

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB466)

Received: 03/06/2012

Received By: pkahler

Wanted: Soon

Companion to LRB:

For: Van Wanggaard (608) 266-1832

By/Representing: Scott Kelly

May Contact:

Drafter: pkahler

Subject: Real Estate - landlord/tenant

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Wanggaard@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Voiding lease if landlord may terminate tenancy for crime and requiring notice that personal property left behind will not be stored

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>
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FE Sent For:

<END>

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<END>

3-6

Scott Kelly - Sen. Warrgaard

need amendment to sub to SB 466

2 parts:

1) provide that a lease is void & unenforceable if it allows landlord to terminate tenancy if crime is committed on property, regardless of whether tenant could have reasonably prevented it

2) require landlord to provide notice, at time of entering into lease, that property left behind will not be stored for tenant - if no notice, landlord must comply with 704.05, 709.05 (state before change)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2671/X
PJK:/:....

gjs

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 466

to be held
today (by the
end of the day)

1 At the locations indicated, amend the substitute amendment as follows:
2 1. Page 6, line 2: after that line insert:
3 "SECTION 12f. 704.05 (5) (bf) of the statutes is created to read:
4 704.05 (5) (bf) *Notice that landlord will not store property.* If the landlord does
5 not intend to store personal property left behind by a tenant, except as provided in
6 par. (am), the landlord shall provide written notice to a tenant when the tenant
7 enters into, and when the tenant renews, a rental agreement that the landlord will
8 not store any items of personal property that the tenant leaves behind when the
9 tenant removes from the premises, except as provided in par. (am). Notwithstanding
10 pars. (a), (am), and (b), if the landlord does not provide to a tenant the notice required
11 under this paragraph, the landlord shall comply with s. 704.05, 2009 stats., with

1 respect to any personal property left behind by the tenant when the tenant removes
2 from the premises.”.

3 **2.** Page 12, line 22: after that line insert:

4 “**SECTION 35m.** 704.44 (9) of the statutes is created to read:

5 704.44 (9) Allows the landlord to terminate the tenancy of a tenant if a crime
6 is committed in or on the rental property, even if the tenant could not reasonably have
7 prevented the crime.”.

8 **3.** Page 13, line 11: delete lines 11 to 14 and substitute:

9 “(1) DISPOSAL OF PROPERTY.

10 (a) *At landlord's discretion.* The treatment of sections 321.62 (15) (a), 704.05
11 (5) (title), (a) (title), (intro.), 1., 2., and 3., (am), (b), (c), and (d), and 704.11 of the
12 statutes first applies to property left behind by a tenant on the effective date of this
13 paragraph.

14 (b) *Notice that property will not be stored.* The treatment of section 704.05 (5)
15 (bf) of the statutes first applies to property left behind by a tenant under a rental
16 agreement entered into or renewed on the effective date of this paragraph.”.

17 **4.** Page 14, line 5: after that line insert:

18 “(5) RENTAL AGREEMENT VOID IF TENANCY MAY BE TERMINATED FOR CRIME. The
19 treatment of section 704.44 (9) of the statutes first applies to rental agreements that
20 are entered into or renewed on the effective date of this subsection.”.

21 (END)