



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 143
[2011 Senate Bill 466]

Landlord-Tenant Law

2011 Wisconsin Act 143 relates to miscellaneous landlord-tenant provisions and prohibiting a local government from imposing a moratorium on eviction actions.

The Act revises certain provisions of landlord-tenant law as follows:

- Allows a landlord to dispose of **abandoned property** at the landlord's discretion, except if a landlord does not intend to store personal property left behind by a tenant, the landlord must provide written notice of that intent at the time of entering into, or renewing, the rental agreement. Prescriptions and medical equipment must be kept for seven days. Notice must be provided to the tenant and a known secured party for an abandoned manufactured home, mobile home, and titled vehicle before disposing of that property.
- Allows a landlord to **withhold amounts from a security deposit** that are reasonably necessary to pay for damages to the property, and for unpaid rent or utilities. A landlord is prohibited from withholding any amount from a security deposit for normal wear and tear, or other damages or losses for which the tenant cannot reasonably be held responsible.
- Requires a landlord to **return a security deposit** to a tenant within 21 days: after a tenant has vacated the premises on the rental agreement's termination date; after the landlord learns that the tenant has vacated if after the termination date; after eviction; or, if a tenant has vacated the premises before the termination date, after the rental agreement's termination date or after a new tenant's occupancy if that begins before the first tenant's termination date.
- Requires a landlord to provide disclosure prior to the signing of a rental agreement any uncorrected building code or housing **code violations** if the landlord has actual knowledge of the violation.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- Requires a landlord to provide at the time of occupancy a **standardized check-in sheet** for the condition of the premises, to be completed and returned by the tenant within seven days. A check-in sheet is not required for rental of a plot of land that is used for a manufactured home or a mobile home.
- Specifies that certain **prohibited provisions** of a residential rental agreement render the entire rental agreement void and unenforceable. Also, if any particular provision of a rental agreement is found to be void or unenforceable by a court, or is rendered void or unenforceable by reason of a statute or administrative regulation, the provision is severable from other provisions of the rental agreement that are not affected and that remain valid and enforceable.
- Specifies that **damages awarded to a landlord** for a tenant who continues to occupy the premises after eviction or beyond the termination date of the rental agreement are mandatory, rather than discretionary.
- Specifies that **acceptance of any amount of past due rent** by a landlord cannot be the sole basis for dismissal of an eviction action for failure to pay rent.
- Prohibits a city, village, town, or county from imposing a **moratorium on eviction** actions.
- Specifies that any violation of the statutory chapter on landlords and tenants, including the provisions of the Act, may also constitute **unfair methods of competition or unfair trade practices** that are enforceable by the Department of Agriculture, Trade and Consumer Protection (DATCP), and by an individual right of action that allows recovery of reasonable attorney's fees and twice the amount of any pecuniary loss. Regulations by DATCP cannot change any of the rights or duties arising under the statutory chapter on landlords and tenants.

Effective date: Act 143 is effective March 31, 2012. The provisions relating to disposal of abandoned property apply to any property abandoned on or after March 31, 2012, except the required notice of intent not to store abandoned property applies to a rental agreement entered into or renewed on or after March 31, 2012. The provision relating to mandatory damages for failure to vacate applies to an action that is commenced on or after March 31, 2012. The severability of void or unenforceable rental provisions applies to a rental agreement entered into or renewed on or after March 31, 2012. The timing for the return of a security deposit to a tenant who vacates the premises before the termination date of the rental agreement applies to a tenant who vacates the premises on or after March 31, 2012, unless the rental agreement contains a provision that is inconsistent with that procedure, in which case the timing for the return of the security deposit applies upon the renewal of the rental agreement. A prohibited provision that allows a landlord to terminate the tenancy if a crime is committed in or on the rental property renders the entire residential rental agreement void and unenforceable if entered into or renewed on or after March 31, 2012.

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