

**SENATE BILL 591 (LRB -4453)**

An Act to create 704.165 of the statutes; relating to: termination of tenancy at death.

**2010**

03-04.	S.	Introduced by Senator <b>Risser</b> ; cosponsored by Representative <b>Black</b> .	
03-04.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing .....	612
03-17.	S.	Public hearing held.	
04-01.	S.	Executive action taken.	
04-02.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Ayes 4, Noes 1 ( <b>LRB a1890</b> ) .....	668
04-02.	S.	Report introduction and adoption of Senate Amendment 2 recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Ayes 4, Noes 1 ( <b>LRB a1921</b> ) .....	668
04-02.	S.	Report passage as amended recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing. Ayes 5, Noes 0 .....	668
04-02.	S.	Available for scheduling.	
04-08.	S.	Placed on calendar 4-13-2010 pursuant to Senate Rule 18(1) .....	681
04-13.	S.	Read a second time.	
04-13.	S.	<b>Senate amendment 1 adopted.</b>	
04-13.	S.	Senate amendment 2 laid on table.	
04-13.	S.	Ordered to a third reading.	
04-13.	S.	Rules suspended.	
04-13.	S.	Read a third time and <b>passed</b> .	
04-13.	S.	Ordered immediately messaged.	
04-13.	A.	Received from Senate .....	807
04-13.	A.	Read first time and referred to committee on Rules .....	808
04-13.	A.	Made a special order of business at 11:11 A.M. on 4-15-2010 pursuant to Assembly Resolution 22 .....	823
04-15.	A.	Read a second time.	
04-15.	A.	Ordered to a third reading.	
04-15.	A.	Rules suspended.	
04-15.	A.	Read a third time and <b>concurred in</b> , Ayes 63, Noes 34.	
04-15.	A.	Ordered immediately messaged.	
04-16.	S.	Received from Assembly concurred in.	

**2009**  
**ENROLLED BILL**

09en SB-591

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

09 - 4453/1

Amendments to above (if none, write "NONE"): SAI - 21890/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-17-10

Date

*[Signature]*

Enrolling Drafter



## 2009 SENATE BILL 591

March 4, 2010 - Introduced by Senator RISSER, cosponsored by Representative BLACK. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

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

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### *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 bill 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.

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*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:

SENATE BILL 591

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

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

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

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

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

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



>

17           **SECTION 2. Initial applicability.**

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

20   (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1890/1  
PJK:cjs:md

**SENATE AMENDMENT 1,  
TO 2009 SENATE BILL 591**

April 2, 2010 - Offered by COMMITTEE ON JUDICIARY, CORRECTIONS, INSURANCE,  
CAMPAIGN FINANCE REFORM, AND HOUSING.

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

2 1. Page 2, line 16: after that line insert:

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

6 (END)

SA 1