



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 543**

March 16, 2010 – Offered by Representative BLACK.

1 **AN ACT** *to create* 704.165 of the statutes; **relating to:** termination of a deceased
2 tenant's tenancy.

Analysis by the Legislative Reference Bureau

Under current law, a landlord may terminate the tenancy of a tenant for various reasons, such as nonpayment of rent, breaching a condition of the tenant's agreement, or upon notice from law enforcement that the rental premises is being used as a drug or criminal gang house. Current law allows a tenant to terminate his or her tenancy if he or she faces an imminent threat of serious physical harm from another person by remaining on the rental premises.

This substitute amendment provides that if a tenant dies during the term of his or her tenancy, the tenancy is terminated 60 days after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, or at the end of the term of the rental agreement if that is shorter than 60 days. The deceased tenant and his or her estate are not liable for any rent after the tenancy is terminated. The tenant's death, however, does not relieve any other adult tenant of the premises from responsibility for payment of rent.

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

1 **SECTION 1.** 704.165 of the statutes is created to read:

2 **704.165 Termination of tenancy at death of tenant.** (1) (a) Except as
3 provided in par. (b), if a residential tenant dies, his or her tenancy is terminated on
4 the earlier of the following:

5 1. Sixty days after the landlord receives notice, is advised, or otherwise becomes
6 aware of the tenant's death.

7 2. The expiration of the term of the rental agreement.

8 (b) Notwithstanding s. 704.19, in the case of the death of a residential periodic
9 tenant or tenant at will, the tenancy is terminated 60 days after the landlord receives
10 notice, is advised, or otherwise becomes aware of the tenant's death.

11 **(2)** The deceased tenant or his or her estate is not liable for any rent after the
12 termination of his or her tenancy. Any liability of the deceased tenant or his or her
13 estate for rent under this subsection is subject to the landlord's duty to mitigate
14 damages as provided in s. 704.29 (2).

15 **(3)** Nothing in this section relieves another adult tenant of the deceased
16 tenant's premises from any obligation under a rental agreement or any other liability
17 to the landlord.

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies to tenancies and rental agreements that are entered
20 into on the effective date of this subsection.

21 (END)