

2009 DRAFTING REQUEST

Bill

Received: **03/01/2010**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry Tuschen**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Terminating the tenancy of a deceased tenant

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 03/02/2010	nmatzke 03/02/2010		_____			
/1			rschluet 03/02/2010	_____	sbasford 03/02/2010	sbasford 03/02/2010	

FE Sent For:

None

<END>

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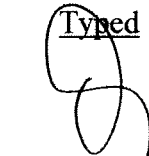
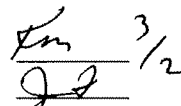
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/?	pkahler	/1 nwn 3/2		 3/2			

FE Sent For:

<END>

Kahler, Pam

From: Tuschen, Terry
Sent: Monday, March 01, 2010 4:25 PM
To: Kahler, Pam
Cc: Zimmerman, Terri
Subject: FW: Senate Companion bill to AB543?

Attachments: 09s0306P1.pdf

Hi Pam, can you whip up a Senate bill using the language of the attached assembly sub to AB-543?
Thanks very much and I have talked with Terri in Spencer Black's office about this.

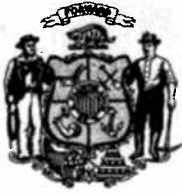
Let me know if you have any questions.

Terry

From: Zimmerman, Terri
Sent: Monday, March 01, 2010 4:17 PM
To: Tuschen, Terry
Subject: Senate Companion bill to AB543?



09s0306P1.pdf (17
KB)



State of Wisconsin
2009 - 2010 LEGISLATURE

Today

LRB-4453/A

PJK:..... nwn

run not run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(in 3-2)

SAV

→ agreement

1 AN ACT relating to: termination of tenancy at death.

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.

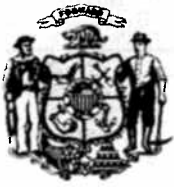
This bill provides that if a tenant dies during the term of his or her tenancy, the tenancy is terminated 60 days after the landlord receives notice, is advised, or otherwise becomes aware of the tenant's death, or at the end of the term of the rental agreement if that is shorter than 60 days. The deceased 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.

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

2

(END)





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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
~~ASSEMBLY SUBSTITUTE AMENDMENT ,~~
~~TO 2009 ASSEMBLY BILL 543~~

Tuesday

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

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.

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) If the deceased tenant was the only adult tenant of the premises, the
5 deceased tenant or his or her estate ~~shall~~^{is} not ~~be~~^e liable for any rent after the
6 termination of his or her tenancy. Any liability of the deceased tenant or his or her
7 estate for rent under this subsection is subject to the landlord's duty to mitigate
8 damages as provided in s. 704.29 (2).

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

12 **SECTION 2. Initial applicability.**

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

15 (END)

Basford, Sarah

From: Tuschen, Terry
Sent: Tuesday, March 02, 2010 1:05 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4453/1 Topic: Terminating the tenancy of a deceased tenant

Please Jacket LRB 09-4453/1 for the SENATE.