



2009 SENATE BILL 591

1 **AN ACT** *to create* 704.165 of the statutes; **relating to:** termination of tenancy
2 at death.

Analysis by the Legislative Reference Bureau

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

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

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

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

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

SENATE BILL 591**SECTION 1**

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

4 (2) The deceased tenant or his or her estate is not liable for any rent after the
5 termination of his or her tenancy. Any liability of the deceased tenant or his or her
6 estate for rent under this subsection is subject to the landlord’s duty to mitigate
7 damages as provided in s. 704.29 (2).

8 (3) Nothing in this section relieves another adult tenant of the deceased
9 tenant’s premises from any obligation under a rental agreement or any other liability
10 to the landlord.

11 (4) A landlord under this section may not contact or communicate with a
12 member of the deceased tenant’s family for the purpose of obtaining from the family
13 member rent for which the family member has no liability.

14 **SECTION 2. Initial applicability.**

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

17 (END)