding s. 704.29,
9 if a decedent was a tenant of residential rental property at the time of his or her
10 death, the decedent's landlord may not make a claim against the decedent's estate
11 for any of the following:

- 12 (1) Any fee for late payment of rent.
- 13 (2) Any fee for early termination of the tenancy or rental agreement.

14 (3) If the decedent was the only adult occupant of the property at the time of
15 his or her death, any rent on the property that becomes due after the payment period
16 during which all of the decedent's property is removed from the premises and the
17 keys to the premises are returned to the landlord or to the landlord's agent.

18 (4) If the decedent was not the only adult occupant of the property at the time
19 of his or her death, any rent that is due on the property.

20 SECTION 3. Initial applicability.

Barman, Mike

From: Zimmerman, Terri
Sent: Monday, October 19, 2009 1:32 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3475/1 Topic: Prohibit landlord from making a claim for rent in a deceased tenant's estate

Please Jacket LRB 09-3475/1 for the ASSEMBLY.